

WOMEN'S RIGHTS VIOLATION: HONOUR KILLINGS

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Abstract

In this study I have presented the domestic violence concept and the situation regarding the observing of woman's rights in Syria. We have also evidenced the juridical aspects regarding the honor killing directed against women after the modification of the article 548 from the Penal Code changed by the President al-Asad on July the 1st 2009. The data offered by NGOs have been of great help for the elaboration of the study as also the statistic data presented in Thara E-Magazine regarding the cities where had been done the honor killings and their number, the instrument of the murder, the age of the victim, and the motives for the murders. It must be noticed that, lately, the Government fought for the observing of the woman's rights and promoted the gender equality by appointing women in leading positions, including the vice-president one.

Keywords: human rights, domestic violence, honor killing, Penal Code, woman's rights

1. Introduction

In the Arab world, women have no rights and are perceived as “the property” of the man. The legislation from these countries is starting to change, adapting to the occidental system. A recent example is represented by some Islamic Sunnite laws (fatwa), though which women gain the right to hit their husbands. Actually, the wife aggressed in the family have the right, from this date on, to hit their husband if they are in self defense. “Any person has the right to defend himself/herself, either man or woman, because all the human beings are equal in front of God”, said the sheik Abdel Hamid al-Atrach, the president Al-Azhar, the highest authority of the Sunnite Islam. He declared that women have the right to respond in the same way they are treated by men. The Turkish leader Fathallah Jouloun added that women “can even answer with two hits for one received”, in the situation of conjugal violence. The legislative changes that took place after it was ascertain a high rate of mortality among the Arab women. For example, in Egypt, 35% amongst women are killed by their husbands every year¹.

In Syria there isn't a legislation made especially to forbid the domestic violence². According to a study made in 2006, one of four women who participated on an interview had been a victim of the domestic violence. Most of the cases, women don't announce the domestic violence acts because they are excluded from the society. The observers noticed that when certain women had been the victims of abuses and tried to make a complaint at the police, the policemen didn't answer to their declarations in an active way or they didn't answer at all. In the police stations, women faced situations of sexual harassment, verbal abuses and slapping in the face from the police officers when they made the complaint; these situation happened in the department Bab Musallah from Damascus. Few victims of the domestic violence sought their justice in the court, having as a consequence the social stigma of this action³.

According to the legislation in force, the legal age for marriage is 18 years old for men and 17 years old for women. But, there is also the situation when a 15 years old or even more men and a 13

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¹ The source: www.Antena3.ro, (Oct 29th 2008).

² The domestic violence is mostly met in the rural areas.

³ The source: US Department of State – Syrian Arab Republic (2009): *Country Report on Human Rights Practices*, 11.III.2010, apud <http://www.portal-ito.ro/>.

years old or more woman can get married if they both agree in the presence of a judge and if they are considered “physically mature”; they have to have the consent of the father or grandfather. In the last period of time, the number of minors’ marriages decreased but there still are some regions, such as the rural, less developed areas⁴. In Syria there aren’t any civil laws regarding the marriage, inheritance and divorce. The problems regarding the status of a person are judged by the sharia courts for Sunnites and Shiites Muslims that represent almost 75% of the population and other religious courts for the Christian, Jewish and Druze communities⁵.

2. INTRODUCTORY NOTIONS REGARDING THE DOMESTIC VIOLENCE AND THE WOMAN’S RIGHTS IN SYRIA

November 25th is the International Day for the Elimination of Violence Against Women. Therefore, it is desired for every woman not to be discriminated, not to be the victim of violence and to live in an environment proper for their development, without fear or constraints. Violence against women can be avoided though the instrumentality both of the community where she lives and of the families because the attitudes, the behavior and the social norms can’t be modified. It is very important for the state to help the communities in which the violence is widely spread through the adopting and applying of stricter laws. Through the establishing of the international agencies that promote the human rights is wished to be stopped the violence against women and they benefit by the rights (for example: the right to education, to health, to work an equal remuneration as the man for the same job etc.) and equal chances in society and the aggressors to put under accusation.

According to Pangelow, “the interfamilial violence is referring to any act committed or omitted by the family members and any consequences of these actions or inactions, through which other members of the family are deprived by their equal rights or freedoms and/or which infringe upon their optimal development and upon the exercising of the freedom to choose”⁶. “The strategies on which depend the development of programs and services that are centered on the problems regarding the domestic violence are determined by the actual tendencies in the internal and international social policies. The ways of approaching the domestic violence follow two major tendencies such are: the promoting of the human rights model and the redefinition of the domestic violence as a public health problem.”⁷

The marital violence refers to any act or behavior, aggressive manifestation against husband/wife, with the purpose to:

- enforce the control and the power into the relation;
- reaffirm the rolls and the responsibilities in the family;
- discharge, in the case of a crisis created by external or internal factors;
- fulfill certain expectations created through the model of socialization;
- hurt/injure the partner.

The forms of manifestation of the marital violence are diverse: physical, psycho-emotional, verbal and sexual⁸.

During the last period of time, the Government fought for the observing of the woman’s rights and promoted the gender equality by naming the women in leading positions, including the vice-president position. We must notice that Syria has the highest rate of parliamentary women from the

⁴ *Ibidem*.

⁵ Institute for War and Peace Reporting (12.VI.2009), *Activists Warn of Blow for Women’s Rights*, apud <http://www.portal-ito.ro/>.

⁶ M. D. Pagelow, *Family violence*, New York, Praeger, 1984, p. 21, apud L.M.Pop-coord. (2002), *Dicționar de politici sociale*, (Expert Publishing House, Bucharest), 811.

⁷ L.M.Pop-coord. (2002), *Dicționar de politici sociale*, (Expert Publishing House, Bucharest), 811

⁸ *Ibidem*, p.812

Arab world. As regarding the observing of the right to education, the Government offers to women equal access, but there are also many discriminatory laws that are in force. If the women wish to travel in another country together with their children without having the proof of the husband's agreement, he can ask to the Ministry of Interior to stop her leaving. The person accused of rape can be discharged if he will marry his victim. It must be taken in that the law isn't so drastic and stipulates reduced sentences for "the honor killing" committed by men against the feminine relatives for alleged infidelities. An important Syrian mufti declared "the honor killing" as non-Islamic in 2007 and, with the help of the Government, was opened the first shelter for the abused women in September 2008. The sharia law governs the law of the personal quality for the Muslim women and it is discriminatory as regarding the marriage, the divorce and the heritages; the church law governs the personal statute for Christians, leading sometimes to the forbidding of the divorce⁹.

"The Government condemned to prison several important members that promoted the human rights among the communities and in the civil society. The Government infringed the citizens' right to the private life and imposed significant restrictions for the right to free speech, the freedom of the press, the freedom of reunion, association and travelling. A corrupt atmosphere spread into the Government. The violence and the discrimination against women continued, and so did the sexual exploitation, more and more heading towards the Iraqi refugees, including the under age children. The Government practiced the minorities' discrimination, especially against the Kurds and the Ahvazians and restricted the worker's rights"¹⁰.

3. THE HONOR KILLING IN SYRIA

Nowadays, the domestic violence takes also the shape of the honor killing.

„An *honor killing* or *honour killing* (also called a *customary killing*) is the murder of a member of a family or social group by other members, due to the belief of the perpetrators (and potentially the wider community) that the victim has brought dishonour upon the family or community. Honour killings are directed mostly against women and girls. The perceived dishonor is normally the result of one of the following behaviors, or the suspicion of such behaviors: (a) dressing in a manner unacceptable to the family or community, (b) wanting to terminate or prevent an arranged marriage or desiring to marry by own choice, (c) engaging in heterosexual sexual acts outside marriage, or even due to a non-sexual relationship perceived as inappropriate, and (d) engaging in homosexual acts. Women and girls are killed at a much higher rate than men. The United Nations Population Fund (UNFPA) estimates that perhaps as many as 5,000 women and girls a year are murdered by members of their own families. Many women's groups in the Middle East and Southwest Asia suspect the victims are at least four times more"¹¹.

The killings for defending the honor (honor killings) are often met in the east and south-east of Turkey, practically in the entire Mediterranean space, in the Near East, but also in Asia and Africa. In these spaces there are communities where the families kill their daughters if they lost their virginity, if the dare to have an affair, if they wish to break the marriage with a partner that they don't love or if they escape from an arranged marriage, even if they don't leave their husband for another man, but also even if they were sexually abused or they were raped. Rarely, it might happen to be excluded from the family, most of the time they are killed. By killing the victims of the abuses, from the traditional point of view, the authors of the murder reestablish the honor of the family. The way they do the murder varies: the victims are shot, stabbed, drowned, sprinkled with gas and set of fire, driven over (by the men from the family) or poisoned (by their mothers of mothers-in-law, the victim

⁹ Freedom House, Freedom in the World, (16.VII.2009), apud <http://www.portal-ito.ro/>

¹⁰ UK Border Agency (Home Office), Syrian Arab Republic (2010): *Country of Origin Information Report: The Syrian Arab Republic*, Country report of September [ID 145757], 03.IX.2010, apud <http://www.portal-ito.ro/>

¹¹ http://en.wikipedia.org/wiki/Honor_killing

couldn't rely on the support of the other women from the family because they too must contribute to the reestablishing of the honor). Sometimes, these "tainted" women are compelled to get married quickly, but even in the new family the life of these young women is endangered if it is revealed that they had been "dishonored"¹².

In the south-eastern Anatolian area, two thirds from all the marriages are arranged by the family, even if in the actual period most of the young people choose their partner. The sum of money they have to pay for buying the bride it is very important for the prestige of the family. In most of the cases, this sum is too large for many young people, who would have to save money for many years in order to afford to get married. Thus, the young girls have to marry older men who they accept without loving them. As a consequence, the young people migrate towards the big cities for not respecting the tradition anymore¹³.

"In April 2008 it came to light that a woman had been killed in Saudi Arabia by her father a few months before for "chatting" to a man on the social networking Internet site Facebook. The murder became public only when a Saudi cleric referred to the case to criticise Facebook for the strife it caused¹⁴. A June 2008 report by the Turkish Prime Ministry's Human Rights Directorate said that in Istanbul alone there was one honor killing every week, and reported over 1,000 during the previous five years. It added that metropolitan cities were the location of many of these, due to growing Kurdish immigration to these cities from the East. In 2009 a Turkish news agency reported that a 2-day-old boy who was born out of wedlock had been killed for honor. The maternal grandmother of the infant, along with six other persons, including a doctor who had reportedly accepted a bribe to not report the birth, were arrested. The grandmother is suspected of fatally suffocating the infant. The child's mother, 25, was also arrested; she stated that her family had made the decision to kill the child¹⁵. A girl in Turkey was killed after her family heard a song and thought she had a boyfriend. In 2010 a 16-year-old girl was buried alive by relatives for befriending boys in Southeast Turkey; her corpse was found 40 days after she went missing¹⁶. Ahmet Yildiz, 26, a Turkish physics student who represented his country at an international gay conference in the United States in 2008, was shot leaving a cafe in Istanbul. It is believed Yildiz was the victim of the country's first gay honour killing¹⁷. There are no exact official numbers about honour killings of women in Lebanon; many honour killings are arranged to look like accidents, but the figure is believed to be 40 to 50 per year. A 2007 report by Amnesty International said that the Lebanese media in 2001 reported 2-3 honour killings per month in Lebanon, although the number is believed by lawyers to be higher. Most killings in the Gaza Strip and the West Bank are carried out by villagers; honor killing is extremely rare in Palestinian cities and larger towns. The Palestinian authority uses Jordanian law, which gives men reduced punishment for killing a female relative if she has brought dishonour to the family. Due to Palestinian protests, Mahmoud Abbas, President of the Palestinian Authority, promised to change the discriminatory law by the year 2010, but As of November 2010 this has not happened. According to UNICEF two-thirds of all murders in the Palestinian territories are honor killings"¹⁸.

¹² The author: Dorette Wesemann, Redactare: Ragnar Müller,

http://www.dadalos.org/rom/menschenrechte/grundkurs_3/frauenrechte/warum/ehrenmorde.htm

¹³ *Ibidem*

¹⁴ Cf. *Saudi woman killed for chatting on Facebook*, (*The Telegraph*, 31.III.2008), apud http://en.wikipedia.org/wiki/Honor_killing

¹⁵ Cf. *Un bébé de 2 jours victime d'un "crime d'honneur" en Turquie*, (*www.lemonde.fr*, 16.IV.10), apud http://en.wikipedia.org/wiki/Honor_killing

¹⁶ *Girl buried alive in honour killing in Turkey*: Report, (*www.montrealgazette.com*, February 4, 2010), apud http://en.wikipedia.org/wiki/Honor_killing

¹⁷ *Was Ahmet Yildiz the victim of Turkey's first gay honour killing?*, (*www.independent.co.uk*, 19 July 2008), apud http://en.wikipedia.org/wiki/Honor_killing

¹⁸ http://en.wikipedia.org/wiki/Honor_killing

In Syria, the article 548 from the *Penal Code* was modified by the president al-Asad on the 1st of July 2009. Through this article was allowed to instances to reduce and to renounce the punishments for the authors of the honor killings. The new dispositions of the article stipulate a punishment of maximum two years of prison for any person condemned for the honor killing. It can be mentioned that the minimal sentence is less severe than the sentences stipulated for other forms of homicide. The Government doesn't have an official statistics of the honor killing. Most of the times there weren't offered the complete names because it was desired the protection of the victim by the groups that defended the human rights. According to the provided data, the Ministry of Interior estimated that a number of 38 honor killings took place between June 2008 – June 2009, while the Syrian Women Observatory (SWO) estimated that actually 200 to 300 killings took place every year. It is known that the number of the honor killings is very big, but the reporting of these murders is rare; the exact data of the honor killings were difficult to obtain. The families or the friends who were willing to discuss the cases refused to say any name motivating the wish for intimacy or the fear for revenge¹⁹.

Case studies²⁰

1. According to the information held by the Syrian Women Observatory on the 2nd of February, two men killed their sister (a married woman) in Aleppo, because she wore a hijab, in concordance with the tradition of her husband, instead of a burka, which she wore formally according to the desires of her family.

2. The group SWO, according to a report from July the 20th of IWPR²¹, reported that a man killed his sister, Soad, mother of two children, who lived in Damascus, after he suspected that she worked as a prostitute, having the permission of her husband. Later, there were no information regarding the catching of the author or if the police investigated the case.

3. The data from a report registered on December the 12th, made by the observers of the human rights, point out that two brothers from Aleppo killed their sister, Khadija, because she married a man from Homs to work in a tavern. In the next period no information appeared that would concern the investigation of the case or if the two brothers had been caught by the police.

<<The situation of media monitoring of the crimes committed under the pretext of honor in Syria (2010)²²

- *Data monitoring:*

The total number of crimes: 61 crime 62 victim of a "crime of which claimed the lives of two girls together,"

- *Distribution according to provinces:* Aleppo: 17 crime; Idlib: 13 crimes; Homs: 6 crimes; Hasakah: 5 crimes; Damascus Suburb: 4 crimes; Hama: 4 crimes; Lattakia: 4 crimes; Al Raqqa: 2 crimes; Al Swida: 2 crimes; Daraa: 2 crimes; Damascus: 2 crimes; 1 crime that has never been documented.

- *Degree of relativeness between the killer and its victim:* 37 crime committed by brother; 7 crimes carried out by the husband; 5 crimes carried out by the father; 4 crimes carried out by the uncle of the victim; 3 crimes carried out by siblings or family together; 2 crime carried out by the mother; 2 crime to force or push to suicide; a crime carried out by the son.

¹⁹ US Department of State – Syrian Arab Republic (2009): *Country Report on Human Rights Practices*, 11.III.2010, apud <http://www.portal-ito.ro/>

²⁰ *Ibidem*

²¹ Institute for War and Peace Reporting

²² The information were taken from *Thara E- Magazine* No. 266, 8/1/2011, *The outcome of media monitoring of the crimes committed under the pretext of honor in Syria 2010* - 61 crimes. 62 victims Aleppo and its countryside have the largest share, by: Yahya Al Aous, translated by: Suzan Abadi
www.thara-sy.com/

- *Instrument of crime*: 17 crime by firing squad; 17 crime stabbing with a knife; 12 crimes strangled; 8 mixed crimes committed with more than a tool such as stabbing and then shooting, or stabbing and then strangling or by using a hammer, or another tool; 3 crimes where the head were separated from the body; 2 crimes forced to commit suicide; 1 crime electrocuted; 1 crime of burning fire; 1 crime of poisoning the victim.

- *Age of the victim*: 13 victims were under the age of 18; 33 victims between the ages of 18 to 30; 16 victims over the age of thirty.

- *Causes of death*: 14 crimes because the victim is absent from the home of her parents; 12 crimes because of the rumors and suspicions morality of the victim; 10 crimes due to marriage without parental consent; 10 crimes because of suspicion of a sexual relationship for the girl with a man; 5 crimes because of the mishandling of suspicion of immoral acts; 3 crimes by forcing incest and then killing her; 2 crimes because of pregnancy illegally; 2 crimes because of the divorce; 2 crimes of rape; 1 crime is not clear why.>>

4. Conclusions

The militants for the human rights promoted, during the last period of time, the shifting of the problems regarding the personal statute to the jurisdiction of the civil instances. Through the numerous petitions and campaigns of making people aware in media and on the field, the groups regarding the human rights wished the mobilization of the Syrians against the legislation, because it is repressive against woman. In the opinion of the legal experts, the new law regarding the personal statute is not according to the international law because it breaks all the treaties concerning the women and children's rights that Syria ratified. "They say that the bill maintains most of the restrictive articles from the legislation about the personal statute, in force since 1953 that is based on the Islamic law. For example, the propositions keep an existent stipulation according to which can be taken the children of the divorced women if they work without the permission of their ex-husbands and also one which stipulates that the violator who would agree to marry their victims can be exonerated from penalty. The bill also keeps the amnesty for the men accused with honor killing. In some rural communities from Syria, it is considered legal that the male members of a family to kill their female relatives in case of adultery or pre-marriage sex. More than that, the bill interdicts to the married women to travel without a previous approval from their husbands – a stipulation that lacks from the law in force. According to Younes, the proposals represent a radical interpretation of the Islamic legislation."²³

There are no certain data regarding the number of the honor killings, by the Syrian Women's Observatory, an unofficial group, discovered at least 12 such murders in 2009. In August 2009, a father killed his 18 years old daughter because a neighbor tried to rape her²⁴.

Acknowledgment

„This work was supported by the strategic grant POSDRU/89/1.5/S/61968, Project ID 61968(2009), co-financed by the European Social Fund within the Sectorial Program Human Resources Development 2007-2013”

²³ Institute for War and Peace Reporting, Activists Warn of Blow for Women's Rights, 12.VI.2009, apud <http://www.portal-ito.ro/>

²⁴ Human Rights Watch –Syrian Arab Republic (2010): *World Report*, 20.I.2010, apud <http://www.portal-ito.ro/>

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