

KILLED BY GOSSIP

“Honor killings” of women
in the North Caucasus



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Report on the results of a qualitative study in the republics of Dagestan,

Ingushetia and Chechnya (Russian Federation)

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“The state party should... ensure that all allegations of violence against women, committed through acts or omissions by state agents and others who engage the State’s responsibility under the Convention, are registered by police and promptly, impartially and effectively investigated and that perpetrators are prosecuted and, if found responsible, punished. The state party should also take the necessary protective measures to guarantee the safety of the victims”¹.

Introduction

Murders of women in the name of “honor,” or “honor killings,” as they are also known,² are one of the cruelest and most extreme forms of gender-based violence and discrimination. Along with female genital mutilation,³ honor killings are the most inhuman of the harmful traditional practices that still persist in society. Such crimes involve the premeditated murder of a woman by her close male relatives with the aim of restoring the family’s honor after the victim’s actual or rumored (suspected) misconduct or “inappropriate” behavior, i.e. one which violates the boundaries of what is permitted under local customs or traditions governing the relations between men and women.

Murders committed in the name of restoring family “honor” continue to occur and frequently go unpunished in many parts of the world. International agencies report that they are particularly widespread in Iran, Pakistan and Palestine. The Russian Federation is not included on such lists, but this does not at all mean that this practice does not occur in Russia. Ra-

¹ Concluding observations on the sixth periodic report of the Russian Federation (Passed by the Committee against Torture at its 64th session (23 July – 10 August 2018) // https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fRUS%2fCO%2f6&Lang=en (accessed 3 October 2018).

² For more detail, see: Council of Europe Convention on preventing and combating violence against women and domestic violence. Istanbul, 11.05.2011 // <https://rm.coe.int/168008482e> (accessed 3 October 2018); Explanatory report to the Council of Europe Convention on preventing and combating violence against women and domestic violence. Istanbul, 11.05.2011 // <https://rm.coe.int/16800d383a> (accessed 3 October 2018).

³ See for example: Yu.A. Antonova, S.V. Siradzhudinova. Female Genital Mutilation carried out on girls in the Republic of Dagestan. – Moscow, 2016 // https://www.srji.org/upload/iblock/52c/fgm_dagestan_2016_eng_final_edited_2017.pdf (accessed 3 October 2018); Yu.A. Antonova, S.V. Siradzhudinova. Female Genital Mutilation carried out on girls in the republics of the North Caucasus. – Moscow, 2018 // https://www.srji.org/upload/iblock/957/The_practice_of_female_genital_mutilation_in_Dagestan_strategies_for_its_elimination_15.06.pdf (accessed 3 October 2018).

ther, the problem lies in the difficulties of collecting data on this type of crime and its taboo nature within local communities, which has resulted in a dearth of scientific research and analysis on this topic. "Honor killings" continue to take place in some of the North Caucasus republics, as indicated in reports of a number of human rights organizations⁴, journalistic investigations⁵, anecdotal media reports⁶, and the accounts of people living in these republics. This report seeks to analyze "honor killings" in the context of the legal status of women, i.e. as a custom that violates a woman's right to life, freedom, physical inviolability and right to self-expression, and which is compounded by the authorities' evident unwillingness to conduct professional and timely investigations.

Given that the Russian Federation has no adequate national system for responding to violence against women in general, one might ask why we chose to focus on an issue relevant only in the North Caucasus republics. In contrast to the general public's ever-growing willingness to examine and condemn various forms of violence against women in today's Russia, "honor killings" are a different matter: the absolute majority of such cases remain hidden from view. No one wants to speak about them out loud, relatives hush them up, law enforcement agencies try not to react to them, lighter punishments are meted out, and if it proves impossible to conceal the crime, it can still be presented as having been committed for entirely different reasons. These crimes escape the attention of law enforcement agencies because they are viewed as cultural practices deserving of a certain tolerance and respect.

For these reasons, as an organization that provides legal assistance to women and children who are victims of violence, at all stages of criminal investigations and court pro-

⁴ See for example: Human Rights Watch. *They have long arms and they can find me. Anti-gay Purge by Local Authorities in Russia's Chechen Republic*. May 2017. https://www.hrw.org/sites/default/files/report_pdf/chechnya0517_web.pdf (accessed 5 October 2018); Территория молчания: права женщин и проблема насилия в отношении женщин в России / под ред. М. Писклаковой и А. Синельникова. 2009 [Pisklakova M. and Sinelnikov A., Eds. Territory of silence. Women rights and the problem of violence against women in Russia] // https://nasiliu.net/wp-content/uploads/2016/10/2009_Territoriya-molchaniya.pdf (accessed 7 October 2018); Violence against Women in the Russian Federation. Alternative Report to the United Nations Committee on the Elimination of Discrimination against Women / Anna National Center for the Prevention of Violence, 46th session, July 2010. Examination of the 6th and 7th report submitted by the Russian Federation. https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/RUS/INT_CEDAW_NGO_RUS_46_9974_E.pdf (accessed 7 October 2018); Russian Federation. Briefing to the Committee on the Elimination of Discrimination against Women / Amnesty International, 46th session, 2010. https://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ai_russianfederation46.pdf (accessed 7 October 2018); EASO Country of Origin Information Report. Chechnya: Women, Marriage, Divorce and Child Custody / European Asylum Support Office, 2014. <https://www.easo.europa.eu/sites/default/files/public/COI-Report-Chechnya.pdf> (accessed 7 October 2018); Violence Against Women in the Russian Federation / Stop Violence against Women, 2014. http://www.stopvaw.org/russian_federation (accessed 7 October 2018); Submission from Russian Justice Initiative (RJI) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus region, 2015. https://www.srji.org/upload/medialibrary/1a6/report-for-cedaw-rji-can_october-2015-final.pdf (accessed 7 October 2018); EASO Country of Origin Information Report Russian Federation. The situation for Chechens in Russia / European Asylum Support Office, 2018. <https://www.easo.europa.eu/sites/default/files/publications/easo-coi-report-chechens-russia-2018.pdf> (accessed 7 October 2018).

⁵ See for example: Задушил дочь и бросил тело у трассы [He strangled his daughter and dumped her body by the side of the road] // <https://daptar.ru/2018/09/05/задушил-дочь-и-бросил-тело-у-трассы/> (accessed 9 October 2018); «Если гуляет – родные ее убивают» ["If she strays, her relatives kill her"] // <https://daptar.ru/2018/06/07/если-гуляет-родные-ее-убивают/> (accessed 9 October 2018); Чеченские женщины – в особой группе риска [Chechen women are in a special risk group] // <https://daptar.ru/2017/07/12/чеченские-женщины-в-особой-группе-р/> (accessed 9 October 2018); Честь семьи Магомедовых [The honor of the Magomedov family] // <https://daptar.ru/2014/05/30/честь-семьи-магомедовых/> (accessed 9 October 2018); «По селу ходили слухи». Почему на Северном Кавказе женщин убивают их родственники, и как расследуют «убийства чести» ["Rumors were spreading in the village". Why women in the North Caucasus are killed by their relatives, and how "honor killings" are investigated] // <https://zona.media/article/2017/07/28/honour> (accessed 9 October 2018).

⁶ On file with the authors.

ceedings, including in international courts, we decided to study the issue of "honor killings" in the North Caucasus.

Our investigation is the first in Russia to attempt to scientifically examine "honor killings" as a practice that exists in the Russian Federation. Using sociological and legal analysis, we have attempted to study:

- The depth, extent and enduring nature of practices that punish women for violating the behavioral norms and rules prescribed by society;
- The perceptions of men and women of these murders, and the pretexts and/or justifications for committing them;
- "Honor killings" from the point of view of applicable provisions in Russian criminal law;
- The difficulties in investigating such crimes and prosecuting cases in the courts;
- The prospects for change in the near future and steps to eradicate the practice;
- Recommendations by international bodies to the Russian Government relevant to the situation.

Our study revealed that from 2008 to 2017, there were 33 incidents in which 39 people were killed – 36 women (92.3%) and three men. An analysis of these "honor killings" showed that young unmarried girls are the most likely victims, followed by women aged 20-30, mostly divorced but in some cases married. They were usually the daughters, sisters, wives, nieces or step-daughters of the murderer.

In the 33 cases that we identified and analyzed, only 14 of them (42.4%) were brought to court. The accused was found guilty in 13 of these cases, and was acquitted in one. The perpetrators received between 6 to 15 years' imprisonment in strict regime penal colonies. Yet this is just the tip of the iceberg. In reality, only a very small amount of information on such crimes comes to light or draws the attention of law enforcement agencies or the media.

One of the main obstacles to effective investigation and adjudication of "honor killings" is the limited access that women have to justice because of their unequal status and the prejudices existing at the legal, institutional, structural, social and cultural levels.

An analysis of "honor killings" illustrates that they are motivated not by tradition, custom (adat) or the norms of sharia law, but rather by the arbitrary and self-styled ambitions of individuals and clans. The practice is borne out of and incited by the pressure of public opinion, gossip, rumors and slander.



Part 1. Formulation of the problem: international legal norms and national context

International law classifies this type of crime as gender-motivated killings, i.e. the pre-meditated killings of women for the reason that they are women, regardless of whether this violence takes place in the public or the private sphere. According to a report by the Special rapporteur on the issue of violence against women,⁷ the global prevalence of gender-motivated killings of women has reached alarming levels. The Special Rapporteur defined these murders as an extreme manifestation of violence towards women, often the culmination of prolonged and ignored cases of systematic family violence. This type of violence is aimed at establishing and supporting hierarchical social relations on the basis of gender. It strengthens the inequality of socially vulnerable groups, i.e. in this case discrimination on the basis of gender.

Women suspected of violating "honor" on the basis of rumors, gossip and slander are seen as overstepping the boundaries of proper sexual behavior. The unpunished murder of a woman for crossing established boundaries is a vivid example of how female sexuality continues to be regulated by physical and sexual violence and coercion. Often, such murders are justified or mitigated in court as crimes committed in a state of emotional distress or as a result of provocative behavior by the victim. International law contains a clear requirement to ensure that national criminal law norms and procedures do not permit the accused to justify himself on the grounds of attempting to punish the victim for an action which was suspected

⁷ Report of the Special Rapporteur on Violence against Women, its causes and consequences, Rashida Manjoo // Human Rights Council, 2012. https://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16_En.pdf (accessed 15 October 2018).

to constitute, felt to constitute, or actually constituted a violation of cultural, religious, social or traditional norms of prescribed behavior.

For example, the UN Committee against Torture has in several reports⁸ expressed concern that crimes for motives of "honor" are in many cases not registered, investigations into them are rarely carried out, and they usually remain unpunished; when they are punished, the sentences are significantly less strict than for crimes of equal seriousness which do not contain an aspect of "defending honor." As the UN General Secretary notes, "the lack of punishment of persons committing acts of violence against women aggravates the consequence of this violence as a control mechanism. When the state is not capable of charging the person guilty of committing crimes, lack of punishment not only aggravates the subordinate position and helplessness of objects of violence, but sends a message to society that male violence against women is acceptable and inevitable. As a result the model of violent behavior becomes the norm."

Worldwide, "honor killings" of women take many forms, including: direct murder; stoning to death; forcing women and girls to commit suicide after public condemnation of their behavior; disfiguring women with acid, with fatal consequences. These crimes are also directly connected with other forms of violence in the family, and are often used by male family members as a means of controlling women's sexual behavior and restricting their freedom of movement.

Cases of "honor killings" are greatly underreported and practically undocumented at the international level. According to the assessment of the United Nations Population Fund (UNPF), 5,000 women worldwide are murdered annually by family members for motives of "honor."⁹ They have become more and more visible only in the last decade, with the rise in awareness and activities focused on human rights, the increased participation of women in society as a whole, and the growing media interest in covering these cases.

⁸ Report of the Committee against Torture. 43rd session (2-20 November 2009). 44th session (26 April – 14 May 2010), General Assembly, 65th session, Supplement No.44 (A/65/44). <https://www2.ohchr.org/english/bodies/cat/docs/A-65-44.pdf> (accessed 15 October 2018).

⁹ Understanding and addressing violence against women / World Health Organization, 2012. http://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf (accessed 23 October 2018).



Part 2. Results of the qualitative sociological study “Killings of women motivated by ‘honor’ in the North Caucasus”

Study goal – to examine the problem of “honor killings” of women in three republics of the North Caucasus (Dagestan, Ingushetia, Chechnya) on the basis of an analysis of in-depth interviews with respondents and experts.

Study tasks:

- To reveal the depth and extent of the practice of “honor killings” in the republics of the North Caucasus;
- To determine the attitude of men and women to this problem;
- To establish the factors enabling this tradition to be maintained and perpetuated;
- To define “honor killings” from the viewpoint of respondents;
- To analyze “honor killings” from the viewpoint of the elements of the crime;
- To examine prosecutions of “honor killings” under criminal and criminal-procedural legal provisions;
- To measure the awareness of communities about “honor killings” committed and attitudes towards them;
- To outline prospects for excoriating the practice of “honor killings.”

Methodology of the study:

- Qualitative sociological study on the problem of “honor killings” in Dagestan, Chechnya and Ingushetia (Republic of Dagestan – 30 respondents and 11 experts; Republic of

Chechnya – 10 respondents and 9 experts, Republic of Ingushetia – 4 respondents and 6 experts);

- Conducting standardized and in-depth interviews (N=70) with respondents (N=44, 33 women and 11 men) and experts (N=26, 20 men and 6 women);

- Analysis of identified cases of "honor killings" in the republics studied (33 cases were studied, of which 14 were brought to court). The cases we identified are based on reports by 1-2 respondents on one incident of killing, and in 9 cases additional corroboration from publicly available materials (media reports) ;

The respondents interviewed were relatives, acquaintances, neighbors and fellow villagers of victims of "honor killings."

Experts were imams, social activists, human rights activists, lawyers, members of law-enforcement bodies, psychologists, journalists and historians.

Geography of the study: Republic of Dagestan, Republic of Ingushetia, Republic of Chechnya.

Field research was carried out in the period from February to September 2017 by Saida Valerievna Siradzhudinova, doctoral candidate in political science, president of the center "Caucasus. Peace. Development" for the study of global issues of modernity and regional problems.

2.1. Prevalence of "honor killings" in the republics of the North Caucasus

Our study identified 33 cases of "honor killings" over the period from 2008 to 2017. 22 cases were identified in Dagestan, 2 in Ingushetia and 9 in Chechnya. During this time a total of 39 people were killed, of which 36 were women and three were men. In 3 cases there were two perpetrators – a man and a woman, and in two cases there were multiple victims: two to three women were killed at one time.

It proved extremely difficult to gather data about these killings during the field research, as they are often considered a private, secret, family affair, and there are no official statistics on its prevalence. The real number of such killings is much greater, of course, than what we could document in the present study.

"When you encounter it often, you think about it, and you really understand that this problem exists. But this is a special sort of problem... It's personal. It's not acceptable to stick your nose in. I don't really want to get into this topic" (journalist, Chechnya). "How can we do without this? Order is needed" (public figure, Chechnya). "This sort of thing happens. But it's rare that it becomes known. It's covered up by the family. Even if something leaks out, the family will hide it" (fellow villager, Ingushetia).

All respondents (44 people) and experts (26 people) had heard about "honor killings" of women in the areas in which they lived.

"Our relative killed his daughter and her boyfriend. That was a few years ago. He served time in jail" (male relative, Dagestan). "Our relative was killed in this way" (male relative, Dagestan). "A few years ago one of our men committed a crime – he killed his sister (male

relative, Dagestan). "These killings take place in the region. I also heard that a brother killed his sister. Rumors spread. People guessed that she had died" (fellow villager, Chechnya). "Such a terrible thing to happen. They were killed so terribly. All of them" (fellow villager, Ingushetia).

While the 39 cases of "honor killings" analyzed and documented during the study confirm the existence of this practice, respondents had differing opinions concerning the increase or decrease in the number of such killings in recent years.

A small number of respondents claim a reduction in the number of these killings in comparison with previous decades.

"In recent years you only hear about this very rarely. There was a peak in these killings here in the 90s. You often heard about this happening. There was a real surge in them. I don't know how to explain it. Maybe everyone got into religion without knowing what it was. Now everything's calmed down. I only know those [old] cases. There aren't any others" (lawyer, Dagestan).

"This has become less common nowadays. But it happens. I remember three cases. They were rumors, of course. But they were probably not without foundation" (imam, Ingushetia).

"A woman here is constantly under the influence of tradition. A woman's life is surrounded by tradition. So 'honor killings' really are quite a rare phenomenon. But they do happen, and they are part of our tradition. Of course, who will condemn these people? This is the way we live" (historian, Ingushetia).

Those who perceive a reduction in the number of "honor killings" see this as an achievement and progress, an overcoming of harmful anachronisms and of taking the law into one's own hands. At the same time, there were also respondents who regret that the practice has "slipped away": *"It wouldn't be a bad thing to revive it. It is very useful for society."*

In contrast, other respondents were struck by a perceived increase in the number of killings of women.

"Honor killings take place to this day. Usually innocent people suffer – slander, rumors, gossip, some other factor. I'm tired of this issue, as if there weren't plenty of other problems" (lawyer, Dagestan). "This used to happen rarely. And if it did, it was hushed up. There was a concept of honor, of shame" (public figure, Chechnya).

Upon analysis of the interview materials with respondents and experts, we conclude that the topic of "honor killings" is highly taboo and closed to wider discussion. Absolutely everyone—respondents and experts alike—knows about it but at the same time understands that it primarily concerns the most serious crime: murder. Thus, discussion of this topic is for many not only undesirable, but also dangerous. No one wants to implicate himself in a discussion about the involvement of a relative, neighbor or fellow villager in such a crime.

Therefore, in our opinion, the vast majority of such murders remains hidden and could not be revealed in the course of our study. Concealed killings, killings which are not widely known, which have not drawn criminal charges or prosecution, are generally not brought up by respondents. Furthermore, in practice, respondents pass no value judgements on people

sentenced for committing such crimes. It is extremely difficult to gain a full picture of "honor killings" in a situation where such crimes are covered up, where there is a general undesirability to discuss this topic not only with researchers, but also with close relatives, and where the public assessment of such acts varies.

The largest number of killings that became known to the media and human rights activists and which went to trial were committed in Dagestan. This is to a large degree connected to the degree of condemnation of such instances. A smaller number of such killings reached the media and courts in Ingushetia and Chechnya.

These killings are encountered both in mountainous and lowland regions, but the study showed they were more common in the latter. On the one hand, in the lowlands, i.e. in major towns, according to respondents, *"there are more temptations"*, *"less control"* and more possibilities to catch a woman in actual or mistaken transgression. On the other hand, in the closed patriarchal communities of the mountainous regions it is not particularly difficult to cover up a crime, or to hide a corpse.

Two experts surveyed said that the preoccupation with killings of women is unsubstantiated, and that talking about it represents an attempt to destroy existing traditions and portray the local people in an unfavorable light – *"it is not clear by whom"*. They accuse human rights activists of blowing the problem out of proportion on somebody's orders.

"It is advantageous now to portray our society like this. To destroy traditions" (expert, public figure, Chechnya). "I'm tired of this issue, as if there weren't plenty of other problems" (expert, lawyer, Dagestan).

2.2. What is "honor killing" of women in the understanding of respondents and experts?

According to the experts surveyed—historians and ethnographers—the term "honor killing" is not exactly a Caucasian concept, but one introduced rather in the advent of the new wave of Islamization. *"Such killings did take place here historically,"* but they were not called "honor killings," and in fact they did not have any particular name at all. Every society had its own adats (customs) stipulating punishment for adultery, debauchery, infidelity and amoral behavior. They differed in their level of harshness; far from all such cases were punished by killing.

Traditional Caucasian society still provides for collective responsibility of members of the family, clan and community. Personhood here is not autonomous. A person is less individual and more absorbed into collective structures. Every person is connected by close ties with the family, clan, *teip*, *tukkhum*, village, with their "people" and the republic as a whole. The autonomy of women in this society is significantly lower than men's. A woman is to a greater degree secluded in a private space, and her entire existence is subordinated to traditions and controlled by other members of society.

For this reason, the concept of "women's honor" is deeply rooted in the minds of the people of the North Caucasus, including women's important role in preserving her dignity and the honor of the family and in conveying values to the children. Great demands are made of women concerning norms of behavior. Here, the honor of a woman is inseparable and mutually connected to the honor of the family and clan. The responsibility for preserving this per-

sonal and collective "honor" lies on the woman. She is the *"keeper of the hearth"*; *"the honor of a woman is the honor of the clan, the honor of society"*; *"the woman is the backbone of the family"*; *"she is responsible for the children's upbringing,"* etc.

Women are expected not only to answer for themselves, but for the honor of the family. Thus, her honor must be impeccable. She must also be modest, efficient in the home, obedient and dutiful. "The main role of the woman is 'mother' (57%) and 'wife' (14%). She must be religious and adhere to all the precepts of Islam. One of the most rigorous requirements is 'to obey her husband' (71%)"¹⁰.

Here the concept of "honor" is used in a sacred sense, employed in order to accommodate the most heinous crimes. In fact, the postulate of "honor" conceals patriarchal demands to fetter the sexuality and freedom of women. The status of the family depends on honor. A woman is regarded as a man's property, and must be obedient and passive. Her assertive position and behavior may be regarded as a possible element of imbalance of power relations within the regimen of the family unit.

"We heard that in the village of Nechayevka these killings are often committed, when girls are killed quietly, silently, whose behavior displeased their relatives, and this fact is covered up. Girls may be hanged, drowned, poisoned etc" (from materials of the criminal case of Maryam Magomedova).

At the same time, some respondents note that *"in fact this killing does not erase from memory the act of a woman of a certain family, it only strengthens the memory of the killing of a woman for improper behavior for future generations,"* and rumors about the incident *"will accompany the descendants from this family like a shadow" (fellow villager, Chechnya).*

"The people will not forget, and will say that in this family there were women who strayed and who were killed for this" (fellow villager, Dagestan).

Thus, according to respondents, "honor killings" of women is a practice which allows for the rehabilitation of the dignity and "honor" of the family: by killing a woman who blemishes or shames them, or whose actions (real or imagined) damage the "family honor."

According to the absolute majority of respondents, "honor killings" carry out several functions important for the community:

1) Killing as *"punishment for violating traditional norms"*:

"Honor killing is justice and order. The law of our society. Without honor killing there will be no order. Her honor is the main thing for the family. Not wealth or status, honor is more important" (imam, Ingushetia).

"A woman must not stray and cheat. This is punishable. Although perhaps this is too harsh" (fellow villager, Dagestan).

¹⁰ Сиражудинова С.В. Гендерное равноправие как условие развития гражданского общества на Северном Кавказе // Социология власти. [S.V. Siradzhudinova. Gender equality as a condition for the development of civil society in the North Caucasus // Sociology of Power.] – 2010. – № 4. – P. 175.

2) Killing as an act of purification, "*washing away the shame*", "*guilt*", "*shamelessness*", an act that stops the family from being tainted by dishonor:

"Honor killings are an attempt to rehabilitate honor. An attempt to wash away the shame. But at the same time it is an admission and consolidation of it" (lawyer, Dagestan).

3) Killing as an example to prevent women's "disobedience" in future, as a demonstrative and intimidating practice and preventative measure for regulating women's behavior.

"Society must protect itself. Sometimes aggressively. The concept of honor and the opinion of the muftis are important. If women stray, the family must "wash away the shame", the condemnation, the "stain" from their family. This is a forced reaction" (male relative, Dagestan).

2.3. Factors contributing to the perpetuation of the practice of "honor killings"

A range of factors relevant in the republics studied perpetuate the practice of "honor killings." Three of these can be put forward on the basis of an analysis of all 70 interviews:

Resistance of society to a loss of identity and depersonalization.

The emergence of new challenges, the encroachment of modernity, mass culture, and urbanization lead to an intensification of processes associated with globalization. People increasingly turn to unusual and sometimes willfully distorted interpretations of tradition, religion and adat (custom).

"Society is now swiftly becoming ruined. It is losing itself, its ethnicity, losing its identity. Values are eroding. Behavior is changing. Clothing. Society is forced to protect itself. Sometimes aggressively" (male relative, Dagestan).

Patriarchal gender roles.

In all of the republics studied, society has a patriarchal structure, i.e. it imposes a strict division of gender roles, which it strives to preserve and strengthen. Men continue to be the main bearers of political power and moral authority, they exercise control over property and occupy leading positions. Hence, there is increased control over women's sexuality and an arbitrary interpretation of religion and custom, which leads to punishment mainly of women. Men are forgiven for such sins, at least by their relatives, with the exception of cases involving punishment by the family of the female victim.

"There has always been a restraining factor, and women's behavior was observed" (lawyer, Dagestan).

"A man has great responsibility. A woman, when she is born, does not answer for herself from that day. Behind her stand her father, grandfather, brother, the district imam. Women are not permitted to choose their marriage partner or do anything... Dependency is freedom (freedom from choice, responsibility)" (imam, Dagestan).

Collective identity (family organization and family dependence, lack of autonomous personhood).

"We must preserve the reputation of the clan. It is easy to ruin the clan. We always remember this. And so all clans where something has gone wrong are impure. Where the wrong women were married, where someone is of impure blood... This includes everyone who allows women to behave improperly" (religious figure, Ingushetia).

"The honor of a woman is not just her honor, it is also the honor of the clan. Here in the Caucasus, for example, an individual is not separate from the rest of the world... Blood revenge is an enormous restraining factor. Fear not for your own life, but for the lives of those around you. This is a great restraining factor, I am in favor of blood revenge. Honor killing is also a restraining factor... For example, I can confidently say that I have achieved what I wanted in life, what I could achieve; I am prepared to go to jail, I am prepared to sacrifice my life; for me honor and honor killing are more important than my personal career, than my personal life" (historian, Chechnya).

2.4. What is the justification for allowing honor killings of women?

There are several categories of justification which respondents and experts assert and rely on to explain the existence of the practice of honor killings of women.

Justification №1: "historical traditions"

Around 10% of respondents believe that "honor killings" have their roots in **historical traditions** of the peoples of the Caucasus and are based on them. *"They are examples which are familiar to us from history", "from stories", "from literary sources".*

In all the republics studied, there are stories about killing for actions that violate a ban on unregulated physical proximity between a man and woman, for trespassing traditional boundaries. These stories were handed down by elders and were subsequently given literary expression.¹¹

In these stories and legends, the responsibility of men occupies a primary place, followed by the responsibility of both men and women, while the responsibility of women alone occupies the lowest rang.

Justification №2: "adat"

Many respondents (around 25%) believe that honor killings of women may be committed on the basis of adat (custom).

"These are the customs of the village. This is the concept of society. Male society. Male relatives decided. They made it happen. This is the custom" (female relative, Dagestan).

"This is the custom. The power of men. Preserving the honor of the family. I'm against it. That's why I'm talking about it. Women often suffer" (female relative, Chechnya).

Adats are oral sources and codes of custom within each society and family; records of them have appeared relatively recently. Often, they were recorded by researchers of non-

¹¹ Гаджиев Булач Имадутдинович. Дочери Дагестана. Цена измены. [Bulach Imalutdinovich Gadzhiev. Daughters of Dagestan. The Price of Infidelity]. <https://culture.wikireading.ru/71296> (accessed 5 November 2018).

Caucasian origin, so it is possible that they were distorted or exaggerated, or tainted by value judgements. Researchers studying adats claim that punishment for transgressions was observed everywhere and in every society, but punishment by death was committed extremely rarely, and current practices in this regard are not reflected anywhere in earlier sets of customs.

Researchers in the Chechen Republic have noted that this punishment makes almost no appearance in remote historical sources. In Dagestan there were various localities and districts that differed in the strictness of their punishment for "infidelity" or "adultery." For example, the adats of the Tekhnutsalsky district, the Andiisky district and others stipulated a fine, while the adats of the Gumbetovskiy district¹² and others permitted stricter punishments, extending to murder.¹³ Here, adat was more permissive—as compared to Sharia—in terms of murder for "amorous relations", "adultery" or "debauchery." "Cases of adultery are investigated by witnesses' testimonies, and one witness is considered sufficient¹⁴".

In most cases the transgressor was forced to marry, or the girl was married to an elderly man, or one with physical or mental defects. Payments, fines and material compensation (cattle, silver etc.), exile from the village (forever or for a certain time, with subsequent paying of a fine) were common.

Despite the fact that under Sharia and also certain adats (when particular conditions are observed), both men and women are seen as responsible for adultery, punishment in the form of killing primarily befell women. For example, according to some of the strictest adats, "close relatives are permitted to kill people caught committing adultery at the scene of the crime, but only both parties. A husband who kills his wife's lover but spares his wife is subject to blood revenge from the relatives of the murdered man, as for any other murder. If the husband kills his wife, and the lover somehow avoids death, then the latter becomes the blood enemy of the murdered woman's relatives."¹⁵

An example from criminology, described by one of the first Russian researchers of the Caucasus, tells of a case from 2 April 1866—"Execution of a Woman in Kalaki" (Tyadal). After an abandoned newborn baby was found in a river, the women in the village were examined and one of them was found to be lactating. She was Khadijama, a divorced woman who said that she had been raped by her former husband (under adat a case of rape must be announced immediately—a late announcement is not accepted and the woman is considered guilty).¹⁶ She was stoned to death and buried at a common cemetery, and separately. There

¹² Хашаев Х.-М. Законы вольных обществ Дагестана XVII–XIX вв. [Kh.-M. Khashaev. Laws of Free Societies of Dagestan in the 17th-19th centuries]. <https://culture.wikireading.ru/28492> (accessed 5 November 2018).

¹³ Обычай и закон в письменных памятниках Дагестана V – начала XX в. Т. I. До присоединения к России / сост. В. Бобровников. [Custom and Law in written monuments of Dagestan of the 5th to the early 20th century. V. 1. Before joining Russia / compiled by V. Bobrovnikov] – Litres, 2017. – P. 17–18.

¹⁴ Ibid. – P. 55.

¹⁵ II. Адат и судопроизводство по нимъ (съ приложеніями). А. В. Комарова. т. Адаты по брачнымъ дѣламъ. Увозъ женщинъ. Прелюбодѣяніе. Развратъ. Насиліе. Мужеложство и скотоложство // Сборникъ сведений о кавказскихъ горцахъ. [Adat and legal proceedings on it (with appendices). A.V Komarova. Adats on marital affairs. Kidnapping of Woman. Adultery. Debauchery. Violence. Sodomy and Bestiality // Collection of information on Caucasian Highlanders] Issue 1. – Tiflis. 1868. – P. 55.

¹⁶ 6. Изъ горской криминалистики (I. Народная казнь женщины въ сел. Калаки. II. Убийство и казнь женщины въ сел. Оглы // Сборникъ сведений о кавказскихъ горцахъ [From highland criminology (1. Mob execution of a woman in the village of Kalaki. II. Killing and Killing and execution of a woman in the village of Ogly // Collection of information about Caucasian highlanders]. Issue. 1. Tiflis, 1868. – v.Ш. 6. – P. 57–58.

was no discussion of punishing the man she accused. Judging from the account, it was decided not to hold him responsible.

"In Kapucha and other places of the Antsukho-Kapuchinsky-Bognadalsky district the following adat existed: adulterous women, married or formerly married but now divorced, were stoned to death, and those who had not been married were punished with caning."¹⁷

Another feature of punishments against men was that a man could be killed by relatives of the woman whose honor he had spoiled. A man's own relatives did not punish him in most cases.¹⁸

On the whole, the contradictory nature of adats does not provide a stable foundation as a justification for honor killings, and shows that the punishments they prescribe have been modernized, interpreted and applied arbitrarily.

Justification №3: "religion ("Sharia")"

An utterly mistaken and dangerous opinion has formed in society that Islam and "honor killings" are mutually connected. Around 25% of respondents justified this crime on the basis of religion and considered that punishment in the form of "honor killing" is permitted under Sharia law. In reality, of course, everything is much more complex. On the one hand, Islam does indeed prescribe strict punishment for adultery. But this punishment also existed in other religions, including in Judaism and Christianity. Yet Sharia forbids taking the law into one's own hands. Harsh punishment in the form of murder is encountered in Sharia, but it is difficult to apply because the crime of adultery is not easy to prove.

What takes place in the republics of the North Caucasus has nothing to do with Sharia. The imams we surveyed confirmed this: they said that, in the first place, the secular nature of the state does not permit applying the norms of Sharia to deliver a death sentence, and that Sharia courts in the republics moreover do not have such powers. Second, following from the first point, there is no decision by a Sharia court, which according to the norms of Sharia grants the right to make decisions on punishment, especially on the question of delivering a death sentence. Lastly, according to Sharia, a person who takes the law into his own hands and kills a woman is considered a murderer.

"According to religion there is a strict requirement – the presence of four witnesses who saw the case of debauchery. And this condition is impossible to meet, it protects from conjecture and unjustified punishment. This is a serious barrier to carrying out such a punishment. Do we know many examples of such punishment in the ahadith?" (imam, Dagestan).

"Islam prohibits such killings. Sharia must take the decision that the woman is unfaithful. Witnesses are needed. Mere gossip is not considered Sharia. There should be an imam

¹⁷ 6. Изъ горской криминалистики (I. Народная казнь женщины въ сел. Калаки. II. Убийство и казнь женщины въ сел. Оглы // Сборник сведений о кавказских горцах. [From highland criminology (1. Mob execution of a woman in the village of Kalaki. II. Killing and execution of a woman in the village of Ogly // Collection of information about Caucasian highlanders] Issue. 1. Tiflis, 1868. – v.LII. 6. – P. 58.

¹⁸ Only one case is known when a man was punished along with a woman (a father was sentenced for killing his wife and son), but here everything took place within the family, and despite the court decisions and the considerable sentence delivered for killing two people, a great deal remains unclear in the case, and as in certain other cases, it is possible that there was an accomplice and that the man took the full blame himself. In other cases, a man was also killed, when a father killed his married daughter and another man, after discovering they were having an affair, which happened in a Darginsky village in the mountains.

whom everyone obeys. He should have the power. We have secular power here now" (imam, Dagestan).

"According to Sharia, taking the law into your own hands and killing a woman is considered murder, and should be punished by Sharia, and answered for on Judgement Day" (imam, Chechnya).

In practice, the arbitrary interpretation of religious norms and their exploitation for personal and self-serving purposes has led to family violence being regarded by a section of the population as a norm of Sharia. It is often thus regarded by those who commit "honor killings" of women.

Justification №4: the moral factor – "clan honor", "family honor", "man's honor"

Around 80% of respondents, including those who named the factor of tradition, adat and religion, connect "honor killings" of women with a moral transgression, i.e. the violation of norms and rules of behavior within the family and society, which are prescribed by the community.

The case studies show that the main grounds for committing these murders are gossip, rumors, or mere suspicions of a woman committing an "improper" act, without any facts to prove it. People have a "strong belief in the fairness of such murders, which often happen due to a simple suspicion of adultery, on the basis of rumors about the depravity of a wife or close female relative."¹⁹ An unfounded claim is sufficient for committing murder. The truth of the suspicion is not important; the man's honor is already affected by what society may think. Even if the perpetrator only subjectively believes that the woman has committed a "crime," this is enough for him to imagine that it has taken place.

"She was killed because of gossip. The reason she was killed was that she received a text message. She was a very good girl. It was just a text message on her phone. That's what her uncles were like" (female relative, Dagestan).

"He was with a group of men, and one of them made a comment about his sisters' behavior" (fellow villager, Dagestan)

"Probably because of rumors. The brothers conspired together, took her to the seaside and in a deserted place they drowned her" (female relative, Dagestan).

"Her cousin commented on her nail polish and short sleeves" (female relative, Dagestan).

In most cases, men commit such murders because of their dependence upon public opinion, condemnation, and discussion, and also because they believe that this form of punishment of women is acceptable. Relatives, friends and neighbors directly incite them to murder with the notion that *"a woman's honor is not just her honor, but also the honor of the clan."* In the Caucasus, a woman's deeds and the condemnation they elicit also trigger people to recall whose daughter she is, and who her father's father was. *"This woman is a part of the link of several generations".*

¹⁹ Сборник сведений о кавказских горцах [Collection of information on Caucasian highlanders] Issue 1. Tiflis, 1808. – P. 10.

" 'There was a stain on us. We got rid of her'. Murtuz was distraught: 'What stain? What did you do to her?' 'Kasum killed her.' Asilder said: 'We're all relatives here, let's keep it all a secret, bury her quietly according to our customs, so that no one knows anything'"²⁰.

It is widely believed that if shame lies on the family – real or even imagined (not proven by anyone or anything), then it will negatively affect the lives of all the other relatives and future generations: women and men will not marry, men will not be able to find work, etc. On the one hand, people believe that if a murder has been committed, the shame can be washed away by getting rid of the girl, thus severing the connection with her and her "guilt." On the other hand, respondents said that such a murder *"becomes an admission of the shame and sin"* of the family. If she was killed, then that means she was guilty, and furthermore *"under Islam these people become accomplices of the crime, and according to religion, they will bear punishment for gossip"* (imam, Dagestan).

This represents a scenario in which society is responsible for a person's murder—people talk, act as informants, gossip, eavesdrop and even openly pressure a man to commit a crime: *"What sort of man are you? What sort of highlander are you? If you allow this behavior and still haven't killed her!"* – it is phrases like these, respondents say, that many men heard who then went on to commit an "honor killing." Here an appeal is made to the *"ambitions"* of members of the clan, to their "manly honor," "dignity"— i.e., male qualities and characteristics that are idealized by society.

"A few killings help to save all society, to preserve traditions, morality, order and customs"—these are the "useful" aspects of this practice, according to a number of experts.

The community still dominates people's lives; personhood does not mean autonomy, individualism, or freedom. It is bound by social ties, status, and dependence on public opinion, and thus families strive to create a façade of piety and respectability. In this region, "honor killings" transcend the boundaries of a single family; they are more universal and significant for society as a whole, and so they are supported and endorsed. Intimidation and control of women is a step towards opposing the onslaught of globalized values, and towards preserving the patriarchal system.

A woman suspected of "indecent" behavior is regarded as a shame to the family, clan, community and even the entire people. This is why a woman's personal life, her behavior, and the preservation of traditions connected to these behaviors are so important for every inhabitant of the region. The behavior of even one woman, they believe, creates a precedent for the breakdown of the traditional nature of society, its customs and values. By controlling the sexuality and reproductive function of women, respondents claim that these killings act as a boon for preserving cultural and ethnic purity. At the same time, male control extends not only to a woman's body and her sexual behavior, but to her overall comportment and activity. In all of these areas, any obstinacy shown by women is seen as undermining a man's honor. Alarmingly, as ideas widen about what constitutes honor and what damages it, the number of honor killings may increase.

²⁰На нас было пятно. Мы его убрали... // Слово женщины. [There was a stain on us. We removed it... // Woman's Word] – 2014. 1(2). С. 12–14.

Tolerance of such violence is tantamount to accepting the concepts of the "honor" of men, family and clan, as well as the coercive regulation of female sexuality and reproduction. By using violence as a way to assert justice and social well-being, men may resort to killing to make women behave properly, to subordinate and intimidate them, and thus also warn others of the possibility of such a punishment in the future.

2.5. Honor killings of women from the standpoint of the elements of the crime

Object

Over the period from 2008 to 2017, according to the cases we have documented, a total of 39 people were killed: 36 women (92.3%) and three men. An analysis of the majority of these cases showed that the victims were women of different ages, but they were primarily young, unmarried or divorced women, more rarely married women. They were the daughters, sisters, wives, nieces or stepdaughters of the killers.

Subject

100% of the perpetrators were men in the cases we examined: the father (10 cases), brother (9 cases), other male relatives (4 cases), husband (3 cases) and stepfather (1 case). In a number of cases (10) which did not go to court or where a woman disappeared, the relationship of the killer to the victim was not established.

The objective side

The **place of the murder** depends on the situation: whether the killing took place spontaneously (which are few), after a scandal (argument, fight, conflict over "amoral" behavior etc.), or if it was planned in advance, which applies to the majority of cases.

As in any premeditated murder, the murderer chose the most convenient place to commit the crime. This was usually a concealed outdoor area (outskirts of town, near a body of water such as a river or sea, in the mountains, in the forest etc.). Or, the murder took place directly in the home, and later the corpse was taken away and hidden in an inaccessible area. This was the most widespread scenario, so quite a large number of crimes were concealed. This skillful concealment is illustrated by the fact that despite numerous suspicions of villagers about "honor killings" having been committed, the bodies of many victims were not found. *"If there is no victim or statements from relatives, there is no crime."*

From the cases studies, it follows that the relatives of many women who have gone missing say that they have disappeared or gone away, but they usually do not report their disappearance to law-enforcement bodies. As a rule, within communities, people guess that an "honor killing" has taken place in most cases. In small villages, rumors spread very quickly. Killings are discussed, and some are condemned (especially when they are perceived to be unjust or groundless). Some believe these crimes to be permissible. But news of them rarely goes outside the boundaries of the village. No one will voice their suspicions or draw

the anger of their fellow villages, and they will certainly not announce that a woman has gone missing. Interference in family matters is unacceptable, and this issue is traditionally taboo.

Methods of killing women vary. They take the form of strangulation; numerous blows with an axe; knife wounds; gunshot wounds; drowning in the sea or river; poisoning etc. Strangulation and the use of knives or other sharp objects are the most common. The considerable number of killings in which knives and axes were used stand out for their extreme brutality.

In two cases examined, women were driven to suicide by relatives' suspicions of their "depravity:" one woman hanged herself after these accusations, and the other, according to respondents, was forced by relatives to take pills. Women are forced to commit suicide because of the social consequences of their "shamelessness" both for the woman personally, and for her family. They may be driven to suicide by family members or by pressure from society as a whole.

The subjective side

In all the cases of "honor killings" of women we studied, the killing was a **culpable premeditated act**, conscious and willed, and usually planned in advance.

In most cases, the decision to kill is taken by the male part of the family. A woman's death sentence is delivered via a collective decision of the men, who consider themselves insulted by the woman's either real or imagined behavior. Here, the obligatory presence of witnesses (both under adat and Sharia) is completely ignored, as is adat's requirement to be caught at the scene of the crime. Making the "incident" known, i.e. the "act" of the woman, and the subsequent punishment of the "culprit" fulfills a clearly determined social task: to influence the behavior of other women.

More rarely, one person makes the decision (usually the father, brother, uncle, cousin, etc.). There are cases in which the woman's relatives forced her brother to carry out the sentence.

3 motives for these murders may be singled out:

- To restore the "honor" of the clan and family;
- To cover up another serious crime – rape, incest, sexual abuse of minors;
- To fulfill ulterior or self-serving motives (material gain, inheritance etc.)



2.6. "Honor killings" of women and criminal prosecution

Police investigation

The concept of "honor killing" does not exist in national law. There exists only the general offense contained in Article 105 of the Russian Criminal Code - "Murder".

Criminal cases are opened under Article 105 in rare circumstances: if a body is discovered, the perpetrator confesses, or more unusually when relatives submit a statement about the disappearance of a woman. The quality of the investigation in many ways depends on the investigator's position, on the material possibilities of the accused and the solidarity of his family circle, and on the level of activity of the victims' relatives.

A number of obstacles are often encountered in investigating "honor killings" and in sentencing the perpetrator. The first is the reluctance of investigative bodies to open criminal investigations and provide them with the required level of attention. In small settlements, police officers may be relatives of the suspect, express compassion and justification of his deed, and may traditionally believe that the victim is to blame. Even without such family ties, these cases are in any event a low priority, if not to say undesirable, for law enforcement bodies, and the police themselves are biased against the victims. Here gender stereotypes and discrimination play their role, as well as the lack of any specialized knowledge or training of police officers about the problem. Furthermore, the number of women employed in the justice system is usually very low, which also shows a lack of sensitivity to the occurrence of such crimes and their victims.

"The police are not always prepared to investigate such cases. You can see this from my case. It took me so much effort to bring the case to trial. To get a decision" (lawyer, Dagestan).

The second is that the victim's relatives very rarely appeal to law-enforcement bodies. Two cases gained considerable renown in recent years—a killing in the village of Nechayevka in Dagestan and one in Grozny, Chechnya—in which the mothers of the victims filed charges and acted as plaintiffs. Yet, in most instances, family members keep silent, so cases of killing do not reach the police. First, because reconciliation often takes place, or there may be a reluctance to "*take the quarrel outside*," subjecting the family to shame. Second, people are afraid of the consequences of filing charges, of pressure from relatives and the community, of being judged or ostracized.

"The men are always to blame. Do many cases reach trial? I wouldn't take them to trial or to the law-enforcement bodies. I would keep this a secret in my family. My family should file charges. But what if my family doesn't?" (historian, Chechnya).

"It's kept a secret. Of course, if charges are filed, if there is clearly a murder case, then we must conduct an investigation. But charges are rarely filed. People don't want to do this, and even if they are do, they are scared of the consequences, of pressure from relatives and the community, of condemnation and isolation" (investigator, Chechnya).

"Only a few of these cases reach trial. We usually try to solve problems concerning the family ("honor killings", kidnapping of brides, rape etc.) through talks, by internal regulation. It is not the custom to make such things public" (investigator, Dagestan).

The "absence" of a woman (if she has been killed or is suspected of being killed) is carefully kept secret by relatives. It is not proper to ask about where a woman is, but the family can always find an answer, or devise some story of their own about why this family member is absent. They say that women have gone away to study, got married, found a new job, changed their place of residence, etc. If no family member announces a disappearance or suspicion of murder, then no one will look for the missing woman. Only mothers announce this, and very rarely. They too are afraid of publicity, shame, and of going against their family.

Third, investigators try to classify some "honor killings" as accidents or suicide, to avoid opening an investigation for murder.

Thus, limited access to justice for victims is one of the principle obstacles to effective prevention and investigation of killings of women. It may stem from many factors, such as flawed or discriminatory legislation; mistaken application of the law; the complete lack of gender-sensitive regulations for combatting violence against women; the preservation of discriminatory gender stereotypes and ideas among police officers (i.e. placing the blame on the victim or not applying the law with sufficient accuracy); lack of public condemnation of the perpetrators and fear of reprisals; lack of information among victims and their relatives about their rights and existing remedies; or even limited access to law-enforcement or legal services due to geographical location.

Court hearings

In the 33 cases we discovered and analyzed, only 14 cases (42.4%) reached trial. The accused was sentenced in 13 cases and acquitted in one. Those found guilty were sentenced to imprisonment of 6 to 15 years in maximum-security prisons. The length of the sentence depended on the seriousness of the crime, and the presence of qualifying signs (aggravating circumstances) and proven guilt.²¹

For example, for killing his cousin, a man was sentenced under Article 105(1) of the RF Criminal Code to 6 years in a maximum-security prison. For killing his two daughters, one of whom was a minor, a father was sentenced under Article 105(2) to 15 years' imprisonment in a maximum-security penal colony. For killing his pregnant daughter, a father was sentenced to 12 years in a maximum-security prison under Article 105(2).

There are several biases at play in court: towards the issue of "honor killing" in and of itself, as well as an accusatory attitude towards the plaintiffs and the victim. A bias in favor of the accused can also be observed in court hearings. These obstacles to justice often arise from a combination of unequal attitudes and prejudices at the legal, institutional, structural, social and cultural levels.

"Taking into account the specific nature of this killing (the killing of a woman by her relatives), witnesses from among the relatives split into 3 camps: those who were inclined to forgive the murder and protect the murderer; those who could not reconcile themselves with the fact of the murder, and those who kept to the principle 'it's no business of mine.' It was not difficult to determine which of the people gave truthful testimony, and who was lying. In assessing the witnesses' testimony, the court gave preference not to those who were interested in charging the accused, but to those who were not only inclined to forgive and protect the culprit, but who possibly also helped the culprit to hide traces of the crime" (from materials of the criminal case of Maryam Magomedova).

In the case cited above, the court initially acquitted the accused; subsequently, the acquittal was annulled by a higher court, and the perpetrator was sentenced to 7 years in a maximum-security prison.

"The proceedings continued for eight months, the prosecutor demanded 12 years' imprisonment. But the judge acquitted him. When I read the minutes of the trial, I was shocked – everything was turned upside down. Kasum isn't rich enough to buy off the judge, but he has a strong clan behind him, his uncle works in the administration, he knows everyone and has connections, he's friends with the chairman of the court, they reached an agreement for him at the police and at the court. This is the fourth case in

²¹ Part 1 of Article 105 of the RF Criminal Code stipulates, for premeditated murder of another person, a punishment in the form of imprisonment from six to 15 years, with restriction of freedom for a term of up to two years or without such. For the murder, for example, of two or more persons; a minor or other person who is known by the culprit to be in a helpless situation, and also accompanied with abduction of the person; women who are known to the culprit to be pregnant; committed with particular brutality; committed by a group of persons, group or person by preliminary agreement or an organized group etc. under part 2 article 105 of the RF Criminal Code, the punishment is imprisonment or a term from eight to 20 years with restriction of freedom from one year to two years or lifetime imprisonment.

*Nechayevka. But I'm the first to announce this openly. The others didn't go to the police, the women simply disappeared.*²²

In many cases of killings of women, counsel for the accused argues that the crime was committed in an emotional state. The emphasis in these cases is not placed on the nature of the crime itself, which is often committed with particular brutality, but on the psychological state of the accused and his own supposedly traumatic or distressing circumstances.

For example, in one renowned case, counsel for the accused tried to show that at the moment of the crime the accused was in an emotional state because of his daughter's "improper" behavior and threats made by her, but the expert findings did not confirm this. The lawyer stated:

*"The fact is that Daurbekov did not take his daughter's life, he did not kill her. We should put it this way: he removed her from life, to stop her from shaming herself, her daughter and all her close relatives. That will be correct... A father who killed his daughter after he put up with insults from her for 20 years, the amoral behavior of his Muslim daughter, he cannot in principle be charged under article 105 of the Russian Criminal Code.*²³

In the case of a murder of a sister by her brother, the accused's lawyer stated: "My client is charged with premeditated murder (article 105 of the RF criminal code), but we will attempt to have the charge changed to article 109, "Manslaughter." He did not intend to kill his sister and does not even remember all the details of the incident. Between the families of the victim and the accused, there was a reconciliation. Their fathers are brothers. The father of the victim said: 'I have no claims against him. He did what I should have done.'²⁴

In another case, a father strangled his daughter after she admitted she was pregnant, and threw her body into a canal. The next day he confessed to everything. He was sentenced to 12 years in a maximum-security prison. He too would likely have been able to ascribe his actions to an emotional state and get away with a minimal sentence, if it were not for the victim's aunt. She was the only person whom the victim (who had run away from home) told the reason for running away: "Patimat rang me the day after she ran away from home. She said that her father had raped her when she was 12 and tormented her for another two years."²⁵

In summary, we can conclude that the large number of withdrawals of complaints and the low percentage of guilty verdicts remain a real problem for successful criminal prosecution. The main reasons for this are usually the following:

- a) Disregard of previously submitted complaints, which implies unsatisfactory risk assessments and control strategies;
- b) Procedures which place the onus for initiating investigation and court proceedings on the victims;
- c) Lack of gender-sensitive criminal investigations;

²² «На нас было пятно. Мы его убрали...». Слово женщины. [There was a stain on us. We removed it... // Woman's Word] – 2014. 1(2). P. 12–14.

²³ Чечня: прения и приговор на суде по убийству «чести». 2015. [Chechnya: Closing arguments and the verdict in the case on "honor killing."] <https://memohrc.org/ru/news/chechnya-preniya-i-prigovor-na-sude-po-ubiystvu-chesti> (accessed 21 November 2018).

²⁴ В Дагестане начат суд по делу об «убийстве чести» в селе Чиркей, 2014 [In Dagestan court hearings start on "honor killing" case in Chirkey]. <http://chernovik.net/content/inve-smi/v-dagestane-nachat-sud-po-delu-ob-ubiystve-chesti-v-sele-chirkey> (accessed 27 November 2018).

²⁵ Жертвы обычаев. Почему в Дагестане набирают обороты «убийства чести», 2014 [Victims of custom. Why "honor killings" are growing in Dagestan]. <https://newtimes.ru/stati/xroniki/cd19562d3e88d6981b4faddd28e3f0a3-jertvi-obichaev.html> (accessed 27 November 2018).

- d) Insufficient use of other evidence apart from witness testimonies;
- e) Incorrect legal classification of transgressions;
- f) Use of mitigating circumstances to reduce punishment;
- g) Low effectiveness of programs for protecting defendants and witnesses.

2.7. Attitude of men and women to "honor killings"

Among respondents, 5 men and 3 women expressed support for honor killings. 22 women and 4 men were opposed to this practice. 2 women said that killing was "not always right," while 8 respondents did not state their position.

Among experts, 8 men expressed support for the practice, while 8 men and 7 women disapproved of it. Some believe that such killing is not justified in all cases. 2 experts refused to state their own position and to give an assessment of the situation.

Very often, people do not condemn the tradition *per se*, but rather a specific case or injustice towards a specific victim with whom they were personally acquainted or related.

Men are more concerned with the morality of society and normative behavior of women. For women, the family is most important. Even where there has been an actual transgression or a suspicion of one, there are few female relatives who will justify and approve of such killing within their family. Women understand more often than men that gossip, slander, errors and rash actions are possible. But at the same time, there is also support of this tradition among women, until it affects them personally.

It should be noted that many religious figures in Dagestan condemn such killings, and consider it important to work to prevent them. They believe current efforts are insufficient, and that muftis must pay more attention to this problem.

2.8. Attitude of respondents to eliminating the problem

Most respondents believe it unlikely that such killings can be completely eliminated in the near future. The perpetuation and continuation of the practice occurs due to a combination of several factors, which in the (often mistaken) opinion of respondents are backed up by adat, Sharia, tradition, concern for the honor of the clan and preserving the uniqueness of their people.

The main factors which may in future influence the possibility for eradication are:

- A clear understanding of the unavoidability of punishment;
- Explanation by imams at Friday prayer;
- Intensifying preventative and human rights activity;
- Consolidation of society, religious structures and government.



Conclusion

General conclusions

This study has shown that the problem of “honor killings” is highly relevant for the republics of the North Caucasus. This topic is extremely taboo and closed for general discussion. At the same time, everyone—both respondents and experts—knows about it, and understands that it concerns a crime: murder. Many find discussion of this topic not only undesirable, but also dangerous.

The inhabitants of the North Caucasus have a deep-rooted concept of “female honor.” They place the highest demands on women in terms of norms of behavior, which must be constantly and rigidly followed in order to preserve her dignity and the dignity of her family. Here, the honor of women is inseparable from and mutually connected to the honor of the family and the clan. Women bear responsibility for preserving both this personal and collective “honor.”

Respondents believe that “honor killings” of women are a way to rehabilitate the dignity and “honor” of the family by killing the woman who has cast a stain on it, who has shamed the clan or whose actions (real or imagined) may damage the “honor” of the family. These murders also serve important functions for these communities, such as *“punishment for violating traditional norms,”* purification, “washing away shame,” “guilt,” “shamelessness,” as an act that prevents the family being tainted by the stain of dishonor, as an example to prevent cases of women being “disobedient” in future, and as a demonstrative and intimidating practice and preventive measure for regulating women’s overall behavior.

Around 80% of respondents, including those who named the factor of tradition, adat and religion, connect honor killings of women with a moral transgression, i.e. the violation of norms and rules of behavior within the family and society, which are prescribed by the community. A woman suspected of "indecent" behavior is regarded as a disgrace to the family, clan, community and even an entire people.

In most cases, the decision to kill is taken by the male family members. A woman's death sentence is delivered via a collective decision of the men, who consider themselves insulted by the woman's either real or imagined behavior. Making the "incident" known, i.e. the "act" of the woman, and the subsequent punishment of the "culprit," fulfills a clearly determined social task: to influence the behavior of other women.

In 92.3% of cases, women are the victims of the crime of "honor killing." The perpetrators are men in 100% of cases. In all the cases of "honor killings" of women that we identified, the killing was a culpable, conscious act, willed and usually premeditated. These killings are committed to achieve the goals of restoring the "honor" of the clan and the family or sometimes to conceal another serious crime—rape, incest, sexual abuse of minors, or for self-serving reasons (material gain, inheritance, etc).

Inefficiency of investigation and criminal prosecution

Article 2 (e) of the UN Convention on the liquidation of all forms of discrimination against women (CEDAW) clearly states that states parties are obliged to take all necessary measures to eliminate discrimination against woman by any person, organization or corporation. This obligation, which is often called a due diligence obligation, lies at the basis of the Convention, and accordingly the state bears the responsibility if it does not take all necessary measures for prevention, and also for investigation, sentencing, punishment and providing compensation for the actions or inactivity of persons as a result of which violence against women was committed. States must have legislation, organization and a system for solving the problem of this sort of violence. Additionally, the state must make sure that all the composite elements work effectively, and are also supported and properly executed by state representatives and agencies. If a state is unable to take all necessary measures for preventing cases of violence towards women on the basis of gender when its representatives are informed or should be informed about the danger of violence, or in cases of non-investigation, or failing to hold accountable, to punish or provide compensation to victims or person who have experienced violence, this fact becomes an unwritten permission or incitement to acts of violence against women on the basis of gender. This lack of action or inactivity is a violation of human rights.

Honor killings of women in the North Caucasus are not investigated with sufficient attention. This is because of the flawed application of legislation, the lack of gender-sensitive regulations for combatting the problem of violence against women in general, the preservation of gender stereotypes and ideas among police officers, placing blame on the victim, the lack of public condemnation of criminals and fear of inevitable punishment, the lack of information among injured parties about their rights, etc.

A subjective attitude to the problem, an accusatory bias towards the injured parties and to the victims themselves, as well as bias in favor of the accused may also be observed in court. Often all of these obstacles result from a combination of unequal attitudes and prejudices at legal, institutional, structural, social and cultural levels.

This situation is a direct violation of the provisions of the Convention, in particular Articles 2 and 5, and also of obligations under the European Convention on Human Rights and Fundamental Freedoms (ECHR). As a party to the ECHR, Russia is obliged to conduct an objective and effective investigation when the right to life has been violated. Depending on the circumstances of the case, the authorities may bear responsibility for the death, if they knew or should have known about threats to the life of the victim, but did nothing.

The problem is complicated by the fact that most people in the society where these killings take place are not prepared to condemn the perpetrator openly, or to oppose so-called "tradition." There are many people who continue to support "honor killings" and consider them necessary, for the sake of preserving order in their community through strict control of women.

Therefore, we may conclude that institutional violence towards women is present in many aspects of the state's reaction to "honor killings" of women in republics of the North Caucasus. This may be tolerance towards the crime itself and the criminal, justifications of his actions, blaming the victim, the lack of access to justice for the injured parties and to effective means of legal, psychological and social assistance and protection, as well as indifference, threats, corruption and abuse of power by officials. It is also manifested by the tolerance displayed towards these crimes by state institutions and officials, in their inability and reluctance to prevent them, to protect or guarantee the safety of women, who are subjected to numerous forms of discrimination and violence throughout their lives.

In these scenarios, "honor killings" of women in the republics of the North Caucasus are a direct violation by the state of its international legal obligations. The general obligations of the state under Articles 2 and 5 of the Convention encompass all spheres of state activity, including the legislative, executive and legal branches at federal, national, local and decentralized levels, and also private departments. They demand the formulation of legal norms, including norms at a constitutional level, development of state policy, programs, an organizational structure and mechanisms of monitoring, directed towards eliminating all forms of violence towards women on the basis of gender, committed by state or non-state perpetrators. They also demand, in accordance with Articles 2 (f) and 5 (a) of the Convention, that measures are taken and implemented to eliminate prejudices, stereotypes and practices which lie at the root of violence against women.

Recommendations of international bodies to the state on eliminating the practice

The UN Committee against torture, in its Concluding remarks to the sixth periodic report of the Russian Federation²⁶ expressed concern that in the North Caucasus, particularly

²⁶ Concluding Observations on the sixth periodic Report of the Russian Federation (passed by the Committee against Torture at its 64th session (23 July – 10 August 2018). https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fRUS%2fCO%2f6&Lang=en (accessed 27 November 2018).

in Chechnya, Dagestan and Ingushetia, "killings to defend honor" and kidnapping of brides are still committed, and perpetrators are rarely brought to justice, providing an exculpatory legal basis for perpetrators to remain unpunished (arts. 2, 12, 13, 14 and 16).

We believe it necessary once more to recall the recommendations of the UN CEDAW Committee formulated in the Concluding remarks to the eighth periodic report of the Russian Federation (issued by the Committee at its 62nd session (26th October – 20th November 2015)²⁷, and which has not been implemented to any extent. The committee expressed concern that forms of harmful practices (including "honor killings" of women) are considered to be quite acceptable in society, and so are hushed up and remain unpunished. The Government of the Russian Federation perhaps does not have the desire or effective mechanisms to ensure the application of federal legislation in all regions and autonomous provinces with the aim of the consistent, coordinated and complete implementation of the provisions of the Convention.

The Committee called upon the state to undertake the following steps:

a) to hold an investigation of the prevalence of types of harmful practice, including "honor killings" in the North Caucasus, and develop a comprehensive strategy to liquidate them, including educational and information campaigns for religious leaders and leaders of communities, and among the general public. This will ensure effective legal prosecution and sentencing of people responsible for carrying out crimes, and give victims of violence means of legal protection and aid, including provision of refuge;

b) to expand the powers of law-enforcement bodies to protect women and girls from violence. In all regions of the participating state, a standard form will be introduced in all police stations for conducting investigations and work with victims, taking gender issues into account. Women will also be able to file complaints without the fear of revenge and stigmatization;

c) training will be provided systematically for judges, law-enforcement officers and health workers concerning so-called crimes in the name of honor and the unfavorable consequences of these phenomena for women's rights;

d) to provide women the possibility of reporting such cases, without fearing revenge or stigmatization, and receive legal, social, medical and psychological aid.

The obligation to prevent violations and protect citizens requires that the state pass comprehensive measures to eliminate deep-rooted causes and risk factors for violence against women and discrimination. International bodies have already developed a range of recommendations on this issue.²⁸

²⁷ Concluding observations on the eighth periodic report of the Russian Federation // Committee on the Elimination of Discrimination against Women, 2014. <https://undocs.org/CEDAW/C/RUS/CO/8> (accessed 28 November 2018).

²⁸ For more detail see: Strengthening crime prevention and criminal justice responses to violence against women / Resolution adopted by the General Assembly on 21 December 2010. <http://undocs.org/A/RES/65/228> (accessed 3 December 2018); Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo // Human Rights Council, 2012. https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A.HRC.20.16_En.PDF (accessed 3 December 2018); Taking action against gender-related killing of women and girls // Resolution adopted by the General Assembly on 18 December 2013. https://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/2010-2019/2013/General_Assembly/A-RES-68-191.pdf (accessed 3 December 2018); Gender-related killing of women and girls: promising practices, challenges and practical recommendations/ Background paper prepared by the Secretariat // Expert Group on gender-related killing of women and girls, 2014. <https://www.unodc.org/documents/justice-and-prison->

To sum up, we may conclude that for the effective prevention and elimination of "honor killings" and other connected forms of violence against women, there is a need not only for reform of discriminatory laws and practices, but also for efforts to change social norms and stereotypes which support and justify the dominating role and control of men over women, and also to increase the economic and social independence of women. Many countries have passed comprehensive legal and political frameworks, such as national plans of action and strategies to eliminate violence against women. Indeed the current legal space allows for the calibration of Government actions and policies in line with international norms in theory and practice by clearly outlining a strategy to eliminate violence against women. The state is obliged to counteract customs and traditions which serve to justify violence against women.

In our opinion, the following possible steps in this direction should be taken:

1. To ensure appropriate, efficient, timely, comprehensive, serious and objective response from law-enforcement bodies to acts of violence against women or the suspicion of such acts (for example, when a woman disappears), coordination of actions within the system of criminal justice and cooperation with organizations engaged in victim protection and support. The response of law enforcement officials should be based upon the existence of objective factors pointing to an act of violence or the threat of violence, and should not depend upon relatives' wishes.

2. Investigations of "honor killings" must be gender-sensitive and take into account the particular vulnerability and needs of victims. Methods must be used which guarantee minimum interference in their lives, while observing the required standards for collecting evidence. Victims and witnesses of violence or a threat of violence on the basis of "honor" should be accorded state protection measures during the criminal investigation.

3. Standards of proof must not be discriminatory, and all appropriate evidence must be submitted to the court. No references should be made to "wounded honor" or "provocative behavior" in order to avoid criminal responsibility. Any possibility of "repeat victimization" must be eliminated in criminal court proceedings. Victims and witnesses must be afforded state protection measures during court proceedings concerning violence committed in the name of "honor."

4. Preventative operative measures must be taken to protect people whose lives are at risk as a result of the criminal actions or threats from another person. At present such measures are not available under Russian legislation, leaving victims in a vulnerable position.

5. To conduct events and campaigns in the media at local and federal levels, and also develop and approve subjects in the school curriculum concerning issues of respectful mutual relations and gender equality.

6. Develop social services and create safe houses, in order to help women who have become victims of violence or against whom there is a credible threat of violence, to avoid the most serious consequences for their health and safety.

[reform/UNODC.CCPCJ.EG.8.2014.2-English.pdf](#) (accessed 3 December 2018); Action against gender-related killing of women and girls. Report of the Secretary-General / General Assembly, 70th session, 2015. <http://undocs.org/A/70/93> (accessed 3 December 2018); Taking action against gender-related killing of women and girls / Resolution adopted by the General Assembly on 17 December 2015. <https://undocs.org/en/A/RES/70/176> (accessed 3 December 2018).

7. To carry out training for all state officials in the fields of administration of justice, education and health care, in order to foster a compassionate and thorough approach to problems connected with violence against women, including an assessment of risks associated with the practice of "honor killings" in the regions and communities where such crimes most often occur.

8. To gather information and statistical data on the prevalence of cultural customs involving violence against women, in order to develop appropriate strategies to eliminate them or decrease their harmfulness.

9. To recognize the important role of women's associations and organizations in eliminating cultural customs involving violence against women, and to provide them the necessary support and assistance.

The background is a stylized, hand-drawn illustration of a landscape. It features blue and white mountains, a winding river in shades of blue, and several simple houses with dark roofs in the foreground. The sky is filled with abstract shapes, including a large red and pink cloud-like form at the top left and a large black shape at the top right. There are also some blue scribbles and lines scattered throughout the scene.

**ПРОЕКТ
ПРАВОВАЯ
ИНИЦИАТИВА**

Проект «ПРАВОВАЯ ИНИЦИАТИВА», 2018

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