



Monthly Report January - Team Pakistan



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Aim of the report

This monthly report aims to present the reader with an overview of the human rights issues and violations committed against minorities and marginalized groups in Pakistan during the month of January 2022. With this, awareness is raised of the ongoing human rights violations suffered by minorities and marginalized groups in Pakistan. It is important that, when addressing these human rights violations and standards in Pakistan or anywhere around the world, the voices of the minority and marginalized groups must not be overheard but instead have to be addressed and discussed accordingly.

This report begins with an introduction of the country, followed by a significant human rights review concerning the International human rights of minorities and marginalized populations in Pakistan. Following with some significant cases of human rights violations that occurred in the month of October 2021. With this, the main focus is on the Updates in the Case of Noor Mukadam, the daughter of diplomat Shaukat Makudam, who was murdered by a childhood friend. This report will furthermore discuss the honor killings and blasphemy charges that occurred in January together with positive developments.

Chapter 01: Pakistan: an Introduction

Pakistan is the world's second most populated Muslim country. From the total population, around 96,28% are Muslim, 1,59% are Christian, 1,60% are Hindi and 0,22% are Qadiani (Pakistan Bureau of Statistics, 2021). This is in line with the fact that the Islam is the State religion of Pakistan, as laid down in article 2 of the constitution. (Pakistan Constitution, Article 2). However, article 20 of the constitution emphasizes the freedom of religion, whereby; "every citizen shall have the right to profess, practice, propagate his religion"(Pakistan Constitution, Article 20(a)). Unfortunately, as this report further shows, this is not the case in practice. Multiple Minority groups are still being suppressed on the sole basis of their religion.

Pakistan is the world's fifth-most populous country in the world, with a population of more than 226 million inhabitants (Worldometers, 2021), and is located in the south of the Asian continent, bordered by Afghanistan, China, India and Iran. The primary language spoken in Pakistan is English and Urdu, while other popular languages are Punjabi, Pashto, Sindhi, and Balochi (Nag, 2019).

The President of Pakistan is Mr. Arif-ur-Rehman Alvi, and the Prime Minister of Pakistan is Mr. Imran Ahmed Khan Niazi. Pakistan is based upon a democratic parliamentary federal republic. This entails that the citizens choose their governmental representatives and that the sovereign power of the country is divided by means of a constitution (CIA.gov).

Chapter 02: Pakistan Human Rights Review

Within this report, we focus on various Human Rights Violations of Minority groups in Pakistan. With those human rights violations, various international conventions ratified by Pakistan tend to be breached. With this Human Rights Review, the focus is with those conventions and treaties related to human rights violations of January.

Starting with the violence against women, which is further in line with the case of Noor Mukadam. Pakistan has ratified crucial legislation on International Law, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979). CEDAW emphasizes the equality of men and women (Article 1, CEDAW) and the duty of the states to implement relevant legislation to prevent violence against women (Article 6, CEDAW). Pakistan must adhere to these conventions with protecting their women.

We can furthermore find a stressing amount of honor killings in January. Honor killings are the most extreme form of honor-based violence, a practice in which a person is subjected to violence by his or her family or community, with the intention to restore the honor lost by the victim (HBV AN, 2021). Unfortunately, has the international community not yet responded to this crime by including legal provisions on this matter. With this, there is no convention or legal provision on this matter. However, the WHO has addressed the subject by defining the crime (WHO) and The Council of Europe has provided an article on this in the Istanbul Convention on this serious matter (Article 42, 2011). Unfortunately, this has not decreased the amount of honor killings in Pakistan.

In this report, we can find various blasphemy charges and cases that occurred in January in Pakistan. The Pakistani blasphemy laws under the Pakistan Penal Code (PPC) lead back to Section 295 of the Pakistan Penal Code, which punishes any behavior that is considered to be insulting or to insult the religion of any class (Section 295 of the Pakistan Penal Code). These Pakistani Blasphemy Laws appear to be in gross violation of these international conventions, as they infringe one's right to freedom of religion and freedom of expression. These rights are laid down in various international conventions ratified by Pakistan, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

According to Amnesty International, these laws inevitably lead to indirect oppression towards members of opposing political parties, human rights activists, journalists, and religious minorities (Amnesty International, 2016).

Chapter 03: Human Rights Violations January

Chapter 3.1: Violence against Women

During the month of January 2022, there have been several cases of women experiencing violence throughout Pakistan. This unfortunately meant various murder, rape and sexual harassment cases that occurred.

Chapter 3.1.2: Updates on the Case of Noor Mukadam

A reoccurring case in January, was the case of Noor Mukadam. On the 21st of July 2021, Noor Mukadam, the daughter of diplomat Shaukat Makudam, was brutally murdered. Noor Mukadam was brutally murdered in the house of her childhood friend (The Diplomat, 2021). Noor and Zahir Jaffer, the childhood friend, got into a discussion after Noor Mukadam refused to marry Zahir Jaffer. She was illegally detained in a room which she tried to escape multiple times, whereafter she was brutally beaten and beheaded. Zahir Jaffer was arrested and charged with murder on Noor Mukadam on the same day. Five days later, on the 26th of July 2021, Zahir Jaffer confessed the murder.

Ever since, various release attempts in the persecution of Jaffer have been made, such as multiple appeals, requests to release on bail, and pleas that Jaffer is mentally ill. Besides that, has there been various loopholes in the investigation of the murder, which causes a delay in the persecution. In January various developments in regards to the case occurred.

On the 6th of January, the lawyer of the main suspect Mr. Jaffer requested the establishment of a medical board. This medical board is supposed to examine the mental health of Mr. Jaffer, as the lawyer, accused the suspect of having a schizophrenic disorder caused by drugs, at the time of his arrest. The lawyer of Mukadam requested the application to be dismissed as it was filed when the court was closing the trial. The court reserved the application and later rejected it (Dawn, 2022).

On the 15th of January, Shaukat Ali Mukadam, the father of Noor Mukadam, recorded his testimony in a district and sessions court in Islamabad. He herein demanded capital punishment for Zahir Jaffer (The International News, 2022).

The father of Noor Mukadam, Mr. Shaukat Mukadam was cross-examined by the defense on the 18th of January. With this, the defense focused on Noor's whereabouts the day before she was murdered and his relationship with the main suspect, Mr. Jaffer. With this, the emphasis was made that Mr. Mukadam never stopped his daughter from visiting the house of Mr. Jaffer (Dawn, 2022).

On the 20th of January, after multiple attempts to declare Mr. Jaffer mentally ill, the doctors at the Adiala Jail declared Mr. Jaffer physically and mentally healthy (GEO News, 2022).

On the 25th of January, a forensic report was given to the court. This report stated that there were no fingerprints found of Mr. Jaffer on the gun used. They furthermore stated that hair recovered on a swiss knife was unfit to be examined nor were Zahir's fingerprints found on the knife. With this report it remained clear that various loopholes in the case occurred in regards to the recovery of evidence, cross-examination and reports (The Tribune, 2022).

On Wednesday, the 26th of January, the trial court judge requested clarification from the capital police on the loopholes in the case. One of these clarifications is regarding the cross-examination of an investigating officer, as statements of this officer are not in line with other evidence found in the case (Dawn, 2022).

With this, the trial and examination will be expended to ensure a full comprehension of all the facts. The trial, which started in September will be ongoing and more updates will follow in the media, as the case is followed closely.

Chapter 3.2: Honor Killings

In January, around twelve cases of Honor Killings were reported by the media. The actual number of cases will be regarded much higher as most do not reach the media. In Pakistan, around 1,000 honor killings take place every year, but these figures have remained unreliable due to the lack of statistics (Honor Based Violence Awareness Network, 2021).

On the 13th of January, a woman, and mother of five, together with her nephew were shot dead in Pripri in the name of 'honor'. They both endured multiple bullet wounds and their bodies were taken for post-mortem examination. The husband of the woman is arrested (Samaa, 2022).

On the 15th of January, multiple reports of honor killings were made throughout the country. In the lower Kohistan district was a woman and a ninth-grade student killed in the name of 'honor', by the husband of the woman. According to the husband, the woman was having an illicit relationship with the student. The man first killed the student, whereafter he went home and shot his wife. Another case was also reported, which concerned the death of a married woman and man in Darazinda. The murder is allegedly in the name of honor as the family has experienced multiple family honor disputes. The attackers fled the scene and are currently searched by the police. (Dawn, 2022).

Four days later, on the 19th of January, a man was arrested for allegedly killing his wife for 'honor'. A police official mentioned that the suspect tortured and killed his wife with a dagger, whereafter he threw her in the fields. The police arrested the man. (Dawn, 2022).

On the 21st of January, a woman was killed by her father and brother in the name of 'honor'. She was killed on the suspicion of 'loose morals' and after they killed her, she was buried. This happened near Bangla Gogera. The police recovered the body, arrested the suspects and filed a First Instance Report. (Dawn, 2022)

The final case of honor reported by the media in January, happened on the 23rd of January. In the Hathian area of Takhtbhai tehsil a mother and daughter were shot to death for 'honor'. The son and brothers of the victims were witnesses in the murder and identified three suspects. One of these suspects is the husband of a victim. The suspects are arrested by the police and the bodies of victims were brought to the Lundkhwar Hospital for postmortem. (The International News, 2022).

Chapter 3.3: Blasphemy Charges

Throughout January, numerous cases surrounding blasphemy charges were reported, attracting attention and criticisms on the blasphemy law's legal basis. Since 1990, at least 78 people have been killed, surrounding blasphemy allegations (Hashim, 2020). The Centre for Research and Security Studies (CRSS) reported that since 1947, 1,415 blasphemy charges have been claimed with over 89 extrajudicial killings following accusations (Ali, 2022). The enlarged scope of these blasphemy laws were implemented during the regime of General Zia ul Huq from 1980-1986, reinforcing stronger punishments over more kinds of blasphemy that is specific to Islamic jurisprudence in Pakistan. According to the US Commission for International Religious Freedom, 80 convicts are either on death row or facing life-imprisonment over blasphemy charges (Hashim, 2020).

Arrested in July 2012, Zafar Bhatti has served the longest sentence for blasphemy thus far in Pakistan (Khokhar, 2022). However, on January 3rd, 2022, his life-sentence in prison was changed to the death penalty by Additional Sessions Judge Sahibzada Naqib Shehzad. Zafar was originally convicted for sending blasphemous text messages on a phone that was not registered in his name (Khokhar, 2022). His family and lawyers beseeched the courts to allow bail, leading to a review session in December of 2021 over the charges, which led to the ultimate changing of the penalty (Khokhar, 2022).

On January 9th, Nadeem Samson who had been accused and arrested on blasphemy charges four years ago was released on bail. Civil activists hail this as a success that can lead to a change in precedent for securing bail release for the accused while also combatting against false accusations and the impunity that many retain (Dawn, 2022).

However, other cases have resulted in more severe punishments, such as the recent death penalty sentence of Aneeqa Ateeq on January 19th (Hashim, 2022). She was sentenced over committing blasphemy in the form of sharing insulting images of the Prophet Muhammad and one of his wives. The charges were first placed in 2020 (Baloch and Ellis-Petersen, 2022). Aneeqa claims that she was set up by her accuser Hasnat Farooq in discussing religion who had a vendetta against her for not 'being friendly to him' on WhatsApp. Hasnat claims that the blasphemous material was posted on Ateeq's WhatsApp status and after she refused to take it down, he reported it to the authorities (Hashim, 2022). Ateeq has a 20 year sentence before being sentenced to hanging, though she has the opportunity to appeal the verdict to the Lahore High Court (Hashim, 2022).

A trial that took two years to end with a verdict, culminated in the conviction of schoolteacher Nautan Lal in late January (Hindustan Times, 2022). Nautan Lal, a Hindu physics teacher and owner of the school, was originally charged in September 2019 after a viral video from a student at his school alleged that Lal committed blasphemy against the Prophet Muhammad. The news sparked wide outcry and protests against him, leading to a violent mob desecrating the Sacho Satram Dham Temple (Hindustan Times, 2022). The caretaker of the temple stated that 50 masked men had come to attack but were warded off by 500 Muslims who came to protect the temple the rest of the night. Nautan's appeals for bail were rejected twice during his awaiting trial, and now he faces life imprisonment (Hindustan Times, 2022).

Chapter 3.4: Positive Developments

Despite numerous human rights violations in Pakistan, there were also some positive legal developments in January.

On the 4th of January, Pakistan's Parliament passed the Protection against Harassment of Women at the Workplace (Amendment) Bill, 2022, which serves as a more comprehensive law that protects women from violence and harassment in the workplace (Ijaz, 2022). This replaces a much weaker law from 2010 by incorporating a wider definition of workplaces to expand it from simply the formal sector to both informal and formal sectors (Ijaz, 2022). This includes domestic workers, who are mostly women, valuing their work closer to international labor guidelines as seen in the International Labour Organization (ILO) Violence and Harassment Convention (C190), which to date, Pakistan has yet to ratify (Ijaz, 2022).

Additionally, this bill also includes a wider definition of 'harassment' that does not have to be only sexual, further expanding the rule of laws reach to students, which the previous 2010 law had not done. According to Human Rights Watch, this new provision is a much needed step in curbing violence against women (Ijaz, 2022). However, the lack of accountability measures at the national level still has rights activists pressing for Pakistan to ratify the ILO C190.

Similar positive developments have occurred in the labor sphere over minimum wage increases in Sindh. The minimum wage is set periodically by each of the four provincial legislatures (Gossman, 2022). On January 27th, the Sindh Wage Board recommended to the provincial government that the minimum wage be increased from Rs. 19,000 to Rs. 25,000 a month (The Tribune, 2022). After years of reported underpayments to workers, especially in the garment industry, labor rights organizations are hailing this advancement, hoping that it will establish precedent in other provinces (Gossman, 2022). Common labor rights violations have plagued Pakistan for years: unpaid overtime, clampdown on labor unions, failing to pay minimum wage, child labor, and failure of providing maternity and medical leave (Gossman, 2022). As of now, Human Rights Watch and the International Labour Organization press for both Sindh and the national government to effectively carry out these provisions, while also bringing accountability to employers and factory owners.

Chapter 04: Conclusion

Similar to past reports, this report has highlighted the human rights abuses in Pakistan over January. Violations against women, specifically through honour killings, have remained rampant. Honour killings are committed by family members, usually surrounding the alleged sexual promiscuity or disobedience by a daughter, wife, or sister. Violence against women has taken hold of the national media through the Noor Mukadam case. Inconsistencies in the trial concerning recovery of evidence, such as evidence tying Zahir Jaffer to the crime scene, is worrying for achieving justice for Noor. The blasphemy law has been reviewed by the Islamabad High Court who referred an amendment that equally punishes false accusations of blasphemy to the Pakistani legislature (Ali, 2022). However, this has yet to be put into public debate due to its controversial and deeply emotional content, and changes in the near future seem unlikely, especially with the rise of Islamic parties like the Tehreek-e-Labbaik. Finally, despite human right violations, other positive developments have been covered. Labor rights for women have been expanded to protect them in the domestic sphere, coming closer to international convention on labor rights. Additionally, the increase of the minimum wage in Sindh raises hopes for increased human development across Pakistan.

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