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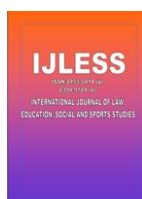


## **Aspects of Honour Killing and Human Rights**

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### **ABSTRACT**

Honor killings are examined in this article as detrimental cultural practises that require worldwide legal acknowledgment. They are the offspring of patriarchal society and are intrinsically tied to the value of female behaviour in maintaining the honour that is symbolised by women. Some legal systems uphold certain cultural traditions despite the fact that they violate human rights and constitute abuses. The lack of effective international rules on this subject, with Cedaw being the only global international treaty that refers to harmful cultural practises, encourages the development of a broad definition of honour killings.

**Keywords:** Honor killings; cultural practices; Women rights

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### **INTRODUCTION**

Honor killings are the fruit of justice carried out by men in the name of tradition, which have social approval, and have an enormous impact on the lives of thousands of women around the world. In communities for which honor is the primary value, its preservation depends on the conduct and behavior of its female members; the above establishes a patriarchal custom.

In this sense, Radhika Coomaraswamy (2005), the Special Rapporteur on violence against women in the years 1994-2003, pointed out that honor killings constitute the most evident manifestation of control over women's sexuality. Indeed, the power exercised by men influences all aspects of women's lives, leaving them with no margin of freedom. If the man is not able to control the behavior and sexuality of the woman, he is liable to lose honor and bring shame.

In this dimension, the reputation of the man and the whole family depends on the good behavior of the wife, mother or daughter. Women are assigned the power to control male honor, and at the same time, the same patriarchal society demonstrates women's weaknesses and male superiority. The foregoing constitutes a paradox, since the primary virtue, which for men is honor, depends on the woman, who is *de facto* deprived of her fundamental rights and freedoms.

In this way, honor killings are harmful cultural practices 1 in the exercise of human rights, not recognized as crimes by some domestic legislation. The reason for what has been pointed out is found both in the protection granted to them by the concept of honor, and in the attachment to culture and custom 2.

In this sense, the objective of the article is to analyze honor killings as harmful cultural practices and demonstrate the need to establish a broad and universal definition at the international level, in order to classify these crimes as such. The foregoing, in light of the Convention on the Elimination of

All Forms of Discrimination Against Women (Cedaw), the only international legal instrument of a universal nature that alludes to cultural practices, but which turns out to be insufficient when it comes to eradicate such crimes<sup>3</sup>. For this reason, it is necessary to define honor killings and include them in a binding international instrument, in order to influence changes in the domestic legislation of the States in which they are carried out, configuring them as crimes, as they are harmful practices that They don't deserve justification.

## 1. CONCEPTUALIZING HONOR CRIMES

Human Rights Watch (2001) defines honor killings as "acts of violence, generally homicides, committed by male members of the family against the women of the family, perceiving that they have stained the honor of the family" (s/ n). Indeed, these crimes constitute a manifestation of cultural practices and honor-based violence, exercised in certain societies that leave women in a position of subordination to men, who act demonstrating their dominance over them. Although there are known cases of male victims of honor killings, these crimes in most cases affect women<sup>4</sup>. Notwithstanding the foregoing, it is difficult to define the exact number of such crimes that take place in various countries. However, the United Nations Organization -UN- (2010) estimates that approximately five thousand women and girls die every year at the hands of their husbands, fathers or brothers in the name of honor.

Thus, honor killings are framed in a cultural context in which women are seen as the property of men and where honor constitutes the primary value, naturalizing violations of women's fundamental rights. In this dimension, the Report of the Special Rapporteur on violence against women, its causes and consequences (UN Commission on Human Rights, 2002), indicates the countries in which the practices of honor killings took place: Egypt, Jordan, Lebanon, Morocco, Pakistan, Syria, Turkey, Yemen, among other Mediterranean and Persian Gulf countries, in addition to those committed within Muslim communities, specifically in Western countries such as France, Germany, and the United Kingdom.

This cultural context is essential to understand the problem of honor killings, since the attempt to protect certain practices by culture is linked to cultural defense. However, in my opinion, culture is susceptible to mutating over time or at each historical moment, but many times, it serves as a foundation to resist certain changes and protect violent practices that affect fundamental rights. Indeed, in the face of the social and global demand that reproaches such habits, culture is framed as an instrument to keep this type of practice unscathed. In a similar sense, Siddiqui (2005) points out that cultural defense "reinforces patriarchal power" (p. 265). In this way, the cultural argument serves as an excuse for such atrocities, which consequently leaves the aggressors unpunished<sup>5</sup>.

Although there is no universal definition of honor killings, Welchman and Hossain (2005) point out that said atrocities are justified in the social order that requires the preservation of honor. This is expressed in the control, especially of the woman's sexual conduct, that the man or the family exerts over her. Consequently, there are various manifestations of honor killings, such as honor killings, female genital mutilation (FGM), induction to suicide, acid attacks, dowry-related crimes<sup>6</sup>, confinement, assaults and interference in the choice of husband<sup>7</sup> (Welchman and Hossain, 2005). For these purposes, I will understand honor killings as brutal acts of violence against women, which encompass a wide range of practices carried out by male relatives on women in order to clean up the dishonor.

Complementing the above, extensive criticisms of the concept of honor killings can be found in the doctrine, since the term *honor* used to emphasize this crime implies that the woman "brings the crime herself" (Elakkary *et al.*, 2014, p.77). The organization UN Women (s / f) encourages the use of the word "honor" in quotation marks, in order to accentuate the absence of honor in this type of crime.

According to Radhika Coomaraswamy ( UN Commission on Human Rights, 1999 ), "honor is defined in terms of sexual and family roles assigned to women, dictated by traditional family ideology" (para. 18), and points out as an example of practices that stain the family honor, rape, adultery, pre-marital relations -including or not sexual relations-, or the maintenance of a loving relationship with the person not accepted by the family. Consequently, women who act in ways that are non-traditional and not acceptable to the community are blamed for bringing shame and dishonor to the family.

In a similar sense, the motives for said crimes can be different and include, apart from those indicated, seeking a divorce, rejecting a forced marriage or falling in love with a man who is not accepted by the victim's family ( The Advocates for Human Rights, 2008 ) . . In some communities where this happens, the simple fact of speaking or communicating with a man without the presence of third parties, smoking tobacco or receiving a love song dedicated on the radio can cause such atrocities 8 .

In this way, it is the phenomenon that derives from patriarchy, a social system that promotes the idea of the superiority and dominance of men in society ( Postigo, 2001 ). Patriarchy determines the role played by both sexes in the community and leaves women in an inferior situation. This differential treatment is caused by the fact that society sees women not as human beings, but as sexual beings ( Kambarami, 2006 ). Following Pateman (1995), "the [patriarchal] construction of the difference between the sexes is a difference between freedom and subjection" (p. 16). For its part, honor is maintained through submission and domination over women, a situation in which honor killings constitute a mechanism used by men to maintain patriarchal dominance. The authority they hold over the body, appearance, gestures... of their mothers, daughters, sisters or wives is closely related to the acceptance and consent of society and the family. For this reason, I consider that using the motive of honor in a cultural and non-patriarchal dimension can have harmful consequences for women, especially in the area of protection of their fundamental rights 9 .

Thus, *punishments* 10 disguised as honor killings arise as a consequence of the violation of community norms and the subsequent collective decision regarding responsibility ( Sen, 2005 ). These crimes are characterized as community crimes, since it is society that judges and decides on the fate of its members 11 .

In a similar sense, Manjoo ( UN Human Rights Council, 2012 ) indicates that honor killings are not a new phenomenon, since they are a manifestation of one of the forms of violence against women. From this perspective, violence constitutes arbitrary and discriminatory treatment, and prevents women from exercising some fundamental rights 12 . Thus, as the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women points out, its roots are rooted in "historically unequal power relations between women and men" (Belem do Pará Convention, 1995, p. 2), which they establish an instrument of control in the hands of men in the family, community and state context. Indeed, what distinguishes honor killings from *habitual* forms of violence is the objective that falls on the preservation of family honor, justified and driven by the pressure of society. As Chesler (2009) indicates , in the case of habitual abuse, the perpetrators suffer social ostracism and are rejected and isolated by the community. For their part, the perpetrators of honor killings enjoy respect in society, and are often called "victims of fate", which distinguishes them from *true criminals* ( Onal, 2008 ).

In this dimension, Sen (2005) points to the need to address a clear definition of honor killings as a gap that must be filled. The variety of manifestations of violent acts that constitute cultural practices and the imprecision regarding the delimitation of which of them are committed in the name of honor generate confusion when dealing with such crimes. For this reason, it is possible to affirm that the breadth of the definition of honor crimes does not allow considering various manifestations of them, which implies that they are seen as ordinary forms of violence against women, forgetting the essential factor that these atrocities entail. : clear the honor.

## **2. THE CULTURE OF DISCRIMINATION: HONOR CRIMES AS HARMFUL CULTURAL PRACTICES**

In sociological terms, the concept of culture refers to the "set of values, customs, beliefs and practices that constitute the way of life of a specific group" ( Eagleton, 2001, p. 58 ); thus, culture is the fruit of history that reflects said way of life ( Gbotokuma 1992 ). In this way, cultural practices represent the values and customs of each society that are deeply rooted and cultivated by the same communities, generation after generation ( Maluleke, 2012 ). Following Thompson (2002) , "the symbolic forms transmitted from the past constitute daily customs, beliefs and practices (...) that play a fundamental and active role in people's lives" (p. 68).

In this regard, all cultures have specific cultural practices. In this sense, Thompson understands by such:

[A]n system of symbolic appropriation, as the set of behaviors, actions, gestures, statements, expressions and conversations that carry meaning, by virtue of which individuals communicate with each other and share spaces, experiences, representations and beliefs ( Thompson, 1993 , cited by Cornejo and Bellon, 2001, p. 68 ).

Despite the fact that various habits promote certain values and reveal prejudices, others are often used to justify violence against women (United Nations, 2011).

Along the same lines, the in-depth study on all forms of violence against women by the Secretary General of the United Nations (2006) indicates the cultural norms that are its result, and refers, as examples, to crimes committed in the name of honor. In addition, he adds the existence of States and social groups that suggest cultural justifications in order to restrict women's human rights, alleging the defense of cultural tradition.

As Gbotokuma (1992) warns , getting used to certain cultural practices, especially rigorous ones, damages both the physical, mental and emotional well-being, as well as the integrity of women. Several of them adopt forms of domination performed by men over women. Complementing the above, Thompson (1993)explains that a practice exercised over a long period of time usually becomes a non-disputable or objectionable habit, due to the fact of being naturalized. A clear example of these are honor killings- ancient customs from pre-Islam times, which have their roots in Hammurabi's Code, dating back to 1752 BC. C., and called the first historical legal body (some rights of women, dowry, marriage and divorce are recorded in it). Reviewing the uses, habits and traditions of ancient civilization, it justifies the abuse of women, whom it perceives as an object whose virginity belongs to the family, and allows them to be killed if they have committed adultery ( Griswold, 2001 ).

In this way, these laws gave way to what we now know as honor crimes, which are the result of the violation of the so-called "honor codes" - customary norms built based on the need to safeguard honor, which serve to establish the social meaning of gender- ( Sen, 2005 ). Compliance with codes of conduct in some societies is ensured by community courts that function as autonomous governments<sup>13</sup> and are governed by unwritten rules that are often in conflict with the official legal systems of the States<sup>14</sup> . As a consequence, it is common for this set of norms to be more respected by members of society than ordinary laws (Nadeem, 2002 ).

In this sense, the codes of honor represent a way of life and a vision of the world that are transformed into the actions that the members of the community exercise in order to maintain the fundamental values that are honor and revenge ( Perlmutter, 2011 ). The value system, as Pitt-Rivers (1966) explains , is interrelated and does not apply to all members of society equally, but differs between groups defined by sex and occupation, among others. The author points out that honor translates into the way individuals act, and, depending on whether they belong to one or the other sex, it implies different modes of conduct: a woman violates honor by adulterating her sexual purity, which

It doesn't happen when a man does it (Pitt-Rivers, 1966 ). Thus, the maintenance of the fundamental value that is carried out by following the codes of honor protects the family name that is closely linked to honor ( Jafri, 2008 ).

In my opinion, what has been pointed out leads to a contradiction that occurs in these societies, since the essential value, which is honor, depends on the woman who is treated as an inferior being.

In this way, various cultural practices generate negative results, preventing women from enjoying their rights and freedoms, and reflect the discrimination they suffer in society. Although no international convention of a universal nature alludes to crimes committed in the name of honor, these imply violations of various human rights guaranteed in current international instruments. For its part, the Universal Declaration of Human Rights states in its article 1 that "all human beings are born free and equal in dignity and rights" ( UDHR, 1948) which, when carrying out said atrocities, includes the infringement of the right to liberty and equality. In the same way, the exercise of the right to life and personal security (honor killings) 15 , the right to non-discrimination (crimes related to dowry) 16 , the prohibition of torture or other treatment is affected. cruel, inhuman or degrading (acid attacks) 17 , the right to marry and found a family, (forced marriages) 18 .... Along the same lines, the United Nations High Commissioner for Human Rights ( UN Office of the High Commissioner for Human Rights, 1995b) indicates that the practice of female genital mutilation, in addition to the aforementioned rights, violates the Convention on the Rights of the Child, and affects the "enjoyment of the highest possible level of health and services for the treatment of illnesses and the rehabilitation of health" ( CRC, 1989, art. 24 para. 1 ) 19 . For its part, the practice of forced child marriages implies the early age for marriage, constituting a violation of the rights of women ( UN Commission on Human Rights, 1994 ) and the rights of the child.

According to Coomaraswamy ( UN Commission on Human Rights, 2002 ), "(L)honor killings establish one of the many practices that constitute a form of domestic violence, but they have not been subjected to national and international computation, since they are considered practices cultures that deserve tolerance and respect" (p. 3). The confusion that often results from treating crimes committed in the name of honor as part of certain cultures often prevents them from being seen as cases of human rights violations, and this is the reason why they are not they question and continue to persist. In this way, it is common to use the concept of culture in order to defend the subjugation and inferiority of women, maintaining patriarchal relations between women and men (Grieff, 2010 ).

Thus, Raday (2007) observes that the customs rooted in cultures that are governed by patriarchal norms contradict, regarding the treatment of women, with the contemporary doctrine of human rights. Complementing the above, Gill points out that these practices, because they are cultural, find protection in the internal legal systems of the countries in which they occur ( Gill, 2009 ). In this sense, it can be seen that in States where customs and traditions are deeply rooted, national laws protect honor and put it before human life. One of the examples is article 340 of the Jordanian Penal Code, which does not provide any penalty for the murderers of adulterous women ( Hussein, 2012 ) 20: "Whoever discovers his wife or one of his female relatives committing adultery with another, and kills, wounds or injures one or both of them, is exempt from all punishment" (Jordanian Penal Code, 1960) 21 . Indeed, as Devers and Bacon (2010) point out , legal systems reflect the social perception of honor killings, justifying the perpetrators of said crimes.

In a similar sense, Coomaraswamy (2001) points out that honor killings and other practices that are harmful to women are usually justified by respect for multiculturalism 22 and cultural relativism.

This concept, which serves as a framework to interpret harmful practices, responds to the idea that a culture can only be understood in its own meaning; therefore, the norms of other cultures are not applicable to it ( Mitchell, 1979 ). In these terms, cultural relativism gives each culture the freedom to

practice and develop the moral values that are deemed relevant. The social pressure to preserve them and respond to the system imposes the exercise of this type of customs.

Following Rachels (2003), cultural relativists maintain that in different societies there are different moral codes that have the same status among them and determine the appropriation of the actions of the societies in which they govern, lacking an objective norm to judge them; therefore, any cultural practice deserves tolerance and consideration. As a result of what has been stated, it is possible to verify a tension between "the need for tolerance and respect for all cultures" ( Ross, 2008, p. 461 ) and the duty to respect human rights. Cultural relativism very often rejects some human rights or their interpretation, alleging non-Western incompatibility ( Brems, 1997 ).

In this dimension, relativists challenge the Western notion of human rights as universal rights for all people, arguing that norms that come from the West do not necessarily reflect other cultures ( Durojaye, 2013 ). With this, they maintain that a practice understood as a violation of human rights for one culture can be accepted by another ( Donnelly, 1993 ). On the other hand, the critics of this conception point out that it limits the rights of women and leads to the acceptance of any cruel and inhuman behavior ( Terry, 2007 ), which produces a clear tension between cultural relativism and the universalization of rights. human rights 23. It is important to take into account the cultural diversity in global society, which undoubtedly makes it difficult to reach a universal agreement regarding the essential issue for all human beings, which is the protection of human rights. However, we must not forget the historical events around the world that have led to the crucial mobilizations in defense of human rights.

For its part, the idea of the universality of human rights, according to Peces-Barba (1994), alludes to their ownership, corresponding to all human beings, to their validity at all historical moments and for all societies 24 . In fact, this perception receives various criticisms, since it is usually alleged that the construction of human rights is a product influenced by the most powerful cultures that reflect their values, and are not necessarily shared by others ( An-Na'im, 1992 ) . , and whose base are two essential declarations: the Declaration of the Rights of Man and of the Citizen 25 , and the Declaration of Independence of the United States 26; both texts contributed to the proclamation of the Universal Declaration of Human Rights ( Brown, 1999 ). The latter represents "a common ideal for which all peoples and nations should strive" ( UDHR, 1948, p. 1 ).

As Manwo (1985) points out, there are different perceptions about human rights, which is due to the existence of different societies or civilizations. For the same reason, this very concept of human rights offered by the West is very often incompatible with the practices practiced in non-Western cultures and harms them ( Afshari, 2001 ).

However, Ramcharan (1998) alleges the confusion in considering the Universal Declaration of Human Rights as a result of Western culture, taking into account the composition of the Human Rights Commission, in charge of drafting the text, whose members came, in the majority, from from the African, Asian and Latin American continents, and from Eastern Europe. Likewise, the Declaration was adopted without any votes against. Along the same lines, Donnelly (2007) indicates the acceptance, by practically all the States, of the domain of the Declaration, being the rights enunciated in it strengthened in various subsequent international agreements, ratified by the majority of the States.

Based on the ideas presented, the universality of human rights requires their validity everywhere ( Hunt, 2009 ). The consensual nature of the international legal system requires the universal application of the norms that are created by the States themselves, through the consent of each one of them and the consensus of the international community, reached in the process of elaboration of the same ( Juste , Castillo and Bou, 2011 ). From this perspective, the debate on cultural relativism and the universalization of human rights, submitted to the international computation during the World Conference on Human Rights in Vienna, concluded the universality of human rights and, at

the same time, the importance of the particularity and cultural diversity, but always taking into account "the duty, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms" ( UN General Assembly, 1993, para. 5 ).

### 3. INTERNATIONAL LEGAL FRAMEWORK: THE WEAKNESS OF THE SYSTEM

Despite the fact that the international legal system has recognized the serious situation of inequality in which women find themselves throughout the world, the Convention on the Elimination of Discrimination against Women 27 is the only international treaty of a universal nature that invokes the States to eradicate harmful cultural practices ( Mountis, 1996 ). Notwithstanding the foregoing, the Convention does not specify them nor does it directly allude to the crime of honor killing.

In this dimension, the instrument in question, in its article 5 (a), offers the guarantee of "adopting all appropriate measures, including legislation, to modify or repeal laws, regulations, uses and practices that constitute discrimination against women " ( Cedaw, 1979 ), and establishes, in article 2 (f), the binding obligation for the States parties. According to Raday, these provisions establish a reinforcement of article 5 (a) that imposes on the States

(M)modify the socio-cultural patterns of behavior of men and women, with a view to achieving the elimination of prejudices and customary practices and of any other nature that are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles of men and women ( Raday, 2007, p. 74 ).

This provision requires the States parties to develop their internal regulations and public policies free from gender stereotypes ( Holmaat, 2004 ). In short, it is clearly established that in order to comply with its provisions, it is the duty of States to identify and combat both harmful cultural patterns and stereotypes in all areas referred to in the Convention ( Sepper, 2008 ).

Notwithstanding the foregoing, Cedaw does not indicate the type of measures that the States must apply to eradicate this type of practice, leaving the decisions regarding solutions in this regard to their management ( Burrows, 1985 ). From this perspective, Sepper (2008) indicates the difficulty encountered by the States parties to the Convention when defining the function of Article 5 (a), due to the breadth of the provisions it offers. The author herself underlines the role that this article fulfills as an interpretative tool, and warns of the duty to analyze it in the context of the purpose of the treaty, which is to eliminate discrimination and guarantee equality for women.

Along the same lines, Holtmaat (2004) points out that some authors do not perceive this article as an isolated norm, but rather as a complementary provision to article 11 28 of the Convention. Indeed, following Sepper (2008) , "the first thirty years of Cedaw's operation have not been enough to guarantee the change of harmful cultural practices and beliefs about gender that remain deeply rooted" ( p. 638).

In this sense, the lack of a broad and universal definition of honor crimes in a binding instrument prevents the determination of practices that violate human rights and that constitute honor crimes. For its part, when delimiting the scope of the definition of these harmful acts, we must not forget the factor of honor that, as I have indicated before, differentiates them from the *usual* forms of violence. Following Austin:

[T]he perception of honor is broad, and above all, extremely subjective, which makes it difficult to categorize it. The idea of 'honor' is linked to the existing tension between cultural relativism and the universal application of human rights. On the other hand, the concept is so subjective and subject to different interpretations that it leaves women in an unprotected situation within their families and communities ( Council of Europe, 2009 ).

From this perspective, I consider that honor, in its meaning, is endowed with subjectivity, since the understanding of the concept and its affectation are conditioned by culture. In order to objectify the



scope of the foundation of honor crimes, which is the affectation of honor, it is essential to recognize them and define honor in an international legal text.

It is possible to affirm that, in the absence of a universal definition, the configuration of harmful cultural practices is carried out by the doctrine (Kirti, Kumar, and Yadav, 2011), the different Committees of the United Nations or the States that are part of the Cedaw. Taking into account the cultural diversity of the international community and the freedom that Cedaw offers to the States parties when determining the measures to eradicate harmful cultural practices, there is uncertainty as to whether all States will recognize such atrocities as such. Along the same lines, Nyamu (2000) warns that this uncertainty can serve as a pretext for States regarding the responsibility they have to eliminate inequalities.

Thus, the Cedaw Committee has dealt with the issue of honor killings in several recommendations. This conventional body (UN Committee on the Elimination of Discrimination Against Women, 1992) specifically referred to honor killings, which it includes as part of "traditional attitudes that assign women stereotyped roles causing violent acts" (para. 11) and at the same time stresses the need for the "elimination by legislation of the defense of honor as the justifying motive for assaulting women" (para. 24 r). For its part, the Committee in question (UN Committee on the Elimination of Discrimination Against Women, 1990) expressed his concern about the serious consequences for the health of women and girls that the practice of FGM has. What was said was reiterated in a document prepared jointly with the Committee on the Rights of the Child. Furthermore, in the aforementioned recommendation and general observation, adopted by the Committees, it was emphasized that:

[T]he effective prevention and elimination of harmful practices requires the creation of a well-defined, rights-based and locally relevant holistic strategy that includes supportive policy and legal measures, as well as social measures that are combined with a commitment and corresponding accountability at all levels (UN Committee on the Elimination of Discrimination Against Women and UN Committee on the Rights of the Child, 2014).

Notwithstanding the foregoing, the persistence of this type of practice, generation after generation, has been highlighted by various international organizations. The Office of the United Nations High Commissioner for Human Rights (1995), in its fact sheet No. 23, referred to traditional cultural practices that harm women and violate international human rights standards, noting that "such practices persist because they are not questioned and are morally acceptable by those who practice them" (p. 1). Along the same lines, resolutions related to the issue of harmful cultural practices have been adopted. The United Nations General Assembly addressed the issue of the seriousness of honor killings in several resolutions that undoubtedly they offer States a clear invitation to make legislative change, abolishing this type of atrocity. The General Assembly (2001), in Resolution 55/66, related to the elimination of honor crimes committed against women, urged States to resort to different types of measures, including educational, legislative and social measures, with in order to eliminate crimes committed in the name of honor<sup>29</sup>.

Notwithstanding the foregoing, as Ruda (2010) points out, referring to the obligatory nature of these instruments, the resolutions of the General Assembly "are not law, they are not obligatory for the Member States" (p. 213). Even so, and despite the fact that there is international development in the fight against harmful cultural practices (Cedaw being the only binding regulatory body), no instrument proposes guidelines for qualifying certain practices as such, which makes their eradication difficult.

For their part, at the European level, both the bodies of the European Union and the Council of Europe have taken measures to combat honor killings. In this way, the European Parliament has expressed concern on several occasions about the growing problem of violence against women, including the issue of honor-based violence. Thus, in the case of the barbaric practice of FGM, the

European Parliament requested that the States recognize FGM as a crime, punishing its perpetrators regardless of where it was committed ( European Parliament, 2001 ). What was said was reiterated in another Parliament resolution ( European Parliament, 2008), urging the European Commission and Member States to draw up an action plan to ban this cruel cultural practice in Europe. Along the same lines, Parliament asked the European Commission to support Member States in preventing all forms of violence against women, especially FGM ( European Parliament, 2015 ) and demanded that States recognize gender violence, including FGM, as forms of persecution ( European Parliament, 2016 ).

In the same sense, the Council of Europe has taken several initiatives in the fight against gender violence <sup>30</sup> . However, the most relevant document on the analyzed issue that established the common mechanisms and norms for the States parties, in order to prevent and combat this type of violence, is the Convention on the prevention and fight against violence against women and violence domestic (2011). The instrument recognizes honor-based violence as one of the forms of violence against women, stressing that:

[...] The parties shall adopt the legislative or other measures necessary to guarantee that, in the criminal proceedings opened for the commission of one of the acts of violence included in the scope of application of this Convention, culture, custom, religion, tradition or the supposed “honor” as justification for said acts (art. 42).

Completing the above, the Convention deals with an essential issue of honor crimes, establishing that the fact that an adult induces a minor to commit this type of crime "does not diminish the criminal responsibility of said person in relation to the acts committed" (art. 42 para. 2).

Thus, the Council of Europe Convention constitutes a notable step in the long and difficult battle against gender-based violence, including honor-based violence. However, the regional character of the instrument significantly reduces its impact to a group of States. However, the foregoing should serve as an example to the international community in promoting equality and eradicating all forms of violence against women.

## CONCLUSIONS

There is no doubt that honor killings are the fruit of justice exercised by society in the name of tradition, which have an enormous impact on the lives of millions of women around the world. The fact that customary laws prevail in some communities, where custom and tradition constitute a way of life, generates a lack of awareness about the seriousness of these acts, under the conviction that their reason is unique and true. In the international arena, we are faced with the existing weakness of international instruments related to the eradication of honor killings, which is due to the existing tension between cultural relativism and the universality of human rights,

From this perspective, the lack of precision that Cedaw offers us regarding the provisions related to traditional practices makes it difficult to understand which are the cultural practices that affect the fundamental rights of women, and leaves several practices out of reach. of the Convention, taking into account that these heinous acts admit different forms.

Faced with this panorama, it is essential to define honor killings in a binding international instrument and recognize them as harmful cultural practices, in order to cover all their manifestations in order to identify such crimes. In this regard, as Mountis (1996) rightly points out , States adopt international legislation relating to the protection of human rights, as a model to follow in the domestic sphere. For this reason, this clarification is urgent, which would allow States to adjust their internal legislation to international regulations, since in several legal systems of the States in which said atrocities take place, honor crimes are not recognized as such. Along the same lines, Begikhani (2005) He points to the case of Iraq, where the question of the preservation of the honor of the family by women is reflected in the Penal Code.

In my opinion, international legislation can influence, without implying an affectation to the sovereignty of the State, to direct the internal regulations of the States in certain matters, such as the eradication of practices that are protected by the legislation and are violations of the rights humans. In this sense, Byrnes and Freeman (2012) They point to the example of Kenya -one of the countries in which Cedaw has stimulated a legislative change regarding the elimination of discrimination against women-. Indeed, as a result of the alarming reports of the Cedaw Committee, regarding the situation of the Kenyan legislation lacking provisions regarding the prohibition of discrimination based on gender, the African country adopted a new Constitution, including, among others, the definition of the discrimination against women.

With this, without trying to address the effectiveness of international law, I believe that in relation to the subject, the treaties could help States introduce minor or major changes in their internal legislation.

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