

# Honour Killings and Human Rights: A Legal and International Perspective on South Asian countries

**Tahura Furqan**

Advocate, Pursuing Master in International Studies, Hamdard Institute of International Studies (Jamia Hamdard University (Delhi, India)

## **Abstract:**

This paper explores the grave issue of honour killings through the lens of domestic criminal law, international law, and human rights frameworks. It focuses on how such acts violate fundamental rights protected by both national and global legal systems. Using examples from India, Bangladesh, and Afghanistan countries where honour killings are most prevalent the paper analyses legal developments, challenges in enforcement, and case laws. It also examines how international human rights instruments like the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and others approach honour killings. Finally, it touches upon the theoretical framework in explaining honour killings such as, cultural relativism vs universalism debate to understand the conflict between tradition and universal human rights norms, realist and intersectional feminism in understanding the feminist perspective.

**Keywords:** honour killing, human rights, theoretical framework

## **Introduction:**

Honour Killing or Shame Killing is the murder of a member from the family, due to the executioner belief that the victim has brought shame to their family or has brought dishonour to their family. The victim has also violated the principles of their community or religion, usually for various reasons like-divorcing or separation from either of the spouse, refusing to enter into an arranged marriage, being in a relationship that has disapproval by their family or community or religion, having premarital or extramarital sex, becoming the victim of rape or sexual assault, dressing in such a way which is inappropriate, or denial a faith.

This term is also defined as the purposeful pre-planned homicide, generally of a female person, by or at the command of her family members stimulated by a perception that she has brought shame to her family or community which have dishonoured her family.

In some cases, Men can also be the victims of honour killings by the family members of the family of a woman with whom they are perceived to have an inappropriate relationship, or by the involvement of homosexual activity.

Honour killing is simply murder under the cover of tradition; it is no longer about preserving any alleged honour. The word "honour" becomes meaningless when brothers, sisters, sons, and daughters are slaughtered for deciding who to love or how to live. The act of spilling innocent blood lacks dignity. These behaviours stem from control, ego, and deeply embedded patriarchy rather than cultural pride. In

reality, honour killing has devolved into a legal and social pretext for murder and the suppression of individual liberties. We need to stop referring to it as "honour killing" and start referring to it as a crime.

**Definitions:**

- i) the illegal decrees by caste/ class/community panchayats to annul or prohibit marriages, social boycotts and even murder of couples.
- ii) Honour Killings are acts of vengeance, usually death, committed by family members against female or male's family members, who are held to have brought dishonour upon the family. A woman especially can be targeted by her family for a variety of reasons including refusing to enter in an arranged marriage, being the victim of a sexual assault, seeking a divorce- even from an abusive husband or committing adultery.

**History:**

The practise of honour killing has ancient origins that predate all written religions. Centuries ago in desert tribes, custom regarded women and their chastity as representative of family honour. From the tradition followed the belief that a male person has a duty to protect the honour of his entire family by killing any female relative involved in an inappropriate sexual relationship.

Today, however, the spectrum has broadened, acts such as marital infidelity, flirting, premarital sex, seeking a divorce, being raped, becoming pregnant or failing to serve a meal, can affect family's honour

**Analysis Of South Asian Countries:****India:**

Honour killings in India are most commonly triggered by:

- Inter-caste marriages or relationships
- Inter-religious marriages
- Marrying outside one's community or gotra (clan)
- Perceived sexual impropriety or premarital relationships
- Refusing arranged marriages
- Seeking divorce or separation

Especially in rural patriarchy-dominated regions, these offenses are more prevalent in northern states such as Haryana, Punjab, Uttar Pradesh, and Rajasthan. These offenses are committed most frequently by certain castes and communities that believe in rigid social hierarchies and wedding practices.

While sometimes female relatives are involved or incite the violence, perpetrators are typically male relatives, including fathers, brothers, uncles, cousins. Killings are sometimes approved or instigated by village panchayats, or councils.

Honour killings are also criminalized under Indian law and are considered murder, and the punishments include life imprisonment or death. The Indian Supreme Court has also denounced the practice several times and urged more vigorous enforcement. In 2011, the court described honour killings as "barbaric" and ordered states to initiate preventive measures.

Some states have passed specific laws dealing with honour crimes, and the federal government has issued directives to the police and judiciary to deal with them in a more effective manner.

The practice is a sign of entrenched issues like gender prejudice, caste prejudice, and subordination of personal will to group prestige. It is driven by the perception that family prestige is more important than personal life and liberty.

Despite legal prohibitions and changing social values of urban living, honour killings continue to occur, which indicates the ongoing conflict between traditional social organization and modern legal institutions in India.

Honour killings are not provided for by any particular law of India, but it is addressed through provisions of the Indian Penal Code (IPC):

- Section 302 IPC: Punishment for murder.
- Section 120B IPC: Punishment for criminal conspiracy.
- Section 34 IPC: Acts done by a group of persons in pursuance of a common intention.
- Prohibition of Child Marriage Act, 2006: Applied most commonly in the case of child marriage.

### Case overview:

#### 1) Shakti Vahini vs Union of India (2018)

Shakti Vahini vs Union of India represents a landmark Supreme Court judgment delivered on March 27, 2018, in Writ Petition (Civil) No. 231 of 2010, wherein the petitioner NGO Shakti Vahini, recognized by the National Commission for Women, filed a writ of mandamus seeking directions to Central and State governments to prevent honour killings after conducting extensive research on the subject. The Supreme Court, led by Chief Justice Dipak Misra, unequivocally declared that any attempt by Khap Panchayats or similar assemblies to prevent consenting adults from marrying is "absolutely illegal" and emphasized that "assertion of choice is an inseparable facet of liberty and dignity". The Court held that honour killing constitutes a form of honour crime, defining it as "any kind of torture or ill-treatment that tantamount to atrophy of choice of an individual relating to love and marriage by any assembly", thereby establishing that the so-called honour of the family cannot be maintained by killing people. The judgment allowed the petition and issued comprehensive preventive, remedial and punitive measures to curb honour killing practices, mandating state governments and police departments to develop robust structures to eliminate these crimes, thus creating a transformative legal framework that addresses both the constitutional violation of individual liberty and the systemic institutional reforms necessary to combat this deeply entrenched social evil, with its provisions remaining relevant under the contemporary Bharatiya Nyaya Sanhita, 2023.

#### 2) Sujit kumar vs State of UP (2002)

Sujit Kumar and Others vs State of U.P. was pending before the Supreme Court on May 6, 2002, after it had taken cognizance of newspaper reports regarding honour killings in Uttar Pradesh. It was brought to its knowledge by newspaper reports of the occurrence of incidents in Meerut where "a Jat boy and a Harijan girl, both majors, were in love with each other and wanted to marry each other but were killed by their relatives and others as it would have been an inter-caste marriage". The Court mentioned similar reports of "Meerut, Muzaffarnagar and other districts of the State where young women and men are being killed for being in love with each other simply because they were of different castes or communities".

### Summary Key Points:

- Early Judicial Recognition: This was the first Supreme Court case to formally acknowledge honour killings as a coordinated legal matter that had to be addressed
- Caste-Based Violence: The case particularly brought into focus inter-caste relations as precipitating factors for honour killings, specifically between Jat and Harijan communities
- Geographic Pattern: Proved that honour killings were widespread in most districts of UP, and not just sporadic cases

- Legal Precedent: Set the precedent for future milestone judgments like Shakti Vahini vs Union of India (2018) by reaffirming the stance of the Court in upholding the choice of the individual in marriage
- Shift from Private to Public: Cited the shift of the judiciary from seeing honour killings as private family matters to constitutional offenses deserving of state intervention

This is a landmark in the first step in India's legal development towards the protection of individual freedom against conventional honour-based violence.

### **Bangladesh:**

Although Bangladesh does not officially report honour killings with the same regularity as some of the neighboring countries, irregular but ongoing incidents indicate a covert prevalence fueled by patriarchal dominance, rural traditionalism, and rising moral policing. The issue is also concealed by underreporting, social acquiescence, and lack of clear legal classification. A detailed study points out some new features: Bangladesh honour killings are comparatively saturated in rural and semi-urban areas where patriarchal social values prevail. Some significant observations:

- High-incidence regions: Incidences have been noted from Rajshahi, Rangpur, Khulna, and Sylhet divisions, Sylhet notably important in consideration of influence of diaspora.
- Victim profile: Most victims are young women aged 15–25, typically killed by close male family members (fathers, brothers, husbands).
- Ethnicity and caste: Bangladesh's religious population is relatively homogeneous (Muslim majority), but ethnic minorities such as Santals and Chakmas of the Hill Tracts have suffered custom-based gender-related homicides, though not always "honour" homicides according to official reports.

### **Motivations Beyond Sexual Control**

- The primary reasons for honour killings are still elopement, religious or caste marriage, not agreeing to marry the way the family wants, and claims of premarital sex or adultery. But new trends are being noticed:
- Social media & digital surveillance: Girls are increasingly being targeted after they have been seen in social media images or clips, or for attending school with mobile phones a shift from bodily to digital moral policing.
- Reputational concern in migration path: Where there is intense migration to the Middle East or UK (e.g., Sylhet), remittance-based family reputation is a source of pressure on women to conform. Dishonour is found to damage not just local status, but also transnational social capital.

### **Legal Framework and Gaps**

Bangladesh lacks a particular honour killing law. Honour killing is dealt with under regular homicide laws. Legal vagueness is a contributing factor for the creation of impunity:

Applicable laws:

- Penal Code 1860 (Sections 302, 304 for murder)
- Women Children Repression Prevention Act 2000

Gaps in prosecution:

- Courts would likely treat these as 'family disputes' or 'crimes of passion'.
- Lack of legal recognition of "honour" as a motivation for a crime precludes targeted policy and data collection.

- Offenders in the majority of instances broker out-of-court settlements via village mediation (shalish), without prosecution.

### **Underreporting and Misclassification**

- Bangladesh honour killings are typically made to look like suicides, "accidents," or disappearances:
- Autopsy procedures are not routine, and police reports are typically tampered with because of family and community pressure.
- Shame and fear of backlash discourage victim families from coming forward, especially when the murder is authorized by the victim's ranks themselves.
- NGOs estimate that for each reported case, several are not reported, especially in rural villages where the freedom of women is drastically curbed.

### **Global and Diaspora Connections**

Honour violence is increasingly a transnational issue, especially due to:

- UK Sylheti diaspora: British-based women of Bangladeshi origin have been victims of honour killings that have demonstrated continuities between the homeland and diaspora culture
- Transnational social control: Diaspora kin tend to pressure Bangladesh families to "keep discipline" and social norms. Foreign family elders make decisions about honour violence in certain instances, creating a cross-border moral surveillance system
- Gulf returnees sometimes reinstall more conservative gender norms on return through gender segregation norms experienced abroad, propelling repressive practice.

### **Case overview**

The case of Kalpana Akter (Rumana College) Honour Killing, 2011

Besides, the case – known in Bangladesh as the ‘Rumana College girl murder case’, referring to the name of the victim’s college was one of the most talked about honour killing cases of the country. It occurred in Pabna District in 2011, igniting national outrage as well as academic discussions of gender, morality, and informal justice mechanisms in Bangladesh.

19-year-old college student Kalpana Akter was said to have a consensual love affair with a local boy of a different social and economic status. Why the father and the family were against the relationship, not so much due to the boy who the girl had fallen in love with, but also to the threat of the family “honour” and respect in society. Though she had defied custom regarding personal autonomy, which included that of marriage, she was brought home against her will and then murdered by her father and other family members.

The Kalpana Akter case is significant because it demonstrates the intersection of Bangladesh's legal system's shortcomings in addressing honour-based violence and patriarchal social norms. Despite the fact that "honour" is not specifically mentioned in the penal code as a legitimate motive, the case made headlines because the court impliedly acknowledged that the murder was a response to concerns regarding the family's reputation. The case also demonstrated the significance of civil society for legal accountability, particularly through media campaigns and student activism. It also demonstrated the failure of the institutional response, as no preventive measures were implemented in spite of previous threats. Kalpana's previous relationship termination due to local arbitration (shalish) demonstrated how informal justice systems exclude women from the legal system.

## AFGHANISTAN

In Afghanistan, honour killings are deeply embedded in tribal customs, patriarchal traditions, and conservative interpretations of Islam, particularly in rural and Pashtun-dominated areas. The phenomenon largely occurs within tight-knit tribal or extended family structures, where family honour is seen as residing primarily in the behaviour of female members. If a woman is perceived to have violated social codes of modesty—through relationships, elopement, seeking divorce, or even being a victim of rape—she may be killed by male relatives to "restore" the family's honour.

These killings are often pre-planned and carried out with the knowledge or even the approval of family elders or community leaders (jirgas or shuras), who serve as informal power structures in the absence of effective state governance.

### Reasons Behind Honour Killings:

- Real or Alleged Sexual Transgressions: Any relationship outside marriage, often based on rumors or suspicion.
- Arranged Marriages and Elopement: Women rejecting forced marriages or marrying by choice.
- Rape and Sexual Assault Victims: Misogynistic blame placed on survivors.
- Desire for Male Control: Suppression of women asserting independence, autonomy, or education.
- Property Disputes: Sometimes disguised as honour killings to resolve land or inheritance issues.

The Taliban's influence has further amplified these incidents, especially through strict gender segregation and moral policing. While the Taliban officially denounce extrajudicial killings, in practice, their regime has neither the will nor the legal structure to prevent them, and at times, their interpretation of Sharia encourages such control over women.

### Legal Framework

Afghanistan's formal legal system has been largely inconsistent and ineffective in addressing honour crimes. Even during the post-2001 democratic phase, laws often conflicted with traditional customs and Islamic law. Under the 2009 Elimination of Violence Against Women (EVAW) Law, honour killings were criminalized, and penalties were defined. However, implementation remained weak due to societal resistance, judicial bias, and corruption.

### Case overview:

#### Farukhanda malikzada 2015

In March 2015, Farkhunda Malikzada, a 27-year-old Afghan woman and a devout student of Islam, was brutally lynched by a mob near the Shah-Do Shamshira mosque in central Kabul. Farkhunda had argued with a shrine amulet-seller about superstitious practices and was falsely accused of burning a copy of the Quran.

The accusation spread rapidly, and an angry crowd—mainly men—surrounded and violently assaulted her. Despite the arrival of police, she was beaten, stoned, and eventually set on fire in broad daylight. Video footage of the attack was widely shared and caused international outrage. Investigations revealed that the claim of Quran-burning was entirely false.

Significance of the case:

- The Farkhunda case became a powerful symbol of gender-based violence and the failures of law enforcement in protecting women.



- It led to protests across Afghanistan, with activists calling for justice and reform.
- Four men were initially sentenced to death; however, the Kabul appeals court later commuted most of the sentences to long prison terms.
- The case also highlighted the influence of religious extremism, mob justice, and deep-seated misogyny in Afghanistan.

### **Pakistan**

Honour killings in Pakistan are still a culturally ingrained form of socio-cultural crime, often justified as tradition and family honour. Honour killings mainly occur in rural or semi-urban communities, but there have been horrific examples amongst educated urban households. Despite reforms to legislative or comparative policies and practices, social complicity to maintain patriarchal attitudes, combined with a lack of police enforcement, continues to uphold honour killings.

The most common honour killings in Pakistan are executed by blood male relations; brothers, fathers or husbands. They justify their acts of murder by claiming that the woman (and sometimes the male relation) brought 'shame' to the family. There are various reasons cited as justification for honour killing including; marrying a person of her own choice, refusing to marry a person chosen for her in an arranged marriage, leaving the family home, rumors of premarital relationships with a male individual, social media postings, etc. Often, the processes are immediate, informal, and social determined with little investigation led by jirga decisions in communities in Sindh, Balochistan, and southern Punjab. In some cases, young women are even lured back to their family home under the guise of reconciliation while planned to protect family pride, leading to their murder.

### **Statistics**

According to the Human Rights Commission of Pakistan (HRCP), over 15,000 women were murdered in the name of honour between 2004 and 2016, which means that honour-based murders in Pakistan (for which statistics are also believed to be very under-reported in tribal and feudal contexts), are surpassing 1,000 a year. In a report published in 2022, the Human Rights Commission of Pakistan (HRCP) documented, in 1 year, 478 cases of so-called honour killing there were, 366 female victims and 112 male victims. More than 85% of the reported cases are found in Punjab and Sindh Provinces.

UN Women Pakistan (2019) report, estimated honour killing as the least prosecuted case of gender-based violence. Despite the numbers reported, honour killings are prevalent throughout the country. Survey indicated that in some districts, the social acceptance of honour killing remains unacceptably high and oftentimes outweighs legal rights provided in constitutions.

### **Legal framework**

As of the writing of this report, Pakistani Law, allowed forgiving family members of the murdered individuals under Qisas and Diyat (Islamic law) by the alleged murderers. This loophole provided participants with a way out of long term and/or capital punishment as all honour killings are considered cases in which the family member with privilege in honour, can forgive another family member. The murder of social media personality Qandeel Baloch forced Parliament to enact the Criminal Law (Amendment) Act, 2016, which closed the loophole in the forgiveness process allowing assassin family members to not serve under the Law if pardoned, and the law prescribed life in prison under regulations of murder even if pardoned by the murdered family's members, but enforcement is still an issue.

Section 302 of the Pakistani Penal Code now prohibits all modes of intentional murder, including honour killing. The amendment was significant in declaring "honour" would not be a mitigating factor. When it elevated and further criminalized rape (in its many forms) to "honour crime" in 2020, the Anti-Rape (Investigation and Trial) Ordinance, 2020 established predicable instrument for victim protection but is limited in its scope when it enumerates honour crime in its distinction.

### Case Overview

#### The Samia Shahid Case (2016): A Transnational Honour Killing

Samia Shahid was a British-Pakistani woman who was reportedly murdered in the name of honour in her family village in Jhelum, Punjab, Pakistan. Samia, who divorced her first cousin (an arranged marriage) and married a man of her own had antagonized her Sunni family for not only religious but also patriarchal reasons. Samia was contacted by her family, lured to Pakistan under false pretenses and was found dead on July 20, 2016.

While the initial report noted death due to natural causes, subsequent forensic evidence provided a positive result for rape, and manual strangulation. The victim's ex-husband subsequently confessed to killing her. The sensational nature of the case drew heightened media, political and diplomatic interest, from the UK's government, which intensified the pressure on Pakistani authorities. Although the police made arrests of her ex-husband and her father (both accused of committing murder), the prosecution of the case was delayed, and the main accused was subsequently bailed by the court pending additional evidence.

The case highlighted the issue of transnational honour violence, issues linked with sectarian biases and the failing justice process in Pakistan, including police inaction and delayed prosecutions and the apparent failure of justice system to protect women with dual citizenship, who in attempting to exercise marital autonomy, have systemic barriers to protection rooted in cultural and institutionalized discrimination.

### International Law Perspective on Honour Killing

Honour killing may be understood as a domestic issue or a culture issue, but is increasingly being acknowledged in international law as a serious violation of human rights. International law perspective indicates that honour-based violence is not a private issue, but instead, public concerns which denote state accountability and global human rights. In South Asia, patriarchal structures and customary practices enable honour killings to continue, which highlights the importance of the intersection between international human rights obligations and domestic legal enforcement.

#### ○ Understanding Honour Killing and its Status as a Human Rights Violation

Honour killings constitute a violation of rights addressed under international human rights law, such as the right to life, liberty, and security of person articulated in Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights. Furthermore, honour crimes violate the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), specifically Articles 1, 2, and 5, which obligate states to eliminate discrimination and prohibit gendered violence when made manifest in the context of social and cultural norms.

The UN Special Rapporteur on violence against women has repeatedly recognized honour killings as a gender-based violence, that is backed by social values or sometimes even the law, and has called for cultural change and law reform.

#### ○ Responsibilities of states under international law

States that ratified international treaties, e.g. ICCPR, CEDAW (and also those instruments such as conve



ntion Against Torture (CAT)), are under positive obligations to:

- Prevent honour-based violence,
- Protect persons at risk (women and girls in particular),
- Prosecute abusers without allowing mitigating factors based on ‘honour’,
- Provide reparations and assistance to survivors and families who have been impacted.

Due diligence as a principle, as noted in CEDAW’s General Recommendation No. 19 and the Inter-American Court of Human Rights, imposes a responsibility to prevent, investigate, and eliminate private acts of violence which the state either knew (or ought to have known) was happening or was happening in their jurisdiction, and permits a finding of state responsibility, not only for the harm from the acts of state agents, but also where states have failed to prevent, investigate, or punish private acts of violence.

○ South Asian Context: A Gap Between International Standards and Domestic Practice

While most South Asian nations have ratified international instruments like CEDAW and ICCPR, honour killings continue unabated due to socio-cultural embeddedness, inadequate legal frameworks, and poor enforcement. Any application of international law within these jurisdictions demonstrates the disconnect between ratification and implementation.

- Pakistan: Although Pakistan has ratified CEDAW and ICCPR, traditional Qisas and Diyat laws (which allow the family of the victim to forgive the offender) have allowed impunity in cases of honour killing. In 2016 an anti-honour killing bill was passed to address this gap by making honour killing non-compoundable and thus not forgivable or pardonable, yet the implementation of legislative frameworks continues to be poor.
- India: Honour killings are at times, a consequence of inter-caste or inter-religious marriages. Although India does not have a stand-alone law concerning honour killing, courts have consistently applied the Indian Penal Code violations namely, Section 302 (murder) and Section 120B (criminal conspiracy). India has ratified a number of key treaties but not been criticized for ever having an inadequate legislative framework to combat honour crimes that stem from matters related to caste or community.
- Bangladesh and Nepal: Both sovereign states provide legal provisions against domestic violence and murder in its various forms; however, social stigmas, fear of retaliation, and community compliance continue to hinder enforcement. They have internationalised laws and thus obligated to refer to those laws in enforcement; however, enforcement often continues to respect traditional forms of sanctioning behaviour and further legal enforcement or accountability.

○ International Reflection and Response

There are landmark international and regional human rights cases that set the stage for establishing honour killing, as a violation of international obligations.

- Opuz v. Turkey (European Court of Human Rights, 2009)

This was a landmark case. The court concluded that Turkey violated Article 2 (right to life) and Article 14 (prohibition of discrimination) of the European Convention on Human Rights for not protecting a woman from repeated abuse and eventual murder by her husband as framed within an honour killing. The court found that failure to act by states is a violation of international obligations.

- UN Human Rights Committee General Comment No. 28 (2000)

It identifies honour killing as an act is a discriminatory act and violation of the ICCPR. General Comment has been referenced in a number of UN reports when countries have failed to prosecute honour killing effectively.

- CEDAW Inquiry Procedure (Optional Protocol at Article 8)

In several inquiries the CEDAW Committee has identified honour killings and recommended changes to law and shift in culture, for example in the case of Jordan and Morocco.

- Obstacles and Human Rights Advocacy

Legal frameworks are not enough; loopholes are a result of a combination of legal pluralism, cultural rationales, and patriarchal resistance. Even where the law is unambiguous, local communities (panchayats, jirgas, and informal tribal justice systems) in South Asia have, at times, opted to ignore state recourse completely, facilitating killings in the name of restoring honour.

Nonetheless, gendered silencing or blaming victims undermines international commitments to gender equality and ensuring non-discrimination. The UN has proposals for local level programming and advocacy [such as with UN Women and the UNFPA, etc (to commission)] to survivor architecture, legal reform, and educational awareness.

### **Theoretical framework**

- **Cultural Relativism vs. Universalism**

The issue of cultural relativism versus universalism is one of the more charged theoretical issues in international human rights law, and it has been the subject of much scholarly and practitioner debate.

Universalism, which is based on Enlightenment thought and has taken shape through codification in the Universal Declaration of Human Rights (UDHR), holds that some rights are "inalienable, essential, and universal" and therefore apply to everyone, in every circumstance, and at all times, independent of culture, religion, or geographic location. In this context, honour killing is an absolute violation of the right to life, dignity, and equality before the law.

Cultural relativism, conversely, explicitly denies this universality, arguing that human rights must always be interpreted in relation to that society's cultural, religious, and social context. In some communities in South Asia, sharam (shame) and izzat (honour) are integral to familial and collective identity, and cultural relativists argue that the imposition of external legal concepts may amount to a kind of cultural imperialism that disregards the local customs and lived experiences of individuals, or actions that they do not view as harmful or against custom.

Especially with respect to honour killings, however, cultural relativism begins to encounter ethical constraints. Although traditions may differ, killing women and girls (and sometimes men) in the name of honour should motivate scholars to argue that some cultural practice must be condemned when they are fundamentally violent and discriminatory.

Example: When a teenage girl is killed by her brother for choosing her own partner, cultural relativists may argue that such decisions breach familial codes. However, universalists view the act as a gross violation of the girl's agency and right to life, regardless of her cultural setting.

- **Realist Feminist Theory**

Realist feminist theory, especially in international relations and law, takes the focus away from legal abstraction and focuses instead on the structures of power, the interest of states, and gendered institutions in practice.

While liberal feminism focuses on legal reform and equality using right based discourse, realist feminism is instead concerned with the ways patriarchal structures are embedded socially and through state institutions. Patriarchal structures are reinforced through various means including not just denial of

women's rights but by adopting silence or accepted inaction. Honour-based violence is one of many behaviours tolerated, or even indirectly sanctioned by state structures, only punished when necessary.

In countries in South Asia, we would argue that states apply selective justice; prosecuting acts that challenge the authority of the state but are often inattentive and even inactive when accepting crimes under the guise of women's rights and patriarchal traditional values.

While legal reforms may exist, for example, Pakistan's 2016 anti-honour killing laws, weak enforcements, complicity of police actors, and silence of communities, realist feminists consider as indicators of male realities prioritising family name and reputation and social stability over justice-based outcomes for women.

A case of a woman reporting threats to her life and in fear of her life after she married outside her caste or religion, in case, an example of signals of patriarchal structures endorsed by local police are deference to possible community repercussions by non-intervention, community pressures, or even male bias on the police inaction.

#### ○ **Intersectional Feminism**

Intersectionality, a name coined by Kimberlé Crenshaw, adds another important layer. That is, we cannot just simply interrogate gender on its own, we also need to understand it in conjunction with the layers of caste, class, ethnicity and religion, particularly in the Global South.

For instance, in India, we see that honour-based violence is still a predominant form of gender-based violence, and even more alarming is that, within this honour-based violence, we see Dalit and Muslim, women disproportionately impacted, but their stories carry less weight and legal engagement across the country relative to that of the dominant caste. In this sense, intersectional feminist theory illustrates the ways in which international law and national based efforts often ultimately render these layers invisible.

For instance, if a Dalit girl were to elope with a man from an upper-caste, she could still face honour-based violence through the justification of caste codes. However, an intersectional analysis, would humorously identify that this is not just about gender, but also caste and would see this action simultaneously as caste-based violence.

The implications for an intersectional approach to honour killing are that, feminist activism alone is insufficient, an anti-caste, anti-racist and anti-classist critique of the law, and its institutions must be complementary to this work.

#### **Recommendations**

- **Codification of Specific Offences:** South Asian countries should enact clear and specific laws defining and penalizing honour killings as distinct criminal offences, ensuring they are not treated as ordinary homicides or crimes of passion.
- **Judicial and Law Enforcement Training:** Police, judges, and prosecutors must receive regular training on gender-sensitive approaches and the international obligations of states under human rights treaties, particularly in rural and traditional areas where such crimes are more common.
- **Victim and Witness Protection Frameworks:** Governments must establish secure, well-funded protection mechanisms for potential victims and witnesses, including safe houses, helplines, and community-based monitoring systems.
- **Community Engagement and Education:** Culturally sensitive awareness campaigns must be implemented at the grassroots level to challenge harmful norms around honour, purity, and gender roles. Engaging religious leaders, teachers, and local influencers is key.

- International Cooperation and Oversight: Regional cooperation among South Asian nations, facilitated by international bodies such as the UN and South Asian Association for Regional Cooperation (SAARC), should be encouraged to share best practices, fund victim-support programs, and track compliance with human rights obligations.
- Inclusion of Feminist and Intersectional Perspectives in Policy: Policymaking and legal reform should incorporate intersectional feminist insights to ensure that responses to honour-based violence reflect the lived realities of women across caste, class, ethnicity, and rural–urban divides.
- Accountability and Monitoring Mechanisms: Independent national human rights commissions and international watchdogs must be empowered to monitor state responses and ensure transparency in investigations and trials of honour killing cases.

## Conclusion

Honour killing is not simply an act of interpersonal violence—it is a systemic violation of human dignity rooted in deeply entrenched patriarchal, cultural, and social structures. In South Asian nations like India, Bangladesh, and Afghanistan, these crimes continue to thrive under the guise of protecting familial or communal honour, despite legal prohibitions and international human rights norms. This paper has demonstrated that while domestic laws in these countries technically criminalize honour-based violence, enforcement is often weak, selective, or influenced by socio-cultural biases.

International legal frameworks—including the UDHR, ICCPR, and CEDAW—clearly classify such acts as violations of the right to life, liberty, and equality before the law. However, the gap between legal commitment and actual implementation remains troubling. The debate between cultural relativism and universalism further complicates intervention. While respect for cultural identity is necessary, it cannot be used to excuse inhumane practices that deny individuals—especially women—their basic rights.

Through the lens of legal pluralism and feminist critique, it becomes evident that honour killings are both a symptom and a tool of gender inequality. They reflect not only societal failure but also legal and institutional complicity when states fail to respond adequately. If the international community and domestic governments are to uphold their legal and moral responsibilities, a comprehensive, rights-based, and culturally sensitive approach must be adopted.

## References

1. Encyclopaedia Britannica. (n.d.). *Honour killing*. <https://www.britannica.com/topic/honour-killing>
2. Merriam-Webster. (n.d.). *Honour killing*. <https://www.merriam-webster.com/dictionary/honour%20killing>
3. EBSCO. (n.d.). *Honour killing overview*. <https://www.ebsco.com/research-starters/psychology/honour-killing-overview>
4. Singh, A. (n.d.). *Honour killing: A socio-legal analysis*. Manupatra. <https://manupatra.com/roundup/337/Articles/Honour%20Killing.pdf>
5. Reader's Blog. (2021, May 13). *Honour killing in India*. *Times of India*. <https://timesofindia.indiatimes.com/readersblog/legal-awareness/honour-killing-in-india-33953/>
6. iPleaders. (n.d.). *Honour killings in India: Need for urgent reforms and new laws*. <https://blog.ipleaders.in/honour-killings-india-need-urgent-reforms-new-laws/>
7. Indian Kanoon. (n.d.). *Lata Singh v. State of Uttar Pradesh*. <https://indiankanoon.org/doc/92846055/>

8. iPleaders. (n.d.). *Shakti Vahini vs Union of India (2018): Case analysis*. <https://blog.ipleaders.in/shakti-vahini-vs-union-of-india-2018-case-analysis/>
9. Indian Kanoon. (n.d.). *Arumugam Servai v. State of Tamil Nadu*. <https://indiankanoon.org/doc/1406726/>
10. Supreme Today AI. (n.d.). *Judgement summary*. <https://supremetoday.ai/doc/judgement/02500003132>
11. Islam, M. R. (2023). *Honour killings and social psychology*. National Library of Medicine. <https://pmc.ncbi.nlm.nih.gov/articles/PMC10194999/>
12. Shafiq, M. (2020). *Psychosocial impact of honour killings*. National Library of Medicine. <https://pmc.ncbi.nlm.nih.gov/articles/PMC7386579/>
13. Government of Bangladesh. (2000). *Women and Children Repression Prevention Act 2000*. <https://bdlaws.minlaw.gov.bd/act-11/section-3131.html>
14. United Nations High Commissioner for Refugees (UNHCR). (2000). *Women and Children Repression Prevention Act 2000*. [https://www.refworld.org/sites/default/files/2024-07/women\\_and\\_children\\_repression\\_prevention\\_act\\_2000\\_bangladesh.pdf](https://www.refworld.org/sites/default/files/2024-07/women_and_children_repression_prevention_act_2000_bangladesh.pdf)
15. Dodd, V. (2012, August 3). *Shafiea Ahmed: A history of violence*. The Guardian. <https://www.theguardian.com/uk/2012/aug/03/shafiea-ahmed-history-of-violence>
16. Acid Survivors Foundation. (n.d.). *Kolpona Akter*. <https://acidsurvivors.org/kolpona-akter/>
17. The Daily Star. (2014, October 24). *College girl killed for dowry in Pabna*. <https://www.thedailystar.net/college-girl-killed-for-dowry-in-pabna-48167>
18. Sabir, M. (2021). *Cultural dimensions and honour killings*. SAGE Open, 11(3). <https://journals.sagepub.com/doi/pdf/10.1177/21582440211022323>
19. Pajhwok Afghan News. (2013, December 14). *Traditional local Jirgas violate human rights*. <https://pajhwok.com/2013/12/14/traditional-local-jirgas-violative-human-rights>
20. Amnesty International. (2022, July). *Women and girls under Taliban rule*. <https://www.amnesty.org/en/latest/research/2022/07/women-and-girls-under-taliban-rule-afghanistan/>
21. United Nations High Commissioner for Refugees (UNHCR). (2009). *Afghanistan Criminal Code*. <https://www.refworld.org/legal/legislation/natlegbod/2009/en/102513>
22. Constable, P. (2015, December 27). *Flawed justice after a mob killed an Afghan woman*. The New York Times. <https://www.nytimes.com/2015/12/27/world/asia/flawed-justice-after-a-mob-killed-an-afghan-woman.html>
23. Al Jazeera. (2015, July 7). *Failing Farkhunda means failing Afghan women*. <https://www.aljazeera.com/opinions/2015/7/7/failing-farkhunda-means-failing-afghan-women>
24. Amnesty International. (2023, November). *Pakistan: Authorities must end impunity of tribal councils*. <https://www.amnesty.org/en/latest/news/2023/11/pakistan-authorities-must-intensify-pressure-to-end-impunity-of-tribal-councils-as-honour-killings-continue-unabated/>
25. Pakistan Press Foundation. (n.d.). *Honour killings continue*. <https://pakistanpressfoundation.org/honour-killings-continue/>
26. Dawn. (2005, January 6). *Violence against women*. <https://www.dawn.com/news/380254>
27. The Nation. (2016, April 2). *1,096 women killed for honour in 2015*. <https://www.nation.com.pk/02-Apr-2016/1-096-women-killed-for-honour-in-2015>



28. Ashraf, R. (2023). *UN Women's efforts to abolish honour killing in Pakistan*. ResearchGate. [https://www.researchgate.net/publication/387912832\\_UNWOMEN%27s\\_Efforts\\_to\\_Abolish\\_Honour\\_Killing\\_in\\_Pakistan\\_Through\\_Transnational\\_Advocacy\\_Network\\_Strate](https://www.researchgate.net/publication/387912832_UNWOMEN%27s_Efforts_to_Abolish_Honour_Killing_in_Pakistan_Through_Transnational_Advocacy_Network_Strate)
29. Oxford Human Rights Hub. (n.d.). *Muhammad Wasim v. The State: Loopholes in criminal law*. <https://ohrh.law.ox.ac.uk/muhammad-wasim-v-the-state-loopholes-in-the-criminal-law-amendment-act-2016/?m>
30. BSoL Pakistan. (n.d.). *Decoding the Anti-Honour Killing Law in Pakistan*. <https://www.bsolpk.org/decoding-the-anti-honour-killing-law-in-pakistan>
31. Al Jazeera. (2020, December 15). *Pakistan's president urges fast-track rape legislation*. <https://www.aljazeera.com/news/2020/12/15/pakistans-president-speed-up-legislation-against-rape?utm>
32. Indian Express. (2016). *Pakistani-British woman murdered for marrying Shia*. <https://indianexpress.com/article/world/world-news/pakistani-british-woman-murdered-by-ex-husband-for-marrying-shia-2973044/>
33. Dodd, V. (2016, August 3). *Samia Shahid murder: Pakistani police confirm honour killing*. *The Guardian*. <https://www.theguardian.com/uk-news/2016/aug/03/alleged-honour-killing-victim-samia-shahid-murdered-pakistani-police-confirm>
34. United Nations. (1948). *Universal Declaration of Human Rights*. <https://www.ohchr.org/en/human-rights/universal-declaration-of-human-rights>
35. United Nations. (1979). *Convention on the Elimination of All Forms of Discrimination Against Women*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>
36. United Nations. (1992). *CEDAW General Recommendation No. 19*. <https://www.refworld.org/legal/resolution/cedaw/1992/en/96542>
37. International Criminal Court. (n.d.). *Legal tools documentation*. <https://www.legal-tools.org/doc/3d8910/pdf>
38. Legal Pawn. (n.d.). *Honour killing in India: A legal perspective*. <https://legalspawn.com/honour-killing-in-india-a-legal-perspective/>
39. Gopalan, S. (2021). *Intersectional perspectives on gender-based violence*. *London School of Economics*. <https://www.lse.ac.uk/women-peace-security/assets/documents/2021/WPS27Gopalan.pdf>
40. European Court of Human Rights. (n.d.). *Judgment press release*. [https://hudoc.echr.coe.int/eng-press?i=003-2759276-3020932&utm\\_source=chatgpt.com#{%22itemid%22:\[%22003-2759276-3020932%22\]}](https://hudoc.echr.coe.int/eng-press?i=003-2759276-3020932&utm_source=chatgpt.com#{%22itemid%22:[%22003-2759276-3020932%22]})
41. United Nations. (2000). *General Comment No. 28: Equality of rights between men and women*. <https://www.refworld.org/legal/general/hrc/2000/en/38892>
42. United Nations. (n.d.). *CEDAW inquiry procedure*. <https://www.ohchr.org/en/treaty-bodies/cedaw/inquiry-procedure>
43. Geneva Academy. (2021). *Briefing No. 20: Gender and transitional justice*. [https://www.geneva-academy.ch/joomlatools-files/docman-files/Briefing%2020\\_web.pdf](https://www.geneva-academy.ch/joomlatools-files/docman-files/Briefing%2020_web.pdf)
44. Patel, F. (2015). *Understanding honour-based violence*. *EUROPEAN ACADEMIC RESEARCH*, 2(12), 15789–15805. <https://euacademic.org/UploadArticle/239.pdf>



45. Scottish Centre for Law and Culture. (n.d.). *Looking at human rights through a multicultural lens*.  
<https://sclc.org.uk/looking-at-human-rights-through-a-multicultural-lens/>
46. Oxford Bibliographies. (n.d.). *Honour-based violence and legal studies*.  
<https://www.oxfordbibliographies.com/display/document/obo-9780199743292/obo-9780199743292-0320.xml>
47. Gender Security Project. (n.d.). *A feminist critique of realism and liberalism*.  
<https://www.gendersecurityproject.com/feminist-foreign-policy-articles-and-analysis/a-feminist-critique-of-realism-and-liberalism>
48. Dawn. (2024, March 25). *Unabated violence: Another case of honour killing*.  
<https://www.dawn.com/news/1881836>
49. Columbia Law School. (n.d.). *Kimberlé Crenshaw: Intersectionality, two decades later*.  
<https://www.law.columbia.edu/news/archive/kimberle-crenshaw-intersectionality-more-two-decades-later>
50. Holmström, M. (2022). *Legal protection for victims of honour-based violence*. DiVA Portal.  
<https://www.diva-portal.org/smash/get/diva2%3A1652424/FULLTEXT01.pdf>