

**Flygtningenævnets baggrundsmateriale**

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| Titel:                          | Legal Aid Board. Pakistan: Researched and complied by the Refugee Documentation Centre of Ireland on 31 January 2011. Any COI re honour killings/domestic killing - in particular, the risk for man who has been involved in a relationship with a married woman. The woman was killed by her husband and the client says they will kill him too. Any COI re effectiveness of police protection in such circumstances? |
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Refugee Documentation Centre (Ireland)  
LEGAL AID BOARD

**Pakistan: Researched and compiled by the Refugee Documentation Centre of Ireland on 31 January 2011**

**Any COI re honour killings/domestic killing - in particular, the risk for man who has been involved in a relationship with a married woman. The woman was killed by her husband and the client says they will kill him too. Any COI re effectiveness of police protection in such circumstances?**

The Glossary in the Human Rights Commission of Pakistan Annual Report 2009 includes information on the following practice:

“Karo kari: A traditional, feudal custom which still continues whereby couples found in, or more often merely suspected of, adulterous relationship are summarily done to death by the family members themselves. The law takes a lenient view of this ‘crime of honour’, which often leads it to be abused.” (Human Rights Commission of Pakistan (February 2010) *State of Human Rights in 2009*)

From a much longer list this report also includes the following double killings under the heading ‘A chronology of honour killings (January - October 2009)’:

“January 6, Pakpattan: A man killed his wife Zarina, mother of four children, with an axe after finding out that she had relations with a man called Israr. Israr was also axed to death. The husband turned himself in to the police.

“January 29, Alipur (district Muzafargarh): Munshi Bakht Ali and Parveen Bibi locked themselves in a room. The family members found out and punished them by chopping their noses and lips.

“February 6, Harappa: Shakeela, a student of second year, ran away with her classmate, Mehboob. Her uncle and cousins shot both of them dead in the name of honour.

“February 7, Faisalabad: A man, Hidayat, axed his daughter, Razia Bibi, and her suspected paramour, Liaquat, to death upon seeing them together.

“February 12, Khanewal: A Panchayat in Khanewal sentenced a girl and a boy to death because they had decided to get married. The jirga/panchayat accused them of karo-kari. The Minister for Human Rights ordered the District Police Officer to protect the couple but he failed to do so.

“March 5, Sukkur: Inayatan, 20, and Zameer Kandhro, 18, were shot dead. The police termed the double murder a case of karo-kari.

“March 12, Sukkur: Shabbir Mahar suspected his sister, Zamiran Mahar (22), of having illicit relations with Raza. He killed both of them.

"March 18, Nawabshah: Abid Ali murdered his wife and the man suspected to be her paramour.

"March 20, Lahore: A man murdered his daughter and her suspected paramour.

"April 11, Shahdara (near Lahore): A man killed his sister, Shabana and his cousin Rahib Ali, suspecting them of having illicit relations.

"April 19, Hangu: A thirty-five year old woman, Malazi, wife of Wahed Gul, was killed in the name of honour. The man she was accused of having illicit relations was also killed.

"April 27, Sahiwal: A woman was shot dead, along with a man, on suspicion of illicit relations.

"June 5, Ferozewala: Shumaila and Sonia had relations with a youth named Shahid. They eloped with him. However, they were tracked down by their uncle, Javed Khokhar, who killed all three of them and surrendered himself to the police.

"June 19, Mirpurkhas: Ghulam Rasool Panhwar attacked his brother's wife, Arbazadi, 35, with an axe and later killed his cousin Akram Panhwar, 23, because he suspected them of having illicit relations.

"July 29, Taxila: Kausar Bibi was shot dead by her husband, Muhammad Sarfaraz, after she allegedly eloped with Kareem Khan. The accused called the couple for reconciliation and shot both of them dead.

"September 26, Mansehra: A woman and man were killed in the name of honour. M. Rasheed, along with his accomplice, opened fire on his fiancé as he had suspicions about her character.

"October 3, Naseerabad: Shah Mir shot his daughter and alleged lover Malo Khan dead on the outskirts of Naseerabad." (Ibid, pp. 197 - 204)

A Response published by ACCORD states:

"An article published by the Pakistan Newswire in May 2009 mentions data collected by the Aurat Foundation according to which 13 men were killed in honour killings between January and March 2009 in the Sindh province." (Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) (9 July 2009) *Pakistan: honour killing of men; availability of state protection, a-6813*)

An Amnesty International report states:

"The NGO Aurat Foundation said that in the first 10 months of 2007 in Sindh alone, 183 women and 104 men were murdered for supposedly harming family 'honour'." (Amnesty International (28 May 2008) *Annual Report 2008 – Pakistan*)

An Agence France Presse report states:

"Statistics compiled by the Aurat Foundation, an independent women's rights group, show that last year there were 550 victims of honour killings across Pakistan. More than half those murders -- 204 women, 96 men -- were in Sindh." (Agence France Presse (11 June 2009) *Pakistani couple married for love, hiding in fear of tribal justice*)

A Response to an Information Request by the Immigration and Refugee Board of Canada states:

"There is an extensive amount of information on honour killings in Pakistan, primarily focusing on female victims. Honour killings are described as a custom (HRW n.d.; HRCP Feb. 2005, 19; Shirkat Gah 25 Nov. 2001, 2) in which mostly women and some men are murdered after accusations of sexual infidelity (ibid.; AI 23 May 2006; US 8 Mar. 2006, Sec. 1.a). The killers seek to avenge the shame that victims are accused of bringing to their families (HRW n.d.). However, even girls (AI 23 May 2006; ibid. 25 May 2005) and, on a smaller scale, boys are victims of the practice (ibid. 23 May 2006).

Honour killings are known by different names depending on the area in Pakistan in which they are practised (Shirkat Gah 25 Nov. 2001, iii-iv). In Sindh province they are referred to as karo kari (ibid. 25 Nov. 2001, iii), where karo refers to the "blackened" or dishonoured man and kari to the "blackened" woman (Christian Science Monitor 20 Jan. 2005); they are called tor tora in the North-West Frontier Province (NWFP), where tor refers to the accused man and tora to the accused woman; kala kari in Punjab province, where kala refers to the accused man and kari refers to the accused woman; and sinyakari in Balochistan (Shirkat Gah 25 Nov. 2001, iii-iv)." (Immigration and Refugee Board of Canada (24 January 2007) *Pakistan: Honour killings targeting men and women, especially in the northern areas (2001 - 2006) PAK101175.E* )

This Response also states:

"Nevertheless, official statistics are available, according to the Human Rights Commission of Pakistan (HRCP) (Feb. 2006, 185). The HRCP states that these statistics show an average of 1,000 honour killings each year (ibid.). However, the numbers vary, even within the government. A 2004 ministerial statement to the Senate of Pakistan indicates that 4,000 women and men were victims of honour killings in the six years leading up to 2004, and that the number of murdered women was more than double the number of men (UN 3 Aug. 2005, 124)." (Ibid)

This Response also states:

"Pakistan's Criminal Law (Amendment) Act 2004 provides women protection against "offences committed in name or on the pretext of honour" (HRCP Feb. 2005, 18-19), and its constitution enshrines the principle of equality before the law (ibid. Feb 2006, 173). Yet, according to the NCSW, the state is failing to punish those guilty of honour killing (Pakistan n.d., 26). Calling it a "miscarriage of justice," the NCSW reports that from 1997 to mid-2003 acquittal rates for cases of honour killings were over 90 percent in NWFP and Sindh, 43 percent in Balochistan and 72 percent in Punjab (ibid.). In an effort to specifically target and criminalize honour killings, the government amended the country's Penal Code and Criminal Procedure Code in October 2004 (HRCP Feb. 2005, 18-19). Despite passage of the bill, there were still Members of the National Assembly (MNAs)

who condoned honour killings as a traditional custom (HRCP Feb. 2005, 174). With attitudes slow to change and uncertainty around how the state would enforce the new legislation (ibid.), the HRCP pointed to data a year later showing an increase in the number of homicides of women nationwide and said they found no information to suggest that honour killings had declined (ibid. Feb. 2006, 174, 182). It should be noted, however, that in its annual country report, the United States Department of State indicates that Pakistan-based human rights organizations recorded 1,458 honour killings in 2004 (US 28 Feb. 2005, Sec. 1.a) and 1,211 honour killings in 2005 (ibid. 8 Mar. 2006, Sec. 1.a), which represents nearly 250 fewer deaths." (Ibid)

This Response also states:

"Honour killings are often carried out by men who believe their honour has been breached by the sexual misconduct of female family members, even when it is only an allegation (HRW n.d.; AI Aug. 2002, 8). The tribal justice system, for example, makes it incumbent upon husbands and male relatives to restore family honour damaged by allegations of a woman's sexual misdeed, usually by killing the woman and her alleged lover (ibid.). The NCSW indicates that it is not just honour killings but all forms of domestic violence that are "frequently intended to punish a woman for a perceived insubordination supposedly impacting on male honour" (Pakistan n.d., 68). The media in Pakistan reports stories indicating that the male companion of the accused female will also be killed in the name of protecting family honour (Dawn 27 Apr. 2006), or for marrying a woman from another tribal group without the consent of her parents, to restore the honour of her tribe (ibid. 26 June 2006)." (Ibid)

This Response also states:

"A 1999 AI report indicates that a man can only restore his honour by killing both the woman and the man accused of illicit relations with her (1 Sept. 1999). However, because women are generally killed first, the co-accused men often manage to escape (AI 1 Sept. 1999). If the man with the tarnished honour and the accused man agree, a meeting of tribal elders is convened to determine the accused man's fate (ibid.). In order to correct the imbalance of honour and avoid death, the accused must compensate the family he dishonoured (ibid.; Christian Science Monitor 20 Jan. 2005; Shirkat Gah 25 Nov. 2001, 23). Compensation may be financial or it may be a woman to replace the woman who has been killed (ibid., 24; AI 1 Sept. 1999). The Shirkat Gah Women's Resource Centre notes that in Punjab tribal leaders may determine an accused man's fate by having him walk across burning embers; a man whose feet do not burn is deemed innocent (25 Nov. 2001). Amnesty International reports that this practice has also been noted in Balochistan and only rarely in Sindh (AI Aug. 2002, 13)." (Ibid)

This Response also states:

"Nevertheless, official statistics are available, according to the Human Rights Commission of Pakistan (HRCP) (Feb. 2006, 185). The HRCP states that these statistics show an average of 1,000 honour killings each year (ibid.). However, the numbers vary, even within the government. A 2004 ministerial statement to the Senate of Pakistan indicates that 4,000 women and men were victims of honour killings in the six years leading up to 2004, and that the number of murdered women was more than double the number of

men (UN 3 Aug. 2005, 124). According to an HRCP report, the Karachi-based Lawyers for Human Rights and Legal Aid (LHRLA) documented 31,000 crimes against women between 2000 and 2005, including murder, rape, torture, burning and kidnapping, as well as honour killing (Feb. 2006, 182).

Honour killings are reportedly most prevalent in rural areas of Pakistan (ACHR 27 Oct. 2004, 1). In 2004, more than half of all reported honour killings occurred in southern Sindh province, but the practice was also believed to be widespread in Punjab, Balochistan, NWFP and the FATA (US 28 Feb. 2005, Sec. 5). However, the HRCP noted an increase in these types of murders in urban areas such as Lahore in 2005 (HRCP Feb. 2006, 185). Pakistan's National Commission on the Status of Women (NCSW) similarly indicates that honour killings take place in urban areas and that some of these cases are committed by the urban elite (Pakistan n.d., 63)." (Ibid)

This Response also states:

"Pakistan's Criminal Law (Amendment) Act 2004 provides women protection against 'offences committed in name or on the pretext of honour' (HRCP Feb. 2005, 18-19), and its constitution enshrines the principle of equality before the law (ibid. Feb 2006, 173). Yet, according to the NCSW, the state is failing to punish those guilty of honour killing (Pakistan n.d., 26). Calling it a 'miscarriage of justice,' the NCSW reports that from 1997 to mid-2003 acquittal rates for cases of honour killings were over 90 percent in NWFP and Sindh, 43 percent in Balochistan and 72 percent in Punjab (ibid.)." (Ibid)

The US Department of State Country report states under the heading 'Denial of Fair Public Trial':

"Feudal landlords in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas continued to hold local council meetings (known as panchayats or jirgas), at times in defiance of the established legal system. Such councils, particularly prevalent in rural areas, settled feuds and imposed tribal penalties on perceived wrongdoers including fines, imprisonment, or even the death penalty. In Pashtun areas, such councils were held under the outlines of the Pashtun Tribal Code. Under the code, a man, his family, and his tribe are obligated to take revenge for wrongs real or perceived to redeem their honor. Frequently these disputes arose over women and land and often resulted in violence." (US Department of State (11 March 2010) *Country Report on Human Rights Practices - Pakistan*)

This report also states under the heading 'Women':

"Honor killings and mutilations occurred throughout the country during the year. The Aurat Foundation reported that during the year there were 604 honor killings.

A 2005 law established penalties for honor killings. Human rights groups criticized the legislation because it allows the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator of the crime in exchange for dropping charges, a law known as "qisas" and "diyat." Because honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment.

On April 24, according to media reports, Alia Bibi and Azeemul Haq were shot dead in the Kala Dhaka PATA. The couple had eloped, and a jirga had subsequently condemned them to death. Alpuri police arrested the couple in Shangla on February 26 and released them on bail. Soon thereafter, they were kidnapped and taken to Kala Dhaka, where the jirga enforced the execution order. A government representative said that although he regretted the killing, the jirga system was the only law in the area.

On June 28, according to Dawn, armed men, some in police uniform, attacked the home of a newlywed couple in Charsadda, killing five persons. According to the husband's relatives, some of the armed men pretended to be policemen, knocked on the door, and shot him. The bride's relatives then scaled a wall, entered the house, and began firing, killing the bride as well as her husband's father, mother, and sister. The bride's family allegedly was upset because the couple had wed against their wishes. The police made no arrests in the case." (Ibid)

This report also states under the heading 'Role of the police and security apparatus':

"Corruption within the police was rampant. Low salaries and poor working conditions contributed to corruption, particularly for low-level officials.

Police were known to charge fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Individuals paid police to humiliate their opponents and to avenge personal grievances. Critics charged that the appointment of station house officers had become politicized.

Police effectiveness varied greatly by district, ranging from reasonably good to ineffective. Some members of the police committed human rights abuses or were responsive to political interests. Frequent failure to punish abuses created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspectors general, district police officers, district nazims, provincial interior or chief ministers, federal interior minister, prime minister, or courts can order internal investigations into abuses and order administrative sanctions. Executive branch and police officials can recommend and the courts can order criminal prosecution, and these mechanisms were sometimes used.

As in previous years, the Punjab provincial government conducted regular training and retraining in technical skills and protection of human rights for police at all levels. The Karachi city government reportedly gave facilities to the city's human rights officers for training. During the year at least two NGOs (Sahil and SHARP) trained police. In Punjab and the NWFP, public safety commissions continued to function poorly due to their vague mandate, according to SHARP, and due to their susceptibility to interference by the provincial executive, according to the International Crisis Group (ICG). Although district public safety committees existed in Punjab, Sindh, and a majority of districts in the NWFP and Balochistan, inadequate staffing undermined their effectiveness. The ICG also reported these committees were subject to political influence.

Police often failed to protect members of religious minorities from societal attacks, including Christians, Ahmadis, and Shias." (Ibid)

This report also states in relation to police protection under the heading 'Women':

"Police and judges were reluctant to take action in domestic violence cases, viewing them as family problems. Police, instead of filing charges, usually responded by encouraging the parties to reconcile. Abused women usually were returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were hesitant to report abuse for fear of dishonoring the family." (Ibid)

The Human Rights Watch World Report states:

"Violence and mistreatment of women and girls, including rape, domestic violence, and forced marriage, remain serious problems. The Domestic Violence (Prevention and Protection) Bill, unanimously passed by the National Assembly in August 2009, lapsed after the Senate failed to pass it within three months as required under Pakistan's constitution." (Human Rights Watch (24 January 2011) *World Report 2011 – Pakistan*)

A report submitted by the state party under the UN Committee on the Rights of the Child states:

"The Government and civil society in Pakistan are fully committed to route out the menace of honor killing. Besides the introduction of a law on honor killing in 2006, in which the punishment for honor killing has been increased and the minimum punishment is now 10 years imprisonment. An awareness raising campaign has also been started by the concerned Government agencies, civil society and media. Furthermore, the criminal law was also amended through legislation to outlaw compromise, which previously allowed a compromise between the family members during trial. The Police Order 2002 makes it mandatory for the police officers to take special care in cases where vulnerable groups are involved." (UN Committee on the Rights of the Child (CRC) (19 March 2009) *Consideration of reports submitted by States parties under article 44 of the Convention: Convention on the Rights of the Child: 3rd and 4th periodic reports of States parties due in 2007: Pakistan, CRC/C/PAK/3-4*, section 133)

A report by Right Vision News states:

"ISLAMABAD, Jan. 21 -- As many as 44 cases of honour killing were reported to the Khyber Pakhtunkhwa police in 2009, whereas 68 such cases were filed with the police during 2010.

In all, 29 women were murdered in 19 honour killing incidents in 2009 and 15 men also lost their lives in 6 cases of similar nature, according to sources in the Ministry of Human Rights.

The year 2010 turned out to be bloodier, as 39 females were murdered in 14 incidents of honour killing and 29 men were killed in honour killing-related violence in as many as 6 tragedies.

Similarly, in 9 cases of honour killing, 18 men and women both were murdered in 2009 and a staggering 46 men and women both were killed in 23 such incidents during the last year.

In all, in 2010, 9 more cases of honour killing were reported to police, while in 2009, 34 cases were filed with the police department. The honour killing cases reported in 2010 were 43, which were being investigate[d]." (Right Vision News (21 January 2011) *Pakistan: 39 women fell prey to honour killing in 2010*)

Another report by Right Vision News states:

"Twenty-five officers have been trained with the help of the United Nations Development Program and the Sindh Police, said Minister for Information Shazia Marri. These officers will work to stop violence against women and honourkilling in the rural areas of Sindh. "It is a shame that this act of murder is called 'honour-killing'," she said. According to Samma News, 632 men and women have been killed in the past five years in the name of honour. Most cases of karo kari took place in Larkana, Shikarpur, Jacobabad, Khairpur, Sukkur and Noshero Feroz." (Right Vision News (3 September 2009) *25 officers trained to tackle honour killing*)

An article by New Horizon states:

"Honour killings are the murders for the chief aim regarding as such action known as "Ghairat". In Sindhi language "Karo Kari" means a man was karo and the woman kari and the murder was a tribal ritual demanding man and woman involved in illicit relationship to be killed according to social trend. The ritual has survived all the legal, political and ethical developments of the times and now a convenient cover of all kinds of murders.

Every year hundreds of men and women of all ages are killed or injured in Sindh in the name of honour." (New Horizon (31 January 2010) *A Sociological Analysis of Honour Killing in Pakistan: A Case of Sindh Province*)

This article also states:

"The most common cause of honour killings is accusations of female adultery. To understand why, it is not enough to consider the role of honour but also the structural opposition between romantic love and marriage. In Muslim societies marriage, in which romance has no place, upholds social structure and the alliance between families, lineages and clans and the reproduction and creation of offspring. Hence, marriage is instrumental, a means to an end. Romance, on the other hand, is the structural anti-thesis, concerned with personal gratification, always in secret and in contravention of official morals. This structural opposition helps explain why all forms of illicit romance provokes condemnation, ostracism and frequent killing of those involved. It is not only a threat to "personal honour", but also that of the "honour group" who subscribe to the same honour code. This explains why neighbours and unrelated co-villagers often laud honour killings.

In Pakistan and a number of other countries the Middle East, homicide in the case of adultery is excused because men are gripped by a violent, emotional response beyond

their control. The men are considered victims of circumstance and pardoned because the murder is impulsive and passionate. This gendered explanation locates the propensity for violence not in males in general, but in culturally constituted ways of "being a man" which links masculinity and aggression (Matthew, 1997). In societies where honour killings are prevalent, masculine virtues were found including complete control of the women in the family and honour killing is blamed on patriarchy (Mikael, 2002).

Honour killings can be considered a typical example of traditional justice, but it is important not to infer that they only take place in "traditional" or "pre- modern" societies (Thor Aase, 2002). In recent years, honour killings have found their way into modern societies and challenged legal institutions such as the law and the judiciary (Maris, 1999). In parts of the Middle East honour killings are no longer only a rural phenomenon but also common in urban and peri- urban settings. There are indications that urbanisation spurs honour killings because it offers more opportunities for male-female socialization, less scope for enforcing rigid social segregation of women (purdah) and increased peer-group pressure to defend personal honour. In addition, urban settings provide new avenues for social mobility and increased competition for social status and esteem which in turn promote honour killings (Gideon, 1981). " (Ibid)

I have attached a report from the Aurat Foundation which deals with violence against women.

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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