
Gender Based Violence against Women: A Threat to Human Rights

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Abstract

This work analysed the various definitions of gender based violence. The questions explored in this work include why women are the prime victims of this violence. It also highlighted the importance of human rights of women under international agreements and declarations and what kind of rights women are guaranteed under these declarations. The work further highlighted the different approaches to violence against women with reference in Pakistan in circumstances such as forced marriages which tend to lead to some violence. It also explored honour killing as a few form of violence currently being faced by the women in the Western world and in Pakistan. The work frowned on why the society of Pakistan and other Muslim societies are brutal on these inhuman violations of basic human rights of women which have become a normal occurrence in the society of Pakistan. In addition all forms of these gender based violence against women were condemned. The work recommends that government should abolish all practices that tend towards the abuses and violation of human rights of women and come up with strong legislations to protect the rights of women and practical measures towards making the legislations effective against these abuses and violence. The work further submits that government should take the possible proactive measures and strategies for change which will be practically demonstrated, that which the government should take into consideration in order to control the high incidence of gender based violence in the country.

INTRODUCTION

The rights discourse and the concept of equality as a human right has fertilised constitutional reform and facilitated the incorporation of gender equality, and sometimes even specific child rights, in national constitutions. Despite international and national human rights norms and standards, gender equality remains a goal in most countries. Equality is necessary when addressing the gender discrimination, disadvantage and deep rooted social biases which have raised the importance of working towards the indivisible human rights for girls and women. Muslim women live in a world, which is structured by strict religious, family and tribal customs. They are subjected to discrimination and violence on a daily basis. Most Muslim countries interpretation of Islam views women as having the need for protection which ultimately results in their oppression physically, mentally and emotionally. Muslim women in the world are facing various forms of violence, discrimination and inequality in almost every aspect of their lives. However, violence against women in many fields is often not conceived

as a violation of human rights but rather as a normal aspect of lives of the Muslim society. They live in an atmosphere of fear, and their lives are guaranteed in exchange for obedience to social norms and traditions. Because of this fear and sense of being inferior, imposed by traditional thoughts of a male dominated society, women are suffering immensely especially in their homes. It can therefore be suggested that most abusive forms of violence being faced by women take place in their homes.

According to Bunch and Reilly violence against women narrows women's options in almost every sphere of life, public and private at home, in school, in workplace and in most community spaces.¹ It limits their choices directly by destroying their health, disrupting their lives and constricting the scope of their activity and indirectly by eroding their self-esteem and self-confidence.² In all of these ways violence against women hinders full participation of women in the society, including participation in full spectrum of development.³

Forced marriage is one of major types of gender based violence and an abuse of human rights faced by Muslim women worldwide. Forced marriage occurs within many cultures and classes. The UK Forced Marriage Unit received 1063 reports of possible forced marriages between January and August 2009 an increase of 25% on the same period of 2008. Nearly 40% of the cases involved people under the age of 18 and 85% of the cases involved women and girls who are mainly the victims. The nature of forced marriage means that a number of cases are not reported so the true scale of the problem remains unreported. The majority of cases being reported involved Pakistani background with the rest originating from other parts of South Asia, Middle East, Europe and Africa. A number of victims who have tried to escape such marriages have become victims of honour based violence and many more types of violence.

In recent years because of feminist activism and the media, women are becoming more vocal and active in demanding their rights, given by constitution and religion. Some of these African, Asian and Middle Eastern Governments have enacted legislation that would guarantee the protection of women's rights to some extent but still much more needs to be done.

Indeed there are different forms of violence faced by Muslim women which is in turn an abuse to the human rights more emphasis shall be placed on forced marriage. This paper will explore how England has attempted to regulate such instances which involve forced marriages that lead to a number of violence faced by Muslim women residing in England and Wales. This paper will also attempt to suggest some effective measures to be taken by people working with government, institutions and organizations in England and Wales in order to improve the overall situation. Besides the above, this paper will also be an attempt to express my personal feelings and perceptions towards the high incidence of human rights violations against women.

¹ Charlotte Bunch and Niamh Reilly: Demanding accountability: the global campaign and Vienna Tribunal for women's human rights: New Jersey: centre for women's global leadership (1994): pg 41

² Ibid

³ Ibid

1. Theoretical Framework

1.1 Gender-Based violence

According to Galles and Straus, “Violence is an act carried out with the intention of perceived intention of physically hurting another person”.⁴ It can also be defined as the exercise of power in order to impose one’s will on a person or to have one’s will with a thing. When this violence comes in the circle of gender relations, it becomes pervasive and prevalent problem worldwide, touching all aspects of women’s lives, from the home to the workplace.⁵

The definition of gender based violence was discussed in detail at the Asia Pacific Forum on Women, Law and Development (APWLD) in 1990 and participants concluded that the definition of gender-based violence is “any act involving use of force or coercion with intent of perpetuating or promoting hierarchal gender relations.”⁶ As women who are overwhelmingly victimized because of being women and because of their sex, the term gender-based violence is often used for the violence against women worldwide. According to UNESCO, violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared to men.

The United Nation General Assembly defines violence against women as: any Act of gender-based violence that results in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.⁷ This definition was concluded at the occasion of Declaration on the Elimination of Violence against Women in 1993 and also the UN General Assembly passed resolution 48/104 on 20 December 1993, which binds Member States to eliminate violence against women.⁸

Tomasevski highlights violence against women as: violence against women includes any act, omission or conduct by means of which physical, sexual or mental suffering is inflicted, directly or indirectly through deceit, seduction, threat harassment.⁹ Coercion or any other means on any woman with the purpose or effect of intimidating, punishing or humiliating her or defying her human dignity, sexual self-determination, physical mental or moral integrity or of undermining the security of the person, her self-respect or her personality or of diminishing her physical or mental capacities.¹⁰

⁴ Murray Straus and J. Gelles: Physical Violence in American Families: Risk Factors and Adaptations to Violence in 8, 145 Families: pg 5

⁵ Margaret Schuler: Freedom from violence: Women’s strategies from around the world (1992): New York: PACT Communications

⁶ Ibid pg 2

⁷ Symonides, Janusz and Volodin, Vladimir: A guide to human Rights-institutions, standards, procedures- Women and Human Rights, France: UNESCO publications (2002)pg 33

⁸ Ibid

⁹ Katarina Tomasevski: Women and human Rights: London /Atlantic Highlands: Zed Books Ltd (1993)

¹⁰ Ibid pg 91

Gender based violence ranges from different forms of physical harm, battering, rape; trafficking of women girls and young children; honour killing; sexual abuse to cultural and structural forms of violence. Thus cultural violence includes all those customs, traditions and societal practices that discriminate against women and girls such as forced marriages, exchange of women and girls in settling disputes amongst men. Structural forms of violence deny women equal opportunities and access to resources such as education, skill development and employment opportunities. Gender based violence is one of the most widespread human rights abuses that endangers the physical integrity and emotional well-being of victims particularly women and girls across the world.

1.2 Violence against women

Globally, one out of every three women is subjected to some of form of violence.¹¹ For many women in developing countries like Pakistan, family life involves a complex set of powers with many different people (men as well as women) who may take part in the abuse of women in the home.¹²

Lack of education and economic opportunities for women restrict the potential of women to think about their due rights. In addition, poverty and religious extremism are also roadblocks in the way of Pakistani women becoming progressive and independent. Women in Pakistan are highly connected with the honour of men. Men usually control their movements and behaviour whether he is a father, husband or brother. The women of Pakistan will have to go along way before they are able to get their rights in Pakistan.

Unless the traditional thoughts regarding women as inferior, or as personal property are changed, it might be difficult for women to get any sort of freedom from this atmosphere of fear. For instance there are women (mother-in-laws) who are also perpetrators of bride burnings to some extent in many parts of the world especially Pakistan, India and Bangladesh. It can therefore be suggested that it is not only a war between the masculine and the feminine sex, but also a war between family members in which women are mostly victims because of their subordinate and inferior position.

It seems that gender inequality in itself is the outcome of interconnection of direct, structural and cultural violence.¹³ According to Galtung if direct violence expresses itself directly by causing actors to inflict damaging or painful acts of violence on others, then structural violence, which can be viewed as indirect violence, expresses itself through social structures which deny some people opportunities whilst at the same time rewarding others who are situated on the other side of the structure.¹⁴

¹¹ Velzeboes M: Violence Against Women: The Health Sector Responds: The Pan American Health Organization 2003

¹² Yasmeen Hassan: The Fate of Pakistan Women: International Held Tribunal (1995): pg 25

¹³ Johan Galtung: Peace by peaceful means: Peace and Conflict, Development and Civilization; Oslo International Institute Peace Research Institute (1996)

¹⁴ Ibid

1.3 Human Rights of Women

One of the most discussed conflicts within the field of human rights has been between the promotions of universal human rights values versus cultural relativism. What lies at the very base of a theory of human rights was and still is the idea that human beings are owed certain things simply in virtue of being a human being. However, it is clear in the world today that all human beings are not accorded the same rights. While some live in comfort and move freely from one city to country to another merely for purposes of leisure, others live in conditions of poverty and despair and might be forced to leave their place of birth to seek basic subsistence.

As Peter Jones points out, ‘one conviction that underlies most conceptions of human rights is that all human beings all human individuals have intrinsic value simply as human beings.’¹⁵ In the Western world been articulated in terms of human beings owed certain rights. However, there are certain religions and cultures that believe they are already well aware of how to treat other humans and moreover they may see some human rights as contradicting their existing practices.

For women, this debate is particularly relevant. Often women are subordinate under the disguise of culture. At the same time women from the third world have historically not had a voice in the formulation of international human rights. Rather, feminism and rights have been dictated by the realities of Western women. The conventional wisdom in the Western world is that much of that treatment is contrary to human rights and that greater adherence to human rights regulations would eradicate the injustices to which women are subjected.

This debate continues today and some of its vocal participants have been defenders of women’s rights. There is no simple binary opposition between cultural relativist and universal positions. The most effective method of applying human rights across cultures, while including the voices of women and men from all social and geographic positions, works through culture in order to enrich human rights discourse and allow for broad acceptance for these notions.

The first argument is between those who propose universal human rights for all people including women and those who think that women’s rights cannot be decided by international law, but should be based on individual cultures. Feminists from the third world have been the leaders in breaking down the myth of “culture” as a disguise for women’s subordination. Deniz Kandiyoti, a feminist theorist who focuses on gender and the Middle East, analyzes on the ways that national identity and cultural difference are used to exert control over women in national building projects.¹⁶ Emphasizing women’s lack of rights as citizens, she says that dominant forces in the nation use cultural difference to mask women’s subordination.

Abdullahi An-Na’im, a Muslim legal scholar, walks in a line between abandoning notions of culture altogether and treating culture as a stable entity under which women can legitimately

¹⁵ Peter Jones: Rights (London : The Macmillan Press Ltd, 1994): 98

¹⁶ Deniz Kandiyoti: 376

be subordinated.¹⁷ He argues for universal human rights without discarding the importance of gaining cultural legitimacy for these rights to be meaningful.¹⁸ An-Na'im discusses the problems of claiming that human rights are culturally illegitimate.¹⁹ "To claim that something is culturally legitimate or illegitimate presupposes a settled and well-defined set of standards and a fair and consistent process by which those standards are applied".²⁰

Before going into detail about the violence against Muslim women which results from forced marriages that is in turn an abuse of human rights, it is necessary to mention the important aspect of women's human rights, guaranteed by the international agreements and declarations under the UN and other international bodies. The modern history of discussions regarding the human rights of women started in 1945 after the establishment of the United Nations Organizations. The UN Charter, 1945, is the first international document that declares the principle of equal rights for men and women.

Women's rights are human rights! This was a famous slogan coined during the United Nations Decade for women (1975-1985), which resulted in an adoption of the general motto for the emerging international women's rights movement.²¹ The special attention to women's rights was reflected in the Vienna Declaration and Programme of Action, which conformed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights' and therefore should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women.²²

The General Assembly created the Voluntary Fund for UN Women's Decade (UNIFEM) and the International Research and Education Institute for Female Developments (INSTRAW). In 1979 the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the UN General Assembly.²³ Article 15 of this Convention clearly states that state parties shall accord to women equality with men before the law.²⁴ According to Article 16, State parties shall take appropriate measures to eliminate discrimination against women in all matters relating with marriage and family relations shall ensure on a basis of equality of men and women.²⁵

¹⁷ An-Na'im, Abdullahi. "State Responsibility to Change Religious and Customary Laws." *Human Rights of Women: National and International Perspectives*. ed. Rebecca Cook. Philadelphia: University of Pennsylvania Press, 1994.

¹⁸ Ibid

¹⁹ Ibid

²⁰ Ibid (172)

²¹ Savitri Goonesekere: From social welfare to human rights for girls- a path to achieving gender equality: *International Journal of law in context* 10, 4pp: 478-493 (2014)

²² Vienna Declaration and Programme of Action of the World Conference on Human Rights, 12 July 1993, A/CONF.157/23 at para 18

²³ UN Convention on the Elimination of All Forms of Discrimination against women (CEDAW) (1979), art. 3

²⁴ Ibid

²⁵ Ibid

Substantive equality has become the basis for the (CEDAW) Committee's Concluding Observations in reviews of state party reports, as well as interpretations of the Convention in Communications on individual complaints and General recommendations.²⁶ It can therefore be suggested that human rights, whatever form they take and from wherever they are derived, must acknowledge and reinforce this fundamental equality. The onus is of course on States to observe these regulations because, it is generally agreed upon in the contemporary political arena that the purpose of human rights is to protect individuals in modern nation states.

Numerous further international provisions exist with the specific aim of improving the protection afforded to women victims of violence. The 1993 UN Declaration on the Elimination of Violence against women,²⁷ the Council of Europe's Recommendation on the protection of women against violence,²⁸ and the 2011 Council of Europe Convention on the Protection of combating violence against women and domestic violence (Istanbul Convention).²⁹ It is important to note that the Istanbul Convention is remarkable for its lofty aspiration in creating a Europe free from violence against women and domestic violence.³⁰

However, the theory of human rights in turn tends to be understood by men and women of third world as a western concept, serving purely western interests. The current understandings of human rights in international law will still fail countless numbers of Muslim women, because such women tend to live in States that are poor and that are suspicious of the secular views of the west and because there is more to female suffering.

1.4 Forced Marriages as a form of Gender Based Violence which is an abuse of human rights

It is important to consider one of the major themes of feminist works is found in the field of human rights.³¹ One of the principal targets of the feminist critique is the distinction between the public and private world that is the characteristic of international human rights law and the liberal ideology that underlies in it.³² In that ideology individuals ought to be free to behave as they please in the private world. Feminists point out that women in the world over are still very much relegated to the private sphere and that women's presence in public life is still the exception rather than the norm. For many women, everyday day experiences comprises of their family and the home. This does not necessarily mean that women are necessarily safe from

²⁶ Art. 2, especially art. 2(c); art. 4, General Recommendations No 24 (1999) para. 13, No. 25, (2004) paras. 4, 7–9, No. 28, (2010) paras 9, 10–13, 16; Concluding Observations discussed in Byrnes (2012, pp. 62–65_ ; *AT v. Hungary*, CEDAW Communication No 2/2003 (2005) CEDAW/C/32/D 2003.

²⁷ UN, Declaration on the Elimination of Violence against women of 20 December 1993 (GA/RES/48/104)

²⁸ 26 November 2009

²⁹ Council of Europe, Rec (2002) 5 of the Committee of Ministers to member states on the protection of women against violence

³⁰ *Ibid*

³¹ Claire Bessant: Protecting Victims of Domestic Violence- Have We Got the Balance Right? *Journal of Criminal Law* 79(102) 2015

³² *Ibid*

persecutions and violations of their human rights, because for women the majority of abuses occur within what is deemed to be the private sphere: the family.

One question that needs to be addressed is what human rights say about marriage? It is important to note that marriage shall be entered into only with the free and full consent of the intending spouse. The above statement, which is part of Article 16(2) of the Universal Declaration of Human Rights, also distinguishes between an arranged marriage and a forced marriage. An arranged marriage is “a marriage agreed upon by the families or guardians of the couples involved, while a forced marriage is a marriage conducted without the full consent of both parties”.³³

It is important to emphasize that there is a difference between forced marriages and arranged marriages. Thus an arranged marriage occurs when a member of the family, a close friend or a third person party (hoping to hinge their way into the family) help bring two supposedly compatible families together in matrimony. Arranged marriage is a Western term that usually distinguishes unions by the role parents or older family members play in choosing a spouse. As earlier mentioned these marriages are common in Southeast Asia and parts of the Middle East.

Forced marriage is an appalling and indefensible practice which is recognized in the UK as a form of violence against women and men, a serious abuse of human rights and where, a minor is involved, child abuse.³⁴ For instance most marriages in Pakistan are in accordance with the Muslim religion, and are governed by the Muslim Family Laws Ordinance 1961. Under the Child Marriage Restraint Act 1929, the minimum age for a Muslim girl’s marriage was 14, and 18 for a boy. The girl’s age was raised to 16 by the Muslim Family Laws Ordinance 1961, and the boy’s remained at 18. Parties of the same degree of relationship are permitted to get married. It should be noted that child marriages are regarded as illegal, and punishable by a fine and imprisonment, they are nevertheless regarded as valid.

Forced marriage is a form of gender based violence which falls under cultural violence. Forced marriage is a term used when a person is made to marry against their will. Forced marriage takes place when there is absence of free and full consent of one or both parties, but the parties are forced to get married under duress, including physical and emotional pressure, usually from their families.³⁵ In addition a child marriage should be considered a forced marriage as children lack the capacity to make a fully informed and consensual decision to marry or not. According to the organization Forward UK, “Child marriages must be viewed within a context of force or coercion, involving pressure and emotional blackmail and children that lack the choice or capacity to give their full consent.

³³ A. Kazimirski et al 2009

³⁴ Charlotte Rachael Proudman: Enacting a Specific Criminal Offence of Forced Marriage: Criminal Law and Justice Weekly (2012) 176 JPN 281

³⁵ Jan Miller: Tackling Forced Marriage and Domestic Abuse: 164 New Law Journal 7611, p5 (3) 2014

According to the European Convention of Human rights, forced marriage is a fundamental violation of an individual's human rights, namely the right to marry, pursuant Art 12. Women and men, young and old, healthy and disabled are forced into marriage every year in England and Wales.³⁶ Public authorities in England and Wales must act in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention).³⁷ In *Osman v United Kingdom* the ECtHR made it clear that Article 2 of the European Convention imposes an obligation upon the State to protect individuals from threats to their lives posed by third parties, where the authorities knew or ought to have known... of a real and immediate risk to the life' of that identified individual.³⁸ Accordingly courts, the police and the Crown Prosecution Service must take positive steps to protect life and prevent torture and inhuman and degrading treatment.³⁹

Forced marriage is a breach of an individual's human rights and also lead to a catalogue of other abuses of human rights-domestic violence, rape, genital mutilation and even murder-thus encompassing: Art 3 (prohibition on torture or inhumane or degrading treatment); Art 4 (prohibition on slavery or servitude and forced labour); Art 5 (right to liberty and security of person); Art 8 (right to respect for private and family life); and Art 17 (prohibition on abuse of rights).⁴⁰ With respect to murder, these "honour based" killings which shall be discussed in detail in chapter two, occur as a result of an individual "dishonouring" or "shaming" the family by refusing to marry the individual chosen for him/ her or leaving the forced marriage for another, unsuitable individual.⁴¹

For instance a 17 year old British Asian girl enters into a relationship with a white British male, the girl's parents do not approve of the relationship and send the girl ostensibly for a holiday to her paternal grandparents' house in Pakistan.⁴² Upon arrival in Pakistan, the girl is kept a prisoner in the house and is threatened into marrying he first cousin before she is allowed to return home.⁴³

2: FORMS OF VIOLENCE AGAINST MUSLIM WOMEN

2.1: Cultural and Structural violence

Violence against women is a worldwide problem because it includes half of the humanity. Over the last three decades, violence against women has become a major public and academic interest. It is evident that there are various forms of violence ranging from domestic violence

³⁶ Jacqueline Renton: Family: Age of Consent?: 159 *New Law Journal* 1347 (2009)

³⁷ European Convention for the Protection of Human Rights 1950

³⁸ (1990) 1 FLR 193

³⁹ *Ibid*

⁴⁰ *Ibid*

⁴¹ *Ibid*

⁴² *Ibid*

⁴³ *Ibid*

to sexual violence, and from culturally sanctioned forced marriage to female genital mutilation are inflicted on women around the world.⁴⁴

Cultural violence is any aspect of culture that can be used to legitimize violence in its direct or structural form.⁴⁵ There are many and structural and cultural causes which provide sound basis for continual perpetuation of violence against women all over the world.⁴⁶ According to Harvey and Gow, “History of violence against women is tied to the history of women being viewed as property and a gender role assigned to be subservient”.⁴⁷ Pakistan society is a true example of manifesting this violence where there are deep-seated beliefs based on culture and traditions, norms and social institutions that legitimize and therefore perpetuate violence against women. Women are considered as personal properties of men and men control every aspect of lives of women including their behaviour and movements. Men in these societies make decisions and women have to follow these decisions even about their own lives. Male relatives of woman decide how the woman has to spend her life.

In most societies different values are transmitted to boys and girls from an early age. Girls are reared to be docile, obedient and nice. In many places they are brought up to believe that their role is to serve men, to sacrifice their own needs for the good of the man and for the well-being of the family.⁴⁸ Since their childhood their movements are monitored, controlled and restricted so that she might not do anything insulting or dishonouring against the honour of family or male relatives. The maintenance of family honour is also another serious problem to be faced by women. To maintain the centuries old traditions of honour and dignity regarding women’s limitations within the home sphere, families limit women’s mobility, place restrictions on their behaviour and activities, and permit them only limited access of education, so that they do not act contrary to their family’s and society’s values. According to Human rights lawyer Hina Jilani,” women’s right to liberty in Pakistan is restricted in the name of modesty, protection and prevention of immoral activity all this is done in the name of social morality”.⁴⁹ This kind of behaviour, apparently tending towards protection of women, finally results in form of oppression of even basic human rights of women.

It is unfortunate that in Pakistan and in many other Muslim countries, the linking of women with men’s honour is a problematic issue. People in Pakistan think that this is against their honour that women should have freedom and rights like western women enjoy. For instance they will not let her work outside the home, go outside the home, and play outside the home, whereas men do not have such limitations. It is important to note that women grow through

⁴⁴ United Nations Division for the Advancement of Women : Honour killings and the Quest for Justice in Black and Minority Ethnic Communities in the UK: EGM/GPLHP/2009/EP.03/ 12th June 2009

⁴⁵ Supra Note 10

⁴⁶ Ibid

⁴⁷ Harvey and Gow (1994): pg 36

⁴⁸ Supra Note 10

⁴⁹ Hina Jilani: Human Rights and Democratic development in Pakistan (1998):Montreal International Centre for Human Rights and Democratic Development: p 143

their families and not outside them.⁵⁰ One question that needs to be addressed is, if they feel a sense of insecurity, then what can be expected from the society, as family is one of the basics institutions of the society?

Cultural and traditional practices and inadequate responses of society, has led to Muslim women being the victims of direct violence, and in most cases they are killed mercilessly in the name of honour, customs. When the majority of men follow the same practice of killing women, it is structural violence, which is embedded in patriarchal setup of society and when society does not give adequate attention towards this inhuman practice, it can be said to be a manifestation of cultural violence, which is legitimizing structural and direct violence. Galtung highlights patriarchy as an institutionalization of male dominance in vertical structures, with very high correlations between position and gender, legitimized by the culture and often emerging as direct violence with males as subjects and females as objects.⁵¹ Therefore when people in a society do not acknowledge or fail to perceive the patriarchy, it can easily be explained as cultural violence.

Violence against Muslim women not only brings physical injuries to women but also puts psychological impacts on their power of thinking and behaving.⁵² It is unfortunate that Pakistani society is not reacting against this vicious circle of violence to a considerable extent because of ignorance and an overall gender-based biased approach.⁵³ Therefore unless gender equality is pursued, male dominance will still be rooted in the society which will not control violence against women.

Forced marriage of young girls continues to occur in the Western world and in Middle Eastern countries. It is also important to note that Muslim women face the threat of multiple forms of violence, including sexual violence by family members and strangers, domestic abuse, including spousal murder by family members, being burned alive, having acid thrown on them, being beaten and threatened; and ritual honour killings.⁵⁴ Despite the levels of intra family violence against women, it is still wide spread belief that the violence is a family matter that does not require adequate governmental intervention.⁵⁵ However, although considerable progress has been made toward understanding the nature of violence against women, much needs to be done in preventing the violence, as well as in addressing the causes and the consequences of the widespread problem.

⁵⁰ Margaret C. Hall: Women and empowerment: Strategies for increasing autonomy, Washington: Hemisphere Publishing Corporation (1992): pg 52

⁵¹ Supra Note 10

⁵² Supra Note 48

⁵³ Ibid

⁵⁴ Supra Note 35

⁵⁵ Ibid

2.2: Factor(s) that give grounds to the Perpetration of Female Violence as a result of Forced marriage

2.2.1 Honour Killings

Honour killings are one of the worst forms of violence against women. Honour killings occur both in the Western world and Middle Eastern countries and this has been criticized because of the dramatic rise of such killings. For the purposes of this paper, a working definition of term honour based violence will be considered to constitute any form of violence perpetrated against women within the framework of patriarchal family structures, communities, or societies, where the perpetration of the violence is accepted as the social construction of honour as a value system, norm, or tradition.⁵⁶ However, the definition of the term put forward by the Council of Europe does not recognize some of the complexities of the issue, but it does not adequately cover the spectrum of behaviours that involve power, control, domination, and intimidation, any and all of which are harmful and almost directed at vulnerable and more powerless individuals, usually women and children.⁵⁷

Honour based violence is usually differentiated from other forms of domestic violence on the grounds that it a) occurs within the framework of collective family structures, communities and societies; b) involves a premediated act, designed to restore a societal construction of ‘honour’ as a value system, norm or tradition; and c) is based on men’s putative right to control women’s sexual and social choices, with a perception of women as the property of men.⁵⁸ The traditional view of honour based violence is that it is a unique category of violence that encompasses a broad range of violent crimes most of which are committed against women and girls. Forced marriage and FGM are treated alongside other honour crimes, such as honour revenge, forced virginity, forced hymen repair, forced abortion, imprisonment of partners, and other forms of coercion and other forms of abuse.⁵⁹

Honour killings therefore refer to the murder of a woman by members of her family who do not approve of her sexual behaviour.⁶⁰ This can include the woman’s female family members most often her mother or her mother in-law. The murder is usually intended to restore the family’s social reputation. The term honour also disguises that fact that this is a premeditated crime, furthermore, suggesting that a woman is killed for having besmirched her own honour implies that she is in some way brings the crime upon herself.

⁵⁶ Aisha Gill: Honour killings and the quest for justice in black and minority ethnic communities in the UK: Criminal Justice Policy Review (2009)

⁵⁷ Council of Europe (2002): Crimes of Honour: Stockholm; Council of Europe Publications

⁵⁸ Sen P: Successes and Challenges: Understanding the Global Movement to end violence against women: In M. Kaldor, H.K. Anheier & M. Glasius, Global Civil Society (pp119-150): London Oxford University Press 2003

⁵⁹ Dustin M: Gender Equality, cultural diversity: European Comparisons and lessons: London: London School of Economics 2006

⁶⁰ Werbner P: Veiled Interventions in pure space: Honour, shame and embodied struggles among Muslims: Theory Culture Society, 24, 161-186 2007

For instance one off cited case of honour based violence exhibits a number of common characteristics of family honour killings. In the 1998 case, a woman from Derby in the UK, Rukhsana Naz, who was forced into marriage at 16, was murdered by family because they thought she had become pregnant as the result of an adulterous relationship.⁶¹ She was effectively judged to have been in contravention of her community's laws and deemed sexually deviant; her behaviour represented a violation of Pakistani norms and values and so brought shame upon her family.⁶² It seems that once a family's reputation is thought to have been dishonoured in this way, the culpable woman whether she be a sister, daughter, or daughter in law is in danger of being killed. The killer will then believe their actions to be a form of honour cleansing that is of wiping away a stain on the family honour. The number of honour killings that have been prosecuted in the UK emerges that almost all defendants who were mostly Pakistani, Sikh and Kurdish backgrounds offered a cultural defence, claiming that the victim has dishonoured the family, and killing her was an obligation imposed by culture, tradition and the communities moral values.

CONCLUSION AND RECOMMENDATIONS

This work has discussed the various definitions of gender based violence. The questions explored in this work include why women are the prime victims of this violence. It has also highlighted the importance of human rights of women under international agreements and declarations and what kind of rights women are guaranteed under these declarations.

The work further highlighted the different approaches to violence against women with reference in Pakistan in circumstances such as forced marriages which tend to lead to some violence. It also explored a few form of violence currently being faced by the women in the Western world and in Pakistan. In this work direct violence like honour killings is discussed. The work frowned on why the society of Pakistan and other Muslim societies are brutal on these inhuman violations of basic human rights of women which have become a normal occurrence in the society of Pakistan. In addition all forms of these gender based violence against women were condemned.

The government should abolish all practices that tend towards the abuses and violation of human rights of women and come up with strong legislations to protect the rights of women and practical measures towards making the legislations effective against these abuses and violence.

This work strongly recommend that government should take the possible proactive measures and strategies for change which will be practically demonstrated, that which the government should take into consideration in order to control the high incidence of gender based violence in the country. The government should ban all forms of gender based violence in the country since it is against human rights and such positive measure will be a possible step that may eradicate the fear and danger of violence towards women.

⁶¹ Supra Note 56

⁶² Ibid

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