

Political Manipulation in Human Rights Violations: A Case of Honor Killings in Balochistan, Pakistan

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Expectative Summary:

“Everyone has the right to life, liberty and security of person. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State” (United Nations, 1948). But “The right to life of women in Pakistan is conditional on their obeying social norms and traditions” (Amnesty International, 1999).

Pakistan ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1996, still women continue to be ‘commoditized’ (Amnesty International, 1999, p. 4), bartered for land or money, given as *swara* (compensation for murder/dispute settlement) or *watta satta* (men acquire a wife by offering a sister or daughter in exchange), women are abused, raped or murdered by close relatives. ‘Honor’ killing was once an unusual custom but has more recently evolved into a common practice in which men kill sisters, daughters, or other female family members to avenge a ‘shame’ or ‘dishonor’ she is accused of bringing upon her family or tribe¹. Behaviors considered to be ‘dishonorable’ are many and can include a woman wanting to marry a man of her choice; wishing to seek employment outside the home; publicly disobeying the family patriarch; being accused of having illicit relations or seeking a divorce.

This paper is aimed to briefly discuss the recently occurred case of honor killing- a “heinous criminal offence” (Shah, 2008) where allegedly close relatives buried 3 women alive and shot two others to death. Detailed discussion about honor killing and its intensity is beyond the scope of this paper, though we will try to give a general description with special reference to this particular case and show how politics intervenes in human rights violations and works to safeguard the interests of perpetrators rather than the victims. We will also briefly touch upon

the gap between theory (human rights idols) and practice (implementation) of the international conventions/covenants on human rights.

Description of the Case:

‘Honor’ killings are possible because these inhumane acts are not condemned by the society, and the law does not punish perpetrators as only 20 % of honor killings are ever brought to justice². Though the government has now passed a law according to which murders committed in the name of ‘honor’ would be considered intentional murder, the law is not sufficient to control this problem because in all cases the murderers are the close relatives of the victims (woman), i.e. father, brother or husband, who also have the privilege to resolve the issue on behalf of the deceased woman. It means when a person, father, brother or husband kills his wife, sister or daughter they sit together and resolve the case before it goes to the police for investigation or even if it goes to the police later on the men have the power to withdraw the case. Besides, “State institutions -- the law enforcement apparatus and the judiciary -- deal with these crimes against women with extraordinary leniency and the law provides many loopholes for murderers in the name of honour to kill without punishment”(Amnesty International, 1999, p. 3).

A recent case of honor killing occurred in Baba Kot, a remote village in district Jaffarabad of Balochistan province where the alleged perpetrators buried three women alive and shot dead two others. Their reason: to punish the three girls, aged 16 to 18, for trying to decide their marriages by themselves, and their two aunts for assisting the girls. The deceased girls had planned to get married in court as a result of their elders refused to let them marry the persons of their choice. When the news of their decision to get married in court leaked out, the alleged person, known to be the brother of a provincial minister, came along with his body guards, picked the girls and took them to a deserted place, where the girls were beaten before the men allegedly opened fire on them. The girls got seriously injured but were alive when the men hurled them in to a ditch and covered them with mud and stones. It is believed that due to the influence of the alleged family the case was kept secret. The alleged persons are considered to be very influential in the area and have strong affiliations with the government.

Description and Analysis of Key Actors

Cultural Setting of the Area:

Pakistan is a developing country, with 68% population living in rural areas in joint family system and following their ancestor's way of life³. Balochistan, mainly consisted of 'Baloch' tribe with many other smaller tribes, is considered to be the most traditional, as the people still live in a tribal set up, following their centuries old traditional way and a peculiar code of conduct for day-to-day life. The "...Baloch reckon descent patrilineally. Lineages, however, play a minimal role in the lives of most Baloch (Library of Congress – Federal Research Division, 1994, p. 1). Their "... society is stratified and has been characterized as "feudal militarism."(Library of Congress – Federal Research Division, 1994, p. 2)

Women are considered to be the pivotal point of their honor code. For women it is obligatory to follow a peculiar code of conduct in and outside home and refrain from certain behaviors, as its considered to bring 'Shame' and 'dishonor' to the family, which in most cases results in the death of the alleged woman.

Behaviors considered 'dishonorable' are many and can include: a woman wanting to marry a man of her choice, a woman wishing to seek employment outside the home, or publicly disobeying the family patriarch, or a woman being accused of having illicit relations or seeking a divorce⁴. Similarly, "Standards of honour and chastity are not applied equally to men and women, even though they are supposed to"(Amnesty International, 1999, p. 5). In the North West Frontier Province and in Balochistan "men often go unpunished for 'illicit' relationships whereas women are killed on the merest rumour of 'impropriety'"(Amnesty International, 1999, p. 5). The case of honor killing under discussion occurred in the Balochistan province of Pakistan.

The State:

Pakistan is a signatory to the Universal Declaration of Human Rights (UDHR) and is morally bound to implement its articles in true spirit. "Everyone has the right to life, liberty and security of person". And "No one will be subjected to torture or to cruel, inhuman or degrading treatment or punishment⁵". But in this particular case of honor killing the state seems unsuccessful not only in implementing the articles but also in punishing the perpetrators because "after one and a half months the police have still not registered the case and it is difficult to get more detailed information"(Asian Human Rights Commission, 2008, p. 3). "...human rights

groups have accused local authorities of trying to cover up the executions”(Telegraph (Our Foreign Staff), 2008, p. 2).

Besides, it is observed that the perpetrators after burying these women returned to their tribe like ‘conquerors’ without any fear of action against them. Father of these girls lodged a First Investigation Report (FIR) with the police against his own brother, who was said to be the architect of this crime. But latter on due to family pressure, he withdrew the case (Pak Tribune, 2008, p. 2).

Similarly Pakistan also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in March 1996. CEDAW stipulates that state parties agree, “To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”⁶ (United Nations, 2007, p. 12). The constitution of Pakistan⁷ reconfirms the same article of CEDAW:

Laws inconsistent with or in derogation of fundamental rights to be void.
(1) Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void”(Pakistani.org, 2007).

Due to public uproar and protests, the upper house of the country took the matter seriously and started discussion over these killings. During the discussion a cabinet member, who represents Balochistan province, defended and justified these killings saying “these are centuries-old traditions and I will continue to defend them”(McDowell, 2008, p. 1). He claimed that the tribal traditions helped stop obscenity. Besides he asked the fellow lawmakers not to make a big fuss about it (killings). (McDowell, 2008)

Many members stood up in protest, and called the executions ‘barbaric’ demanding more discussion (McDowell, 2008, p. 2). “I was shocked”, said one female lawmaker, who pushed for legislation calling for perpetrators of so-called honour killings to be punished (McDowell, 2008, p. 2). While, “a handful (of members) said it was an internal matter of the deeply conservative province”(McDowell, 2008, p. 2).

But so far the government has been slow to react, said a senator and co-chairman of the Human Rights Commission of Pakistan (HRCP), as, according to him, the matter was referred to the federal government on 16th August and the parliament took it into account very lately. Equally shocking was the conduct of the acting Chairman Senate, Jan Mohd. Jamali, from Balochistan province, who disliked even raising of this issue by a female Senator and advised her to “go to our society and see for yourself what the

situation is like there and then come back to raise such questions in the House⁸”.

Though, the senate has passed a unanimous resolution condemning the incident and punishing the perpetrators, an “attempt at a cover-up is on⁹” and the government presented an “extremely dubious report” before the senate. “The fact the act was ‘kept quiet’ means the government sympathizes with such doings”(Telegraph (Our Foreign Staff), 2008, p. 2). Thus, while the fact of the burial of the women is no longer disputed, but despite the public acknowledgment of this “heinous crime”¹⁰ ‘no action’ has been taken so far by the competent authorities.

Civil Society Organizations/NGOs:

CSOs and NGOs reacted to the case, and though in the beginning their reaction was mild but the Balochistan’s senator’s statement heightened it and they staged protests outside the parliament building over the killings and asked the government to take strenuous actions against the perpetrators. They condemned the senator’s remarks for rationalizing the killing of five women in the name of honor. The main rights group in the country, Human Rights Commission of Pakistan, has also condemned the senator’s statement in the parliament and asked the government for taking due action against the perpetrators.

Media:

Media are one of the main sources for bringing the honor killing cases to surface. It is considered to be comparatively more authentic source for honor killing data in Pakistan, as rights groups compile their reports about honor killing on the daily reporting of newspapers and other media news. The present case is one of those which the media published and it got nationwide attention including the parliament.

Negating the government version of the incident, media, particularly English newspapers, tried to present the actual situation. The government presented its report in senate stating that three women had died instead of five and that the incident was a family property dispute, not honor killing case. This is a “distinct diversion from accounts of NGOs that have investigated the happening¹¹”. In its editorial, one of the English newspapers referred to the government silence as protecting the perpetrators. “Surely the government should be seeking the murderers, not protect (them) through some dark conspiracy of silence. The fact the act was ‘kept quiet’ means the government sympathizes with such doings.” the newspaper reported (Telegraph (Our Foreign Staff), 2008, p. 2).

Conclusion:

The above discussion, media reports, involvement of politicians (minister), senator's remarks, chairman senate reaction, government "distinct diversion and extremely dubious¹²" report in the senate and legal action indicate political manipulation in the incident. Three main reasons for why the perpetrators have not been punished so far are listed below:

1. The alleged main perpetrator is known to be the brother of a provincial minister, who belongs to the ruling coalition and taking action against his brother can create problems for the ruling party.
2. Balochistan is the most distant and traditionalist province of Pakistan. Living in tribal set ups and following their traditional code of conduct for life. Writ of the government is not applicable, enforced, or observed in most parts of the province where traditional laws and customs regulate day-to-day issues. Balochistan Liberation Army, an ethnic militant group allegedly involved in clandestine activities (GlobalSecurity.org, 2009) is actively seeking an independent political identity for Balochistan. As the incident took place in the tribal setting and the alleged perpetrator is an influential member of the tribe with strong political ties, government action against him could be taken as interference in their tradition and custom thus possibly fan the issue of autonomy (separation).
3. Third, but the most important reason, was the presidential elections. After widespread public uproar, the government moved to support a Senate resolution condemning the killings. Various critics said that the delay was caused due to political considerations in order to "secure Balochistan's support for the leader of the party, Asif Ali Zardari, in Saturday's (6th September, 2008) electoral College vote for president" (Masood, 2008, p. 3).

Notes:

¹ Focus Group Discussion with Community Elders in Balochistan Province (2005)

² Dr. Arif Mehmood, Ex. Campaign Manager 'We Can End Honor Killing' Oxfam GB, Pakistan (2006)

³ Census Report of Pakistan 1998, Pakistan, Census Organization Pakistan

⁴ Focus Group Discussion with Community Elders in Balochistan Province (2005)

⁵ Articles 3 & 5 of the Universal Declaration of Human Rights

⁶ Article 5 (a) of the Convention of the Elimination of All Form of Discrimination against Women

⁷ Article 8 (1) Constitution of The Islamic Republic Of Pakistan

⁸ Press Statement of Human Rights Commission of Pakistan in Daily THE NATION

⁹ Editorial of daily THE NEWS, on 3rd September 2008

¹⁰ Burning Point Column by Basil Fernando, Director of the Asian Human Rights Commission

¹¹ Editorial of daily THE NEWS on 3rd September 2008

¹² Ibid.

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