

Pakistan: A miscarriage of justice after the torture of a minor girl employed by a serving judge

Saturday 7 January 2017, by [Child Rights Movement, Collective / Multiple signers](#) (Date first published: 5 January 2017).

CIVIL SOCIETY ACTIVISTS, NETWORKS STRONGLY CONDEMN SO-CALLED “RESOLUTION” OF ISLAMABAD ENSLAVED GIRL CHILD TORTURE CASE

5 January 2017: The Child Rights Movement (CRM) is joined by a large number of civil society activists, organizations and networks from all over Pakistan, in protest demonstrations; strongest condemnation of the torture of a minor girl employed by a serving judge and also the so-called “resolution” (*sic*) of the court case against the judge and his spouse; and demanding long-term solutions to prevent future barbarism against children.

This case has yet again highlighted the glaring ills of Pakistani society, its laws and the justice administration system. We had not yet forgotten the Kasur children’s video atrocity when we are now confronted with a serving judge breaking several laws of the land – but walking away scot-free, after reaching a so-called “compromise” and “forgiveness” agreement with the girl child’s parents.

There is a miscarriage of justice each time the compromise and forgiveness loophole in the law is exploited, as in this case by the judge and his spouse, as a convenient tool, employed mostly against the poor and downtrodden by the rich and powerful in Pakistan.

In this case, we strongly condemn the following acts of commission and omission by individuals and by State organs:

1. despite grinding poverty, the girl child’s parents should not have lost their inherent parental love and humanity towards their minor daughter; in addition to being culpable of wilful neglect of their responsibilities as her legal guardians, especially her right to Education under Article 25-A, and her right to be free of child labour and bonded labour;
2. the dishonourable serving judge, who knowingly employed a child, in contravention of the laws against child labour and employment, and the laws providing for mandatory universal compulsory education;
3. the nature of her work demonstrates that the girl child was “pledged” by her parents as “bonded labour” for the judge and his spouse, in contravention of Pakistani laws abolishing bonded labour;
4. the serving judge and his spouse brutally mistreated the girl child over a long period of time, including chronic starvation and frequent beating – finally torturing and burning her almost to death, in clear contravention of the Constitution, fundamental human rights, several Pakistani laws, as well as the UN CRC, ILO Conventions and others, to which Pakistan is a State Party;
5. the delayed response and subsequent inaction by the National Centre for Protection of Children (NCPC), Islamabad, is indefensible and it must be held accountable;

6. the many deliberate, *mala fide* acts of perjury committed at various stages of this case by: the serving judge and his spouse; the relevant police personnel; and the initial examination report by the PIMS medico-legal staff, all of which came to the fore when the girl child was questioned *in camera* by the ICT Assistant Commissioner, who deserves commendation for her sensitive handling of this case;

7. the alleged acts of bribery, threat and pressure exerted on the parents by the sitting judge (the minor child's employer) to accept a compromise and retract their case;

8. the inhuman action of the state organs in immediately returning the girl child to the same parents who sold her into forced/bonded domestic servitude in the first place – instead of placing her under State shelter and protection, providing physical and mental health care, and holding her parents accountable;

9. the attitude and response of the relevant subordinate judiciary, which is widely being perceived as a tacit act of standing in solidarity with a fellow-judge;

10. the media's undesirable polarization, hype and sensationalization of this case (with a few notable exceptions), which might deter concrete positive action in future.

We appreciate and commend the Honourable Chief Justice of Pakistan's taking suo moto notice of this case and we fully support Advocate Asma Jahangir's petition in the Supreme Court of Pakistan (SCP).

Standing in empathy and solidarity with the brave survivor girl child, we reiterate our longstanding demands that the long-pending laws on child protection and against domestic child labour be urgently enacted at the federal level and by the remaining provinces, and be strengthened in the provinces where they are enacted – along with effective monitoring mechanisms for their strict enforcement and implementation; that Child Domestic Labour must be notified and added to the schedule of banned occupations in the Employment of Children Act (ECA 1991) and the Punjab Employment of Children (Amendment) Act (2011); that child protection state institutions be set up all over Pakistan – and strengthened in the provinces where they exist; that national and provincial Commissions on the Rights of the Child be established; that national and provincial policies be formulated for child protection, development and participation – e.g. not to return recovered children back to their parents who “pledged” and sold them into modern day slavery (i.e. bonded labour); and that the state must provide such recovered minors not just physical shelter, but also compulsory education, along with health services and psychological rehabilitation as survivors, to prevent them becoming life-long victims.

Above all, we hold sitting judges to a much higher standard than anyone else in the land – they must be made to uphold the Constitution, the law, morality and humanity in both their public and private lives. There must be no “forgiveness” (*sic*) or “compromise” (*sic*) – not the parents but the State can and must become the girl child's guardian (*wali*) and complainant in this and all other cases of child rights violation. We demand that the judge must immediately be suspended and tried under the law for all the above-listed crimes.

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Endorsed by civil society:

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Networks/groups/platforms: AGEHI network, Council of Social Sciences (COSS), Child Rights Movement (CRM), Ending Violence Against Women & Girls Alliance (EVAWG), Fight Against Dowry Network (FADAN), Insaani Huqooq Ittehad network (IHI), Khyber Pakhtunkhwa Child Advocacy Network (KPCAN), Khyber Pakhtunkhwa Civil Society Network (KPCSN), National Action & Coordinating Group against Violence against Children (NACG), National Humanitarian Network (NHN), Pakistan Paediatric Association/Child Rights Group (PPA/CRG), Pakistan Reproductive Health Network (PRHN), Taqarra Qabaili Khwenday network (TQK), Women's Action Forum (WAF/Peshawar/Islamabad/Karachi)

Organizations: Acid Survivors Foundation (ASF), Bunyad Foundation/BLCC, CDO Pakistan, CHIP, CSJ, Ethno Media, Funkor Child Art, GCDO, ICIA, Idara-e-Taaleem-o-Agahi (ITA), Kafe Kaam, Khwendo Kor, Lahore Bachao Tehreek (LBT), Labour Education Foundation (LEF), Nomad Gallery, NOWC, Pattan, PDF, PODA, Rozan, SACHET, Simorgh Women's Collective, SPARC, SPO, SWWS, Uks
