

Mandates of the Working Group on the issue of discrimination against women in law and in practice; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences.

REFERENCE: UA PAK 9/2014:

5 June 2014

Excellency,

We have the honour to address you in our capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 23/7, 17/5, 25/13, and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding the case of Ms. **Farzana Parveen**, who was brutally murdered by members of her own family on 27 May 2014 in what they describe as an "honour killing" for marrying a man of her choice.

According to information received,

Ms. Farzana Parveen, a 25-year-old woman and daughter of Mr. Mohammad Azeem, of village Syedwala, Nankana District, near Lahore – married Mr. [REDACTED], a 45-year-old widower on 7 January 2014, without the permission of her family. After the wedding, Ms. Parveen started living with him in Chak 367 village, Jaranwala, in Faisalabad district. After she moved to live with her husband, Ms. Parveen's father filed a complaint of kidnapping against Mr. [REDACTED]. Mr. [REDACTED] then petitioned the Lahore High Court for dismissal of the case against him. The first hearing, took place on 12 May 2014 reportedly without any incident. On 27 May 2014, Ms. Parveen was due to make a statement in the High Court that she had married Mr. [REDACTED] of her free will. A short distance from the High Court gate, the couple was reportedly stopped by Ms. Parveen's father, her two brothers, three cousins, and approximately twenty other men and women. Ms. Parveen was beaten up by the women and subsequently fell down. Her brother then reportedly delivered several blows to her head with a brick resulting in her death. At the time of her death, Ms. Parveen was three months pregnant. Her father, who was arrested, allegedly told TV reporters that they had killed her to preserve family honour. The police are currently investigating the whereabouts of the other accused.

Serious concern is expressed at the brutal killing of Ms. Parveen in violation of Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010, which recognizes that every human being has the right not to be arbitrarily deprived of his or her life. The modalities of her killings seem to trigger the applicability of Article 7 of the ICCPR which provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and of paragraph 2 of General Comment No. 20 of the Human Rights Committee providing that it is the duty of the State party to afford everyone protection (...) against the acts prohibited by article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity.

Further concern is expressed that the killing took place outside of the Lahore High Court allegedly without the intervention of any police or other law enforcement officials, where presumably police are usually present. The failure of police intervention and other institutional weakness result in impunity in cases of gender-related killings of women. In this regard, Article 4 of the United Nations Declaration on the Elimination of Violence against Women urges States to act with due diligence to prevent, protect, prosecute and sanctions all acts of violence against women; and calls on States not to invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. Due diligence should also be applied by States to protect individuals from violations by non-state actors. A failure by a state to exercise due diligence to prevent, punish, investigate or to bring to justice perpetrators (including private persons or entities) of such violations could in and of itself give rise to a separate breach of the ICCPR. (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

Echoing the 2013 Concluding Observations to Pakistan of the Committee on the Elimination of Discrimination against Women (CEDAW), concern is expressed that while the amended Criminal Law Act of 2004, criminalizes so-called "honour offences", two Ordinances, known as the Qisas and Diyat Ordinances, continue to be applied in these cases resulting in the perpetrators being given legal concessions and/or being pardoned and escaping prosecution and punishment (CEDAW/C/PAK/CO/4, para.21).

Serious concerns are also voiced as this killing is an egregious manifestation of discriminatory structures and beliefs against women in violation of the Convention on All Forms of Discrimination against Women, ratified by Pakistan on 12 March 1996, including article 2, which condemns all forms of discrimination against women; article 5, which requests the modification of 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 inferiority or the superiority of either of the sexes or on stereotyped roles for men and women; and article 16, which requires the adoption of all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to investigate this case in compliance with international standards.

As it is our responsibility under the mandates provided to us by the Human Rights Council to seek to clarify all cases brought to our attention, we would be grateful for your responses to the following questions:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations
2. When not specified in the text, have complaints been lodged on behalf of the victim?
3. Please provide the details, and where available the results, of any investigation and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Have penal, disciplinary or administrative sanctions been imposed on the police and security guards who failed to intervene to protect Ms. Parveen from the attack?
5. Please describe what legal, social or other types of measures and programmes, if any, have been adopted by your Excellency's Government to address the practices of honour killings.
6. Please describe measures undertaken to ensure the protection of Mr. [REDACTED] as a witness in this case.

While awaiting a reply, we urge that all necessary measures be taken to ensure that investigations are carried out and that any persons responsible for the alleged violations are held accountable as well as that necessary measures be taken to prevent the recurrence of similar violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.



Frances Raday
Chairperson-Rapporteur of the Working Group on the issue of
discrimination against women in law and in practice



Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions



Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
treatment or punishment



Rashida Manjoo
Special Rapporteur on violence against women, its causes and
consequences