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Statement on ‘Honour Killing’ in Pakistan’ received by Commission on Human Rights

(Geneva, 6 April 2004) – The written statement of the Asian Legal Resource Centre (ALRC) on ‘Honour Killing’ in Pakistan’ (E/CN.4/2004/NGO/21) was distributed on the 2nd April 2004 at the 60th Session of the United Nations Commission on Human Rights in Geneva.

The full text of the statement follows.

This year, ALRC submitted 30 written statements to the Commission, on topics as diverse as caste discrimination in Nepal, food scarcity in Myanmar, custodial deaths and torture in India, extrajudicial killings in Thailand, policing in Pakistan, the National Human Rights Commission of Sri Lanka, and impunity in Asia.

The complete list of statements, with full texts and links to the original versions, can be viewed on the ALRC website, at <http://www.alrc.net/mainfile.php/60written/>.

Asian Legal Resource Centre — ALRC, Hong Kong

'Honour killing' in Pakistan

1. The Asian Legal Resource Centre is gravely concerned with the continued honour killings in Pakistan, and the impunity with which they are committed. During 2003, around 1261 cases of honour killings were reported, with 938 committed against women and 323 against men. Of these 1261 cases of violent crimes related to so-called “honour,” 94 were reported in January, 82 in February, 120 in March, 92 in April, 148 in May, 135 in June, 86 in July, 170 in August, 107 in September, 106 in October, 53 in November and 68 in December.

2. In most of the honour killing incidents, women are killed on assumed suspicions without any chance to defend themselves. These murders are committed in obstinacy and in most cases the culprits go unpunished, sometimes by courts of law.

3. A case in point: a medial report of 19 December 2003 stated that an elderly woman elected councillor, Faiz Batool, from Sillanwala tehsil of Sargodha, was paraded naked through a *bazaar* by goons of the *Kalyar* tribe. This was done for an alleged brawl involving the tribe. The victim's family alleged that the influential tribe is now pressurising them to withdraw the complaint lodged with the police. The police did nothing to protect the victim or to apprehend the culprits. A member of the Parliament and of the *Kalyar* tribe, though not related to the accused, knows the details of the case, but did not help the victim in getting redress. The surfacing of this incident failed to move the higher authorities to effect any change in the way the administration, at local and tehsil level, operate in coherence with local feudal lords and their muscle-men.

4. In another incident, Mohammad and Shanzia Hassan, who were married of their own free will, were killed by a firing squad in pursuance of a decision made by the jirga, despite the resistance of the girl's father, who told the jirga that he had pardoned his daughter. Their marriage was resented by the *Khaskheli* clan, to which the girl belonged. The couple was summarily arrested and illegally imprisoned for some time prior to their deaths. The police registered a case against the unknown murderers, failing to record the names of the arrested persons who were standing near the dead bodies of the couple with an unlicensed pistol in the First Information Report.

5. This is indicative of the violence and discrimination that girls and women face in Pakistan. It also illustrates that the government of Pakistan is doing little to change the situation. While 33% participation of women is established in legislature at all tiers, including local, provincial and national, records show that there has not been a single resolution passed, nor is there a discussion of the menace of honour killings at any level. Not only this, but female members of parliament rarely even speak out in sessions.

6. According to a female MPA, Sassui Palijo of the Sindh assembly, the mere presence of women in parliament does not mean that any changes will occur, because there is no rule of law and even government ministers openly support discriminatory practices such as honour killings and the Jirga system. When one particular member of parliament attempted to raise the issue of honour killings in an assembly session, he was not allowed to speak and was later threatened.

7. Similarly, although the government of Pakistan formed the National Commission on the Status of Women (NCSW) in July 2000 to make recommendations for the review of discriminatory laws against women, none of the Commission's recommendations has been heeded as of yet. A report recommending the repeal of the discriminatory and controversial Hudood Ordinances of 1979 was submitted last August to the cabinet, but has not yet even been taken up for consideration.

8. The jirga system present in Pakistan is the main obstacle to the ending of honour killings, as the Asian Legal Resource Centre stated in its previous submission on the matter [E/CN.4/2003/NGO/95]. The government of Pakistan has so far done little to unify the country's legal systems. Rather, the government has given more power to politicians and feudal lords under its schemes to allegedly dispense justice, such as the 2002 Police Order, on which the Asian Legal Resource Centre has made a separate submission.

9. An example of the country's slow and ineffective justice mechanisms is that only in December 2003 did the country's highest court of law, the Supreme Court of Pakistan, rule that an adult Muslim female was entitled to marry of her own free will, without having to obtain the consent of her *wali*, or guardian. In its judgement, the court observed that a Muslim female, on reaching 18 years of age, and being sane of mind, was not required to seek the permission of her guardian or father to enter into a valid contract of nikah, or marriage, and that an attestation by the couple was

sufficient proof of marriage. The verdict has overturned the ruling of a provincial court, in two separate decisions in 1997, confirming that any marriage without the approval of a guardian was invalid. However, human rights activists fear that persons opposing such a marriage can always plead that the woman in question is insane.

10. These cases of honour killings will not be stopped unless the state immediately bans the traditional jirga system, which is the prime protector of the honour killings tradition. The government and state machinery are natural allies of the feudal lords, and the feudal lords are the upholders of honour killings.

11. With this in mind, the Asian Legal Resource Centre urges the Commission to:

- a. Pressure the government of Pakistan to take necessary action to stop the Jirga and Panchayat based parallel system run by local feudal lords.
- b. Ensure that the recommendations of the National Commission on the Status of Women are implemented and laws are amended accordingly.
- c. Urge the government of Pakistan to enact legislation on honour killings and take necessary action to stop such events.