



## Asma Jahangir: A Beacon of Human Rights in Pakistan and Beyond

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### Abstract:

The services rendered by the late Asma Jahangir, an advocate of the Supreme Court and a symbol of Human Rights, have been among the most outstanding contributions to humanity in Pakistan and abroad. As a human rights activist, she stood steadfast against all forms of aggression and raised her voice against the exploitation of the rights of women and minorities. She served as the founding Chairperson of the Human Rights Commission of Pakistan, an independent group, and remained a trustee of the international crisis group. This paper highlights Asma Jahangir's services in various aspects of life, including Human Rights, Children's Rights, and the rights of minorities. The methodology is based on qualitative research techniques, and secondary sources have been utilized for data collection and content analysis. This study holds significance as it is the first of its kind in the field of human rights and is expected to make a substantial contribution to existing literature.

**Keywords:** Asma Jahangir, Pakistan, human rights, supreme court, law, democracy

### INTRODUCTION

Asma Jahangir (late) is remembered as a prominent figure in Pakistan's history, distinguished as a lawyer, human rights activist, and advocate for women's rights. Her life's work was dedicated to the pursuit of justice and equality, leaving an indelible mark on the nation's legal and social landscape. Jahangir's legal career flourished as she earned renown as an advocate of the Supreme Court of Pakistan, earning the distinction of becoming the first woman to serve as the President of the Supreme Court Bar Association of Pakistan. Throughout her career, Jahangir displayed unwavering courage in her pursuit of justice, championing the rights of marginalized communities, including women, minorities, and children, and fearlessly challenging the oppressive regimes that sought to curtail these rights.

One pivotal moment in her life occurred during the imposition of the second martial law by General Yahya Khan in 1969. Jahangir's principled stance led her to resign from her civil servant post, citing the inability to work in an environment that stifled free thought and expression (Schofield, 2018). In his own words, General Yahya Khan declared, "I can't work in a place where I can't read, where I can't speak my mind; this is not the atmosphere in which I would like to work" (Joan, 2012). This momentous decision marked the beginning of Jahangir's transformation into a leftist-wing

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politician, a journey marked by frequent periods of incarceration because of her vocal opposition to military dictators (Rajma, 2018).

Jahangir's exposure to politics and activism began at a young age when her father was imprisoned. Her determination to secure her father's release led her to the courtroom, where she took proactive steps towards achieving this objective. After completing her L.L.B. education at Punjab University, Jahangir was called to the Lahore High Court in 1980, embarking on her legal career. In 1982, she received the prestigious summons to serve in the Supreme Court. Initially, her practice centered on family law, but Jahangir soon realized that genuine societal change required confronting institutional barriers and advocating for socialist reforms ("In brief: Five causes," 2019). Her advocacy extended to challenging the misuse of power, addressing issues related to blasphemy laws, and tirelessly defending the rights of marginalized religious minorities in Pakistan, all while openly criticizing the military. Asma Jahangir emerged as a steadfast champion of democracy and a vocal opponent of military dictatorships ("Asma Jahangir: The most," 2019). Her enduring legacy continues to inspire those who seek justice, equality, and a more inclusive society in Pakistan and beyond.

### **ASMA JEHANGIR AND HUMAN RIGHTS ACTIVISM IN PAKISTAN**

Asma Jahangir was the first strongest voice for the human rights activist in Pakistan. Subsequently she became the first women of Pakistan human rights lawyer who served two terms as a chairperson of the human rights commission of Pakistan. Asma Jahangir bravely fought for the most disadvantaged people in Pakistan and defended the weak and the marginalized women and religious minorities against injustice, often a great personal risk ("In brief: Five causes," 2019). She was the founding chairperson of the human rights commission of Pakistan, and independent group, and was a trustee of the international crises Groups. She won international awards and served as the United Nations Rapporteur on the human rights and extrajudicial killings, summary or arbitrary executions, and special rapporteur on the situations of the human rights in Iran (Faruqi, 2019).

Asma Jahangir was also an active member of bar politics. She was the first female President of the Pakistan Supreme Court Bar Association. Till her death, she spoke against corruption in the legal community and advocated judicial reforms ("Asma Jahangir: The life," 2008). Asma Jahangir was an author of two books and received numerous awards Martin Ennals award for human rights defender and the Ramon Magsaysay awards both in 1995 and later was converted into Hilal e Imtiaz, the second highest civilian award and honor given by the government of Pakistan in 2010.

Asma Jahangir, an advocate of the Supreme Court and defender of human rights was born on January 27, 1952, into an affluent family in Lahore. She belongs to a family who had a great political reputation in Lahore in the era of 1960. She studied at the Convent of Jesus and Marry, receiving her bachelor's degree from Kinnaird College Lahore. She received her Law Degree from Punjab University in Lahore in 1978. Her father Malik Ghulam Jillani was a civil servant, who later came into politics. He always talked about human dignity, human rights, and human freedom. Though her father was a civil servant but his advent in the political field lifted him from obscurity to fame. When Asma Jahangir was growing up, Pakistan was facing serious problems regarding the political matters. The political situation of the country was showing a dismal picture especially when General Yahya Khan imposed martial law in the country. This imposition led to the resignation of Malik Ghulam Jillani from his post as it has created stressful conditions to work (Dzhanova, 2018). All these factors had deeply influenced the mind of Asma Jahangir. So, one could establish the opinion that Asma Jahangir had developed her mind an anti-military thinking and always opposed the military dictatorship.

### **Courageous Stand against Injustice**

The challenging conditions of Asma Jahangir's early childhood significantly impacted her mindset. This profound influence is clear in her human rights activism. Asma Jahangir received her early education from the Convent of Jesus and Mary in Lahore in 1960. She completed her bachelor's degree at Kinnaird College Lahore and obtained a law degree from Punjab University in 1978. The unconventional thinking that characterized Asma Jahangir's perspective can, to some extent, be attributed to the educational environment she was exposed to during her formative years. These institutions may have played a pivotal role in shaping her into a socialist activist. Her journey from basic education to becoming a lawyer indicates that she held strong convictions even in a conservative society. Her education instilled in her the ideals of socialism rather than a political career. She believed that she could have a more significant impact on a suffering populace as a socialist rather than a politician (Masood, 2018).

The influence of free thinking strongly marked Asma Jahangir's political life. Throughout her political career, she worked tirelessly for the betterment of people and society, consistently opposing monopolistic forms of dictatorship. Her father's resignation from his civil servant post during the Yahya Khan era deeply affected her, leaving a lasting imprint on her mind and soul. Consequently, she vehemently opposed military dictatorship (Schofield, 2018). Asma Jahangir confronted the dire political circumstances of the 1969 era and beyond. In 1969, when General Yahya Khan imposed martial law to manage the crisis, Asma Jahangir emerged as a prominent political figure opposing it. Her efforts contributed to the eventual restoration of democracy in the country, even as she faced detention during Yahya's regime ("Asma Jahangir: The most," 2019). She consistently raised her voice in favor of a liberal, secular, and democratic Pakistan.

When General Zia-ul-Haq imposed martial law in 1977 and initiated efforts to solidify his government, he sought to garner support in the name of Islamic ideology. He also advocated for the Haddood Ordinance, which became a subject of controversy for several years ("Pakistan: Asma Jahangir leaves," 2018). Some aspects of the Haddood laws were aligned with Sharia, sharply defining the rights of men and women in society. Asma Jahangir believed that certain deductions from women's rights in accordance with a liberal society deprived them of equal rights to men. She staunchly criticized these aspects and championed egalitarianism in society. In addition, she actively participated in the movement for the restoration of democracy in 1980, leading to her arrest and imprisonment ("Leading human rights," 2018).

Even in the 20th century, when General Pervaiz Musharraf imposed martial law and assumed power, he presented himself as a liberal and open-minded leader. He also voiced support for women's rights. However, Asma Jahangir remained opposed to him, emphasizing her belief that such progress could only be achieved within a democratic government (Constable, 2018). This underscores her unwavering stance against military-based governance, even when it appeared to promote equal rights for all.

As a lawyer, Asma Jahangir's contributions can be categorized into two significant aspects. Firstly, she actively opposed military dictatorships and advocated for the restoration of democracy. Secondly, she played a pivotal role in championing human rights.

One of the pivotal moments occurred on March 9, 2007, when Pervez Musharraf unconstitutionally dismissed Chief Justice Iftakhar Mohammad Chaudhary. This act was viewed as an attack on judicial independence, sparking the Black Coat Protest movement. Asma Jahangir emerged as a proactive leader in this movement, despite being placed under house arrest due to her opposition to the military government. The protest ultimately led to General Pervez Musharraf's resignation and the restoration of the judiciary in the country (Mittal, 2018). By examining Asma Jahangir's social life, it becomes evident that she was more of a socialist than a conventional politician. Even in her political

career, she used her platform to advocate for social welfare. Her efforts spanned various aspects of society, earning her the distinction of being known as a socialist above all else. Her remarkable contributions to social welfare are discussed below. Asma Jahangir held deep sympathy for children and laborers, actively working towards improving the lives of children and safeguarding their rights. She initiated a movement against child labor, seeking to eradicate the practice of forced child labor. Her efforts bore fruit when she successfully advocated for the Abolition of Bonded Labor Act of 1992 and the Abolition of Labor Act of 1991, both of which discouraged all forms of forced labor ("Asma Jahangir: "you cannot," 2018).

As a committed advocate for women's rights, Asma Jahangir felt deeply connected to the struggles faced by women. She devoted her life to securing equal rights for women in society, believing that women were deliberately disempowered to weaken their potential contributions. Even during military rule, when the Haddoo Laws were enacted, she was the foremost female socialist to critique them. She vehemently opposed measures that reduced women's power and influence, such as "Adhi Gawahi" (half-witness testimony) and their limited share in property, as well as their rights outlined in "Qisas" (retribution) (Farooqi, 2017).

### **Saima Waheed Case**

One of Asma Jahangir's notable efforts in championing women's rights was her support for Saima Waheed from Lahore. In 1996, Saima Waheed, a bachelor student at Lahore College for Women, made the courageous decision to marry without her parents' consent. Her husband happened to be her brother's tutor. When her parents discovered the marriage, they vehemently opposed it and pressured their daughter to seek a divorce. However, Saima Waheed was determined to seek justice and chose to stand by her husband. Initially, the case was filed in lower court benches, but it was later escalated to the Lahore High Court, where Asma Jahangir took charge of the proceedings. In 2003, the Lahore High Court issued a verdict in favor of Saima Waheed (Hasan, 2018). This case from 1996 highlights Saima Waheed's defiance of cultural barriers as she pursued a marriage of her choice. Asma Jahangir's unwavering advocacy for this case came at the cost of threats from a patriarchal society. Nevertheless, she fearlessly defended Saima Waheed on every available platform.

### **Saima Sarwar Case**

Another similar case from 1999 involved Saima Sarwar, who also married without the permission of her guardian. Asma Jahangir provided legal support for Saima Sarwar. However, Asma Jahangir's family faced difficulties due to their support for Saima Sarwar. Saima Sarwar's parents had hired a hitman to shoot her. A chilling incident occurred when the hitman entered her sister's office and fired indiscriminately, issuing a warning against continuing support for Saima Sarwar. Upon hearing this news, Asma Jahangir promptly visited Hina Jillani's office and asserted that, as lawyers, it was their professional and moral duty to support anyone seeking justice. Asma Jahangir ultimately succeeded in securing a favorable outcome for Saima Sarwar (Cawasjee, 2003).

### **Mukhtar Mai Case**

Another remarkable effort of Asma Jahangir that is notable is the case of Mukhtar Mai in June 2002. It was also the reign of a military dictator, General Musharraf when this issue broke out. In this issue a woman from Punjab village named Mukhtar Mai of Mastoe tribe claimed that she is a victim of gang rape. She said that her brother is alleged that he is involved in illegal relationship with a woman of Mastoe tribe and as a revenge the local Panchayat ordered to rape Mukhtar's Mai. After six days of incident the news became media hype and created severe agitation against the culprits of this incidence.

To proceed lawfully the names of fourteen culprits were mentioned in F.I.R. After the hearing of two

months Lahore High Court gave its verdicts of death punishment against six culprits on 31 August 2002, while eight culprits were acquitted. On 3 September 2002 Mukhtar Mai again appealed in court and on 3 March 2005 the death punishment of five culprits were altered to life detention. On 11 March 2005 sharia Court dismissed the decision of Lahore High Court and to proceed the case itself. But Sharia Court also sustained the previous decision of Lahore High Court, and the case was transferred to Supreme Court. Four culprits were declared acquitted by Supreme Court and Mukhtar Mai appealed before the President of the country. On the order of President thirteen people were arrested including five acquitted culprits. At last, on 27 January 2011 the final decision was announced in the favor of Mukhtar Mai ("The final decision," 2011). This time too Mukhtar Mai won the tremendous support of Asma Jahangir from women forum which was established in 1983. Women forum of Asma Jahangir was the first to highlight the issue of Mukhtar Mai after the six days of its happening and expose the culprits. Another important point to be noted here is that this time Asma Jahangir won the appreciation of the community more instead of criticism.

### **Salamat Maseeh Case**

Like all other members of society Asma Jahangir also felt pity for the minorities. In her social life she came across the critical issue of blasphemy. It was related to a Christian child Salamat Maseeh who was only eleven years old, and his two uncles named Rehmat Maseeh and Manzoor Maseeh in 1993. The child Salamat Maseeh was alleged that he has written some forbidden words on the wall of a mosque (*masjid*) which were highly irritating for the Muslims. Salamat Maseeh and his two uncles were threatened to kill as the orthodox Ullman has created agitation against him. In such a delicate situation Asma Jahangir supported Salamat Maseeh and his two Uncles, and provided the evidence in Lahore High Court that this prohibited act is not committed by them. But this could not cool down the sentiments of the Muslims (Dean, 2018).

In the result of hard efforts of Asma Jahangir the Lahore High Court passed his decision in the favor of Salamat Maseeh and his family in 1995. But it created a great restlessness among the Muslims. The hot headed militants attacked the residence of Asma Jahangir, but they entered the house of her mother residence mistakenly and fortunately the killer's gun did not work properly, and her family got safe. This agitation continued to prolong and in 1997 the Judge who had announced his decision in favor of Salamat Maseeh was shot dead. This incident became a burning issue even at an international level and Asma Jahangir earned tremendous popularity in world media. In that case the religious minorities were not aware of Asma Jahangir but her efforts for little Salamat Maseeh realized that there was the one, who could stand for the minority's rights (Dean, 2018).

In the political atmosphere there has been great tension between the Bloch people and government. To speak for the rights of Bloch people always required great courage and has come with official reprisal. In the favor of Bloch people, she also put herself in great danger by starting the issue of missing persons, military operations in Baluchistan and human rights abuses. In Balochistan the tribe of Nawab Akber Bugti had a military stance against the government, and they were accused that they are being funded by foreign agencies to create a breach between the Balochistan and other provinces of Pakistan.

So, the leadership of Gen. Musharaf launched a military operation in 2007 against the Bloch militants. That time too Asma Jahangir tried her best to reduce tension between the government and Bloch tribes by opiating that Bloch people were fighting for their due rights only as she stated that the Bloch people were kept deprived of their fundamental rights deliberately (Akber, 2018).

### **Stance on Kahmir Issue**

Like all other global issues, Kashmir is also a bringing issue for world community regarding human rights violation. This issue is also bone of contention between India and Pakistan. It is in the region

where Asma Jahangir, who has also served as a UN Special Rapporteur on Extrajudicial, Arbitrary, or Summary Executions and UN Special Rapporteur on Freedom of Religion and Belief, supported the Kashmiri people and their struggle for self-determination. She also criticized human rights violations in the Kashmir valley. This obviously indicates that she has not the moral and legal support for the members of any local community, but she also had sympathetic feelings for all those in the world where she felt that human rights are being violated ("When Asma Jahangir raised," 2017).

In the great political and social life of Asma Jahangir she is not only recognized as a political or social worker, but she was also an author of two famous books: *Divine Sanctions? The Hadud Ordinance 1988* and *Child Prisoners of Pakistan*. There are five papers who witnessed her success for her efforts against child labor, bonded labor and slavery, women, Traditions, and religion; the independence of judiciary and lawyers; women movement in Pakistan; strategies for human rights and electoral process in Pakistan. These efforts not only earned her appreciation in Pakistan but also on the international level. In Pakistan, the classes that truly admire her efforts for the marginalized people include minorities, children, and women. At the international level, she was warmly tributed for her advocacy on behalf of minorities. In November 2016, she addressed in the general assembly of Islamic Republic of Iran and was tremendously appreciated for the first time ("In brief: Five causes," 2019).

### **Criticism over Asma Jahangir**

Asma Jahangir was a prominent critic of military regime in Pakistani politics. She strongly criticized all enforcement actions that she believed were contrary to humanity and its fundamental rights. Asma Jahangir faced criticism herself while actively opposing government policies. The most vocal critics against her were the passionate orthodox Ulema, and in some instances, she even received death threats. However, that courageous woman consistently ignored such threats and continued her advocacy for the people. Notably, there was a particularly challenging period of criticism against Asma Jahangir.

After General Zia-ul-Haq assumed power, he sought to secure public support to solidify his position. Pakistan, being an ideological state with a Muslim-majority population, was a fact well understood by General Zia-ul-Haq, who was familiar with the mindset of the people and their orthodox Ulema leaders. To strengthen his government, Zia-ul-Haq emphasized the need to implement Islamization programs in society and imposed various Islamic provisions in the country ("Asma Jahangir: The most," 2019). Asma Jahangir, who had always been against military leadership, came forward to oppose these measures.

Zia-ul-Haq's government introduced laws such as Qisas, the Adhi Gawahi law that required half-witness testimony from women, and the Diyat law. As a proactive women's rights defender, Asma Jahangir vehemently opposed these laws, even though they were in accordance with Sharia. The Ulema, however, could not tolerate her opposition and attempted to portray Asma Jahangir as a Qadiyani because her husband belonged to an Ahmadi family (Farooqi, 2017). This period was one of the most challenging and painful times for Asma Jahangir. In Pakistani society, there are strict norms and restrictions placed on women. In a patriarchal society like Pakistan's, women are expected to obey their guardian's orders, especially regarding marriage. Obedient daughters rarely say no to their parents. When girls violate these norms by marrying without parental consent, they often face severe consequences, including threats and violence, even deaths. Two cases in point are those of Saima Waheed and Saima Sarwar in 1996 and 1999, respectively. These girls chose to marry without their parents' permission in court, leading to threats of violence from their parents. During this critical period, Asma Jahangir took up their cases and advocated for their rights in court. As a result, the parents of both girls also threatened Asma Jahangir for supporting their daughters'

choices (Hassan, 2018). However, Asma Jahangir remained undeterred by threats and criticism and continued to support both Saima Waheed and Saima Sarwar.

In Pakistan, a Muslim-majority country, religious matters are sensitive topics, and any criticism of Islam or blasphemy is often met with strong reactions. An incident involving an eleven-year-old child from the Christian community, named Salamat Maseeh, and his two uncles is significant. The child was accused of engaging in prohibited wall chalking on a mosque's wall, causing significant unrest among the Muslim community. Salamat Maseeh and his uncles were threatened with violence, but his uncles maintained his innocence, asserting that he had nothing to do with the act (Dean, 2018). Asma Jahangir decided to represent their case in court, facing harsh criticism from orthodox individuals and Ulema. It was a challenging time for Asma Jahangir, but ultimately, she proved Salamat Maseeh's innocence in court. When she left the court, agitated crowds surrounded her, but she walked away without succumbing to their pressure. Later, she received threats and mob attacks at her residence, but she remained resolute in her stance.

### **Conclusion**

Asma Jahangir was an unwavering advocate for justice, particularly for women, children, and the most marginalized and discriminated individuals worldwide. Her legacy is marked by her fearless commitment to these causes and her significant contributions to Pakistan's social and political landscape. Throughout her life, she encountered numerous challenges, but her indomitable spirit never wavered. From the outset of her political career, Asma Jahangir believed that military leadership was not in the best interest of her country. Her mission was to liberate Pakistan from the grip of dictatorship, and she vehemently opposed military governments during each period of their imposition. While she is often described as a social worker more than a politician, her dedication to the betterment of her country was unwavering. Whenever she witnessed the exploitation of the disadvantaged and vulnerable, especially children and women, she emerged as a formidable advocate for their rights. This commitment stemmed from her deeply held belief that human rights were not just a job but a profound conviction, as demonstrated by her opposition to the Zia government and her unwavering support for minorities. However, it is worth noting that, at times, Asma Jahangir's actions exceeded certain limits. Despite earning immense appreciation, she also faced criticism, primarily due to her religious beliefs and pro-Indian activism. Some segments of Pakistani society attempted to portray her as liberal and broad-minded, but it is essential to recognize that no sovereign country in the world tolerates insurgent activities against its state. Anti-state actions are treated with utmost seriousness in all independent nations, including Pakistan. Pakistan, as an independent sovereign country, has had to deal with anti-state elements in various regions, such as Baluchistan, where certain groups have sought to destabilize the country. Asma Jahangir's support for such freedom fighters can be viewed as a contentious and potentially detrimental stance.

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Date of Publication	May 15, 2023
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