

REPORT NO. 11

SENATE OF PAKISTAN



REPORT OF THE SENATE FUNCTIONAL COMMITTEE ON HUMAN RIGHTS

ON POINT OF PUBLIC IMPORTANCE RAISED BY SENATOR WALEED IQBAL IN
THE SENATE SITTING HELD ON 10TH JUNE, 2020

PRESENTED BY
SENATOR MUSTAFA NAWAZ KHOKHAR

SENATE SECRETARIAT

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I, Senator Mustafa Nawaz Khokhar, Chairman Senate Functional Committee on Human Rights, have the honor to present the report, on behalf of the Committee, this report on point of public importance raised by Senator Waleed Iqbal in the Senate sitting held on 10th June, 2020 and referred to the Senate Functional Committee on Human Rights.

2. The composition of the Functional Committee on Human Rights is as under:-

1.	Senator Mustafa Nawaz Khokhar	Chairman
2.	Senator Prof. Dr. Mehr Taj Roghani	Member
3.	Senator Muhammad Ali Khan Saif	Member
4.	Senator Dr. Jehanzeb Jamaldini	Member
5.	Senator Ayesha Raza Farooq	Member
6.	Senator Raja Muhammad Zafar-ul-Haq	Member
7.	Senator Kamran Michael	Member
8.	Senator Shaheen Khalid Butt	Member
9.	Senator Quratul Ain Marri	Member
10.	Senator Muhammad Tahir Bizinjo	Member
11.	Senator Muhammad Usman Khan Kakar	Member
12.	Senator Keshoo Bai	Member
13.	Minister for Human Rights	Ex-Officio Member

3. The Committee considered the said matter in its meetings held on 14th July, 2020 which was attended by the following:-

i.	Senator Mustafa Nawaz Khokhar	Chairman
ii.	Senator Dr. Jehanzeb Jamaldini	Member
iii.	Senator Shaheen Khalid Butt	Member
iv.	Senator Ayesha Raza Farooq	Member
v.	Senator Keshoo Bai	Member
vi.	Senator Muhammad Usman Khan Kakar	Member

4. The SSP (Investigation) Rawalpindi briefed the Committee about the incident, the pace of investigation and the steps being taken by Police and prosecution for the speedy and logical conclusion of the case. He informed that the deceased 7-8 year girl Zahra from Muzaffargarh Punjab was a domestic servant at the residence of one Hassan Siddiqui, a property dealer by profession, at Bahria Rawalpindi. On 31st May, 2020 she was shifted to a private Hospital – Begum Akhtar Rukhsana Memorial Hospital Phase-8, Bahria Town Rawalpindi - by Hassan Siddique and his wife in critical condition with severe bleeding. He added that at 01:30 am, he received a call that the hospital is not providing medical treatment to the girl while she had gone on ventilator. Since medical from government hospital was important, the lady doctor in the nearest hospital DHQ Rawat was contacted for medical examination and checkup of the victim. However she refused to visit the hospital and carry out the medical without the permission of the Medical Superintendent of the Government hospital. In this situation, Deputy Commission, CPO and MS of the government hospital were lined-up. In the meantime, permission was granted by MS to the lady doctor to visit the hospital and carry out the medical and it was agreed upon that the girl was to be shifted to DHQ in the morning upon stability of her health. However she could not survive and succumbed to injuries and expired on 04:02 am 01.06.2020. Her parents were informed accordingly and her Post-mortem was carried out at DHQ hospital, which revealed that she was brutally beaten and had deep wounds on head, cheeks, neck, ankles, on the back, both thighs and inside the thighs, under armpit, around the ribs and on both arms with bluish spot existed, besides some healed wounds, which the girl might have received in the past. Bleeding from the private parts giving rise to the assumption of possibility of rape, therefore Section-B of rape was applied. The Police immediately arrested the couple and recovered the phone of the husband which contains some gruesome videos of cruelty inflicted upon the deceased girl. The mobile

phone was sealed and sent to Punjab Forensic Science Agency (PFSA) for forensic authentication to be produced as evidence against both the accused. He further informed that PFSA is an autonomous body and their reports being self-explanatory are relied upon by courts in such cases. As a proof of torture on the basis of videos in the mobile and in order to net the case with the wife for holding her responsible, a questionnaire has also been provided to PFSA for polygraph test so that both the accused are held liable. It was further informed that in a high level meeting at National Commission on Human Rights regarding application of relevant section in the case, prosecutors and retired judges were consulted who opined that when section 302 has been applied, Section 328-A which pertains to cruelty committed to a minor is only applied when the victim is alive and he/she records statement that cruelty was done, whereas in the instant case, the victim has expired.

5. While responding to a query by Chairman (Committee) regarding application of sections in the case, it was informed that FIR has been registered against both the accused under Section 302 and 378. Moreover regarding evidence of rape, it was informed that DNA of the accused has been collected and in case of a positive report, it will stay in place otherwise it would be omitted. It was informed that in case of cruelty and rape with minor, police attaches prosecutors from the day one and each line is vetted repeatedly. Moreover medical report, videos in the mobile is the strongest evidence which will prove that the girl was exposed to inhumane treatment.

6. The Committee expressed concerns regarding lack of interest of parents in pursuing the case owing to economic pressure however, the SSP stated that as a matter of common experience, 70-80% of cruelty leading to rape cases end in compromise in courts. However in the instant case, there is no pressure on the parents as neither they are complainant nor witness and cannot do so as

the State through police is the complainant and the offence is non-compoundable which cannot be settled through compromise. Such cases of compromise takes place when the parents are the complainant or witness and they record statement in the court regarding withdrawal of the case upon compromise. The Mover expressed his satisfaction over the investigation, prosecution, evidences collected by the police, forensic and medico legal report and expressed that the case is moving in right directions and his main concern in the point raised in the house was that the accused should get no remarkable benefit to avert the capital punishment due to compromise has been resolved. The award of capital punishment will bring comfort and solace to the souls of deceased girl and their parents.


7. The Secretary Ministry of Human Rights briefed the Committee that they play active role in redressing grievances, legal and protective support to child victims of violence. In the instant case, their lawyer and officers were in close coordination with Punjab Police through Regional Police Officer and the dead body was shifted to home town by arranging transport. The Secretary further briefed the Committee that a summary to the Federal Cabinet was moved and approved to include Child Domestic Work in the list of hazardous occupations listed in part-I of the Schedule of the Employment of Children's Act 1991 to the extent of ICT which comes under the domain of Chief Commissioner. Further action thereon shall be taken by the Ministry of Interior by notifying the same. The Committee expressed its displeasure over the delay in non-issuance of notification despite lapse of considerable time.

8. In view of above, the Committee after detailed discussion, expressed its satisfaction over the investigation and prosecution of the police in Zahra case and commended the well-coordinated efforts by all concerned which will ultimately lead to the logical and just conclusion of the

case by awarding capital punishment to the accused. The Point of Public Importance moved in the House by Senator Waleed Iqbal was disposed of according along with approval for presentation of the report to the House. The Public Petition No. 2976 on the issue was also disposed of.



(INAM ULLAH JAN)
S.O / Acting Secretary (Committee)



(SENATOR MUSTAFA NAWAZ KHOKHAR)
Chairman (Committee)

Islamabad, the 2020