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Lenient sentences for perpetrators of “honour killings” a step backwards for protection of women in Jordan

Amnesty International has written to the Jordanian authorities expressing its concern over what appear to be disproportionately lenient sentences received in March by two men convicted of killing close female relatives. In separate cases the men were sentenced to six months' and three months' imprisonment by the Jordanian Criminal Court after the court accepted that they had killed their female relatives in “a fit of fury” in the name of family honour. Taking into account article 98 of the Penal Code, the court ruled in each case that the crime should be considered a misdemeanour and so would merit a much reduced sentence compared to the penalty for murder, which is 15 years' imprisonment.

Article 98 of the Penal Code says that if a crime is committed in “a fit of fury caused by an unlawful or dangerous act on the part of the victim” the perpetrator shall benefit from a reduced penalty. This article is used in cases of violence against women in a discriminatory manner, largely excusing many killings of women by men, and contravenes a basic requirement of international human rights law that individuals should have equality before the law and should not suffer discrimination on the grounds of sex. Amnesty International opposes the use of this law and is urging the Jordanian authorities to amend it.

In the first case, according to court documents, a man identified as S.A. choked his 27-year-old wife to death after discovering that she had been alone in their house with someone with whom she was previously alleged to have committed adultery. In the second case, a man identified as B.A. shot dead his 29-year-old married sister because of what he considered her “immoral behaviour,” which included leaving home without her husband's consent and speaking to other men on her mobile phone. The two victims were among 17 women recorded officially as having been killed in “honour crimes” in 2007 in Jordan.

In view of the apparent leniency of the sentences, Amnesty International has asked the Justice Ministry if the prosecuting authorities are appealing the Criminal Court's decisions in these cases. The Attorney-General, reportedly, has 30 days within which to appeal against Criminal Court judgements to the Court of Cassation.

Background

The Jordanian authorities have taken several measures in recent years to protect women from violence, including the establishment of a Family Protection Department within the Public Security Directorate (police) that has helped ensure that allegations of violence against women are subject to more thorough investigation and opening the first government-run shelter, named Dar al-Wifaq, for women victims of domestic violence. Only last week, Queen Rania released a web-video in which she declared that “there is no honour” in so-called honour killings and described them as “horrific” and “inexcusable” crimes.

Despite this, “honour killings” continue to occur and, as these recent cases indicate, when prosecuted can result in disproportionately lenient sentences being imposed through the application of article 98 of the Penal Code.

In January 2008, the Protection from Family Violence Law was passed by Parliament. The law facilitates the reporting of abuse of domestic violence and provides for victims to receive compensation, but it fails explicitly to criminalise domestic violence although this was recommended last year by the UN Committee on the Elimination of Discrimination against Women. The new law emphasises reconciliation and other forms of remedy for victims but fails adequately to provide for prosecution of perpetrators.

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