



All-Party Parliamentary Group for
the Pakistani Minorities

APPG for the Pakistani Minorities Inquiry

ABDUCTIONS, FORCED CONVERSIONS, AND
FORCED MARRIAGES OF RELIGIOUS MINORITY
WOMEN AND GIRLS IN PAKISTAN



Dedicated to all religious minority victims and survivors of abductions, forcible conversions and forcible marriages in Pakistan – failed by the law and the system that empowers the perpetrators.

Dedicated also to late Mr I A Rehman, a champion of the marginalised communities of Pakistan over many decades, former Chairman of the Human Rights Commission of Pakistan, and a member of Experts Panel of the APPG for Pakistani Minorities Inquiry.

This is a report of the All-Party Parliamentary Group for Pakistani Minorities (hereafter APPG). It has not been produced by a Select Committee or any other Committee appointed by the House.

This report was published in September 2021.

Authors and Editors: Councillor Morris Johns, Dr Ewelina Ochab, Professor Javaid Rehman and Nicholas Preston.

The conclusions made in this report, if not directly referenced as stemming from a specific individual or organisation, are those solely of the APPG. The APPG takes full responsibility for the conclusions and recommendations made in this report.

ACKNOWLEDGEMENT

Evidence and commentary for the APPG inquiry and this subsequent report was submitted by the following individuals and organisations:

- Aid to the Church in Need
- Christian Solidarity Worldwide (CSW)
- Centre for Legal Aid, Assistance and Settlement (CLAAS) UK
- Hindu American Foundation
- Hindu Forum of Britain
- Hindu Forum of Europe
- Humanitarian Aid Relief Trust (HART)
- Insight UK
- Jubilee Campaign
- Justice Upheld
- Minorities Alliance Pakistan
- Minority Concern Pakistan
- Minority Rights Group International
- Network of Sikh Organisations
- Pakistan Hindu Council
- Pakistan Dalit Solidarity Network
- World Sindhi Congress
- Dr Qibla Ayaz (Chairman, Council of Islamic Ideology, Pakistan)
- Dr Shoab Suddle (One-Man Commission, Supreme Court of Pakistan)
- Senator Farhatullah Babar (Ex-Senator, Pakistan People Party)
- Mr Amir Jeeva (MNA, Pakistan People Party)
- Mr Peter Jacob (Director, Centre for Social Justice)
- Dr Peter David (Chairman, Pakistan International Christian Medical Association)
- Mr Pirbhu Lal Satyani (Pakistan Dalit Solidarity Network)
- Ms Seema Maheshwary (The Coalition for Religious Equality and Inclusive Diversity)
- Professor Anjum James Paul (Chairman, Pakistan Minorities Teachers Association)
- Ms Ambreen Qureshi (Human Rights Barrister)
- Mr Ross Mahtani (former Executive Council Member of the Human Rights Commission of Pakistan)
- Ms Christine Jalil (Victim)
- Mr Jai Parkash Moorani (Human Rights Activist, Sindh)
- Mr Ashish Channawar (Human Rights Activist)

- Imam Sheikh Mohammad Ismail
- Ms Elaine Alam
- Mrs Shamim David
- Right Reverend Farhad S Bhatti
- Mr Gerald Vincent
- Mr Noel Roy
- Mr Amit Singh

Contents

Letter from the Chairman.....	6
Executive Summary.....	7
1.Introduction.....	10
1.1 Background.....	10
1.2 Methodology.....	12
2. Relevant Law.....	14
3. Pakistan and International Human Rights Obligations.....	20
4. The Issue of Abductions, Forced Conversions and Forced Marriages.....	24
4.1 The Victims.....	24
4.2 The Perpetrators.....	26
4.3 The Act.....	27
4.3.1 Abductions.....	28
4.3.2 Forced Conversions.....	29
Ages of the Converted Victims.....	33
Role of Religious Institutions.....	34
4.3.3 Forced Marriages.....	35
Performance of Nikah.....	35
Role of the Wali (Guardian).....	37
Role of Media.....	37
5. The Consequences for the Victims, their Families, Communities.....	40
5.1 Victims: Physical and psychological abuse.....	40
Sex Trafficking.....	43
Early Marriages.....	44
5.2. The Effect on the Victim’s Family.....	45
5.3 The Effect on the Victim’s Community.	45
6. The Pursuit of Justice.....	48
6.1 Police.....	48
6.2 Criminal Justice System.....	50
6.3 Shelter Homes.....	53

7. The Required Responses.....	55
7.1 Legal Reforms.....	55
7.2 Other Reforms.....	58
Legal Advice.....	58
Police.....	58
Courts.....	59
Shelter Homes.....	59
The National Commission for Minorities.....	60
8. Recommendations.....	62

Letter From The Chairman

“Minorities, to whichever community they may belong, will be safeguarded. Their religion, faith or belief will be secure. There will be no interference of any kind with their freedom of worship. They will have their protection with regard to their religion, faith, their life and their culture. They will be in all respects, the citizens of Pakistan, without any distinction of caste and creed”.

These wise words of the founder of Pakistan Muhammad Ali Jinnah, were spoken at an important speech he delivered at the New Delhi Press Club, in 1947. Unfortunately, his commitments to minorities’ rights were not kept by those who followed his untimely death in 1948.

More than seventy years after the country gained its independence, one of the most heart-rending issue its religious minorities face is the abductions, forced conversions and forced marriages of girls and women from their communities. The continuous and steady increase in these cases has made this practice a national and international tragedy. Yet successive governments have failed to take any effective action to prevent this tragic and inhuman practice.

The All-Party Parliamentary Group (APPG) for Pakistani Minorities has felt compelled to draw attention to this appalling issue by holding an Inquiry. Here, I would also like to express my gratitude for the co-operation and help provided by the APPG for Dalits and the Institute of Development Studies, in setting up the Inquiry.

Based on the written submissions and the oral evidence presented before the Inquiry, the APPG has confirmed the position that this is a serious concern for the vulnerable and marginalised Hindu and Christian communities in Pakistan. The APPG Inquiry offers a number of recommendations which, if implemented, can change the lives of the members of these helpless communities.

I would like to thank my fellow members on the Experts Panel, Lord Alton of Liverpool, Marie Rimmer MP, Fiona Bruce MP, Professor Javaid Rehman and Professor Mariz Tadros, for sparing their valuable time and making every effort to listen to the oral submissions. I would especially like to pay tribute to late Mr I A Rehman, who despite his advanced age and infirmity, was able to participate in the Inquiry, and provided us with benefit of his extensive knowledge and experience in this issue.

Finally, I would like to thank the APPG Secretariat: Councillor Morris Johns, Dr Ewelina Ochab, Professor Javaid Rehman and Nicholas Preston for their sterling work in writing, editing and proofreading this report.

Jim Shannon MP

Chair, APPG for Pakistani Minorities

Chair, APPG for International Freedom of Religion or Belief

Executive Summary

The cases of Christian or Hindu girls between the ages of 12 - 25, abducted, converted to Islam and immediately married to their abductors have been increasing steadily in recent years in Pakistan. Provisional estimates in a study '*Forced Marriages and Forced Conversions in the Christian Community of Pakistan*' suggest that up to 1,000 religious minority women and girls face this fate every year.¹ However, the true numbers may never be ascertained. All these cases meet with impunity. Usually, after the abduction, the victim's relatives plead with the local police to file a First Information Report (FIR). The police are usually reluctant or fail to investigate the cases properly. Instead, after a few days, the parents are often handed the conversion certificate, as well as the marriage certificate, and told that the girl has voluntarily converted to Islam, married and is living with her new 'husband'.

In court, the issue is often portrayed as a religious issue and the perpetrators' lawyers appeal to the religious sentiments of judges, by suggesting that the girls have voluntarily converted to Islam. In the majority of these cases, the decisions will go in favour of the perpetrators and the girls lose all contact with their families.

One reason why this practice is flourishing in the Sindh and Punjab provinces is because of the many actors playing their part in keeping the practice alive. For example, the clerics play a key role in the conversion process and marrying the victims and the perpetrators within a short time after. In the volatile politics of Pakistan any efforts to apprehend any religious leader can be construed as an attack on Islam. For this reason, such practices of the clerics are tolerated by government officials and politicians, as confrontation could bring about further conflict amongst the wider public.

The Inquiry revealed that the issue of abductions, forced conversions, and forced marriages of religious minority women and girls is a serious issue for the vulnerable and marginalised Hindu and Christian communities in Pakistan. Also, based on the available evidence, the federal and

¹ MSP: 2014

provincial governments of Pakistan so far have failed to take action to address the issue and protect its most vulnerable citizens.

The UK and Pakistan have a special relationship that should be used to speak for the voiceless Christian and Hindu religious minority women and girls. Pakistan has been the highest recipient of the UK Aid for the past few years.

Also, education for girls is the UK's international priority. Yet abductions, forced conversions and forced marriages issue represents a grave violation of the human rights of minority girls, it reduces any chance they might have of studying and breaking out of the vicious cycle of illiteracy, poverty, and early marriages. Addressing this issue is a crucial step, to keep these girls in school and so ensure a better future for them.



1. Introduction

1.1 Background

1. Cases of Christian and Hindu girls between the ages of 12 and 25 who have been abducted, converted to Islam and immediately married to their abductors have been increasing steadily in recent years in Pakistan. In the absence of accurate figures or any official documentation, alleged estimates suggest that up to 1,000 religious minority women and girls face this fate every year. However, the true numbers may never be ascertained. All these cases meet with impunity. The normal pattern is that after the abduction, the victim's relatives plead with the local police to file a First Information Report (FIR). The police are usually reluctant to do so, and even where they do, they fail to investigate the cases properly. Instead, after a few days, parents are often handed conversion and marriage certificates and told that their daughter has voluntarily converted to Islam, married, and is living with her new husband.

2. The APPG Inquiry acknowledges the fact that while there are abductions and forced marriages among Muslim communities as well, members of religious minorities face different challenges by virtue of belonging to very small and impoverished minority communities and require different responses.

3. According to the official figures, in 2017 Pakistan's population was 207.7 million. The same data suggest that Hindus make up about 1.6%, and Christians about 1.59%, of the population.² The vast majority of Christian and Hindu women and girls live in Punjab and Sindh. Most are either housewives or work in low jobs such as domestic workers, labourers in brick kilns or agricultural lands, or sometimes as bonded labourers. Belonging to religious minority groups, and with lower socio-economic power, these women and girls are particularly vulnerable, and an easy target for abductors for forced conversion and forced marriages from the majority Muslim community.

4. Although invitations to convert to Islam are very common in schools and work/social environments, minority communities have learned to accept this as part of life. Religious

² See: Populations by religion. Available at:
<http://pbs.gov.pk/sites/default/files/tables/POPULATION%20BY%20RELIGION.pdf>

minority women and girls are at a greater risk because they mostly work in lowly paid jobs, where they are at the mercy of their employers.

*The abductors are aware that they can always justify this criminal behaviour against the marginalised Hindu and Christian girls and women, in the eyes of not only the ordinary public but also members of police and judiciary, on the grounds of bringing a non-believer into the fold of Islam.*³

5. A detailed study of Christian and Hindu women in Pakistan reported that invitations to convert to Islam have become such a regular part of their lives that they have no choice but to live with it. However, in many cases, such invitation cannot be seen as one exercising their right to freedom of religion or belief (manifesting their religion or belief) and the other person exercising their right to change a religion. This is clearly manifested in the CREID study ‘*A Case of Several Jeopardies*’ which has revealed that:

*“The respondents further added that in the case of Christian women and girls working as domestic or factory workers or doing menial jobs, they face the challenge of receiving offers to embrace Islam on a regular basis. Their co-workers, supervisors, bus drivers (who provide a pick-up and drop-off facility), and owners are usual examples of those who ask them to convert. It is a very common understanding among the Muslim community that converting people to their religion is a noble act and they will be rewarded with paradise in return. Moreover, by converting people, they are saving their souls from hell.”*⁴

*“One participant witnessed ‘a Christian domestic worker converted to Islam by her owners on the promise that they will give her some property / piece of land’”*⁵

6. The issue of abductions, forced conversions and forced marriages of religious minority women and girls in Pakistan is serious and therefore must be investigated and addressed as a matter of urgency.

³ Prof. A.J. Paul, oral submission

⁴ CREID, 2020

⁵ Ibid.

1.2 Methodology

1. In order to understand the nature and severity of the issues expressed above, the All-Party Parliamentary Group for Pakistani Minorities (the APPG) held an inquiry in January - February 2021 (the Inquiry). The Inquiry aimed to map the issues and analyse the effects of abductions, forced conversions and forced marriages of religious minority women and girls, and identify the required responses.
2. The specific focus on the regions of Punjab and Sindh is due to the fact that these two provinces are most affected by the issue. Particular socio-economic circumstances in these two regions also create vulnerabilities for the minorities there.
3. The Inquiry process consisted of desktop research, a public call for written submissions and oral hearings with a variety of stakeholders.
4. The public call for submissions resulted in many stakeholders including human rights organisations, human rights activists, faith groups and lawyers from Pakistan, the UK, the USA, and Europe sending evidence and other relevant information.
5. This was followed by oral hearings with experts and witnesses including victims and their families. The oral hearings were overseen by a Panel of Experts comprising of academics, human rights activists, including the late Mr I A Rehman, former Chairman of the Human Rights Commission of Pakistan, along with the Parliamentary members of the APPG.
6. Further desktop research was carried out from April–July 2021.
7. The final report summarises a sample of the evidence and information gathered regarding the victims of the issues of abductions, forced conversions and forced marriages of religious minority women and girls in Pakistan. In addition, this report has a number of key objectives. Firstly, this report explains the current legal position regarding the rights of women and girls in Pakistan, including the aforementioned issue of abductions, forced conversions and forced marriages, with particular reference to Pakistan’s international legal obligations (sections 2 & 3). Secondly, it explains the nature of the issues of abductions, forced conversions and forced marriages (section 4). Thirdly, it explores the consequences of being subjected to these acts (section 5). Fourthly, it examines the challenges faced by religious minority communities in the pursuit of justice (section 6) and lastly, it identifies the required responses to these challenges and suggests recommendations (sections 7 & 8).

8. The APPG has tried to protect the victims and the perpetrators' privacy and safety, by anonymising them, and using fictitious names, and not using exact locations, whenever possible in this report.

Case Study

'Hema Yohana, a 14-year-old Christian girl, was abducted in October 2019 by a Muslim man named Aslam Jahangir. In court, her parents produced a baptismal certificate and testimony from her school that purported to show she was 14. Regardless, judges observed that marriage between the two would be valid under Sharia law if she had had her first menstrual cycle – and yet under the Sindh Child Marriage Restraint Act the marriage was clearly illegal.'

2. The Relevant Law

1. Pakistan is a common law country, although the prevalent constitutional framework requires the legislature to make laws and for the judiciary to adjudicate disputes based upon the Islamic *Sharia law*. Over the years, there has been an increase in Islamic laws being introduced, some of which affect religious minorities. Sulema Jahangir, solicitor and lawyer at the AGHS Legal Aid Cell, stressed:

*“Over the years, the laws applicable to the rights of religious minorities in Pakistan have shifted from being neutral to blatantly discriminatory — from electoral laws, family laws, law on evidence, Hudood laws, redistribution of income through Zakat and Ushr, trust and evacuee property laws, domicile and nationality, to offences against religion.”*⁶

2. While currently there are no laws to protect citizens from forced conversions, for example by providing for an official recourse to reverse a forced conversion and allowing victim to return to their original faith, there are some laws that can be used to curb these crimes, as explained in subsequent chapters. However, since they have not been used very often, they may be unfamiliar to police officers, let alone to members of the public.

3. The most relevant pieces of existing legislation relevant to this Inquiry are as follows:

The Child Marriage Restraint Act 1929 (as amended)⁷

The Federal Child Marriage Restraint Act 1929 sets the minimum marriageable age at 16 for females and 18 for males. This law however remains inconsistent with the Sindh Marriage Restraint Act 2013, that prohibits marriages under 18 for males and females in Sindh province. There are also inconsistencies in practice whereby domestic courts provide legitimacy to child marriages based on Islamic *Sharia* laws.

The Sindh Child Marriage Restraint Act 2013⁸

⁶ The Dawn April 2020

⁷ [The Child Marriage Restraint Act 1929 \(punjablaws.gov.pk\)](http://punjablaws.gov.pk)

⁸ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/99327/118488/F381727767/PAK99327.pdf>

Sections 4 and 5 of the Sindh Marriage Restraint Act 2013 prohibit marriages under 18 for males and females in Sindh province. Furthermore, marrying or aiding the marriage of a child is a criminal offence.

Section 498B:Pakistan Penal Code 1860⁹

Section 498B of the Pakistan Penal Code 1860 criminalises forced marriage. This law provides as follows:

whoever coerces or in any manner whatsoever compels a woman to enter into marriage shall be punished with imprisonment of either description for a term, which may extend to seven years or for a term which shall not be less than three years and shall also be liable to fine of five hundred thousand rupees [:]*

*[Provided that in case of a female child as defined in the child as defined in the Child Marriage Restraint Act, 1929 (XIX of 1929), or a non-Muslim woman, the accused shall be punished with imprisonment of either description for a term which may extend to ten years but shall not be less than five years and shall also be liable to fine which may extend to one million rupees.]

The appropriate enforcement of this section could result in reducing forced marriages and can also be a useful deterrent. However, the APPG Inquiry heard that it is rarely used. As Peter Jacob emphasised:

*'it has only been used once as the relatives and even some police officers are not aware of it.'*¹⁰

4. The other relevant laws which could be used in these cases are:

⁹ Pakistan Penal Code 1860. Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64050/88951/F1412088581/PAK64050%202017.pdf>

¹⁰ Peter Jacob, oral submission.

Section 375: Pakistan Penal Code 1860¹¹

Section 375 prescribes that a man is guilty of rape if he has sexual intercourse with a girl under sixteen years of age, with or without her consent.

Section 376: Pakistan Penal Code 1860¹²

Section 376 prescribes the punishment for rape, Section 376 (1) provides: ‘Whoever commits rape shall be punished with death or imprisonment of either description for a term which shall not be less than ten years or more than twenty-five years and shall also be liable to fine’.

Section 365B: Pakistan Penal Code 1860¹³

Section 365B makes it a criminal offence the kidnapping, abducting or inducing a woman to compel marriage under duress. It provides as follows: ‘Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced, or seduced to illicit intercourse, knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for life, and shall also be liable to fine; and whoever by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punished as aforesaid’.

¹¹ Pakistan Penal Code 1860. Available at:

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64050/88951/F1412088581/PAK64050%202017.pdf>

¹² Pakistan Penal Code 1860. Available at:

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64050/88951/F1412088581/PAK64050%202017.pdf>

¹³ Ibid.

Therefore, no valid marriage can take place when a person kidnaps, abducts or otherwise induces a woman to marriage under duress.

Section 361:Pakistan Penal Code 1860¹⁴

Section 361 criminalises kidnapping or abducting a minor under 16 for a female or 14 for a male from lawful guardianship.

It provides that ‘Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.’

Section 364A: Pakistan Penal Code 1860¹⁵

This Section provides as follows:

‘Whoever kidnaps or abducts any person under the age of [fourteen] in order that such person may be murdered or subjected to grievous hurt, or slavery, or to the lust of any person or may be so disposed of as to be put in danger of being murdered or subjected to grievous hurt, or slavery, or to the lust of any person shall be punished with death or with imprisonment for life or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years.’

5. If these laws were applied they could reduce, if not eliminate, forced conversions and forced marriages of female minors. However, apart from these laws not being applied, critically in these cases, once these girls are considered to have converted to Islam, *Sharia* law is invoked. This

¹⁴ Pakistan Penal Code 1860. Available at:
<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64050/88951/F1412088581/PAK64050%202017.pdf>

¹⁵ Ibid.

was the issue in the case of Hema Yohana where the Sindh High Court ruled that, as she has had her first menstrual period, she was of marriageable age according to precedent of the *Sharia* law.¹⁶

Recent Political Developments to Introduce Further Legislation

6. In 2016, the Sindh Provincial Assembly passed the **Criminal Law (Protection of Minorities) Bill**¹⁷ outlawing forced conversions (Chapter IV) and conversions before the age of 18 (“the age of majority”) (Chapter III). However, under pressure from Islamic parties, the Governor declined to sign and formally approve this bill.¹⁸ This is as some Islamic leaders oppose a minimum age for conversion or marriage, claiming this is not sanctioned by Islam.¹⁹

7. In November 2019, a special Federal Parliamentary Committee was established to look at the issue of forced conversions and forced marriages. It went to Sindh in October 2020 to establish the facts on the ground, but failed to identify, and conclude, that this is a serious problem for minority communities, or to accept the contention that cases of forced conversions take place regularly in Sindh. Its Chairman, Senator Anwarul Haq Kakar, reported that: “Although conversion to seek a better lifestyle is also considered forced conversion, economic reasons can be considered exploitation and not force.”²⁰

8. On 24 September 2020, the Senate Standing Committee on Religious Affairs and Interfaith Harmony rejected a bill calling for the protection of religious minorities. In rejecting the bill, a

¹⁶ Forbes March 2020

¹⁷ The Criminal Law (Protection of Minorities) Bill. Available at: [http://openparliament.pk/app/tables/files/The_Criminal_Law_\(Protection_of_Minorities\)_Bill,_201-6.pdf](http://openparliament.pk/app/tables/files/The_Criminal_Law_(Protection_of_Minorities)_Bill,_201-6.pdf)

¹⁸ See: <https://tribune.com.pk/story/1287146/sindh-governor-refuses-ratify-forced-conversion-bill>

¹⁹ Reuben Ackerman, ‘Forced Conversions & Forced Marriages In Sindh, Pakistan’ (CIFORB, The University of Birmingham, 2018) page 18. Available at: <https://www.birmingham.ac.uk/documents/college-artslaw/ptr/ciforb/forced-conversions-and-forced-marriages-in-sindh.pdf>

²⁰ Kalbe Ali, ‘Conversions of Hindu girls in Sindh cannot be considered forced: senator’ *The Dawn* (20 October 2020). Available at: <https://www.dawn.com/news/1585956>

member of the committee, Senator Hafiz Abdul Karim, claimed that minorities in Pakistan have already been granted comprehensive rights.²¹

9. Another attempt was made to outlaw forced conversions and forced marriages by presenting the Protection of the Rights of Religious Minorities Bill.²² The Protection of the Rights of Religious Minorities Bill contained a series of measures to protect minorities. Among others, it prescribed that hate speech and offensive material against religious minorities must be removed from school textbooks. It prescribed that the government should provide protection and assistance to persons who have been victims of forced conversions, while sentences of up to fourteen years in prison were to be imposed for the kidnappings and forced conversions of minor minority girls. In addition, the Bill regarded marriage between a Muslim man and a minor of another religion as “forced marriage” and therefore considered it “null and void”, providing for penalties against those who organise such marriages. Hate speech and violence against religious minorities carried a three-year prison sentence and a fine of 50,000 rupees, while discrimination against religious minorities was deemed a crime punishable up to one year in prison and a pecuniary fine. However, on 2 February 2021, the Senate Standing Committee on Religious Affairs and Interfaith Harmony rejected it, claiming that it was not needed as minorities enjoy religious freedom in the country.

10. In September 2021, a draft bill to prevent forced conversions was prepared by the Federal Ministry of Human Rights was sent for consultation. However, the Council of Islamic Ideology and the Ministry of Religious Affairs and Interfaith Harmony, returned it after raising objections to the proposed 18-year age bar on conversions, as well as appearance before a judge prior to conversion, claiming these proposals to be against Islam.

²¹ Correspondent, ‘Senate Panel Rejects Bill for Minorities’ The Express Tribune (25 September 2020). Available at: <https://tribune.com.pk/story/2265480/senate-panel-rejects-bill-for-minorities>

²² Protection of the Rights of Religious Minorities Bill 2020. Available at: http://www.senate.gov.pk/uploads/documents/1598276327_813.pdf

3. Pakistan and International Human Rights Obligations

1. Pakistan has made numerous commitments to international human rights, including minority rights standards. This is affirmed by Pakistan becoming a party to the Universal Declaration of Human Rights (UDHR),²³the International Covenant on Civil and Political Rights (ICCPR),²⁴and the International Covenant on Economic and Social Rights (ICESR).²⁵ The aforementioned human rights instruments contain guarantees of protection of individuals belonging to minorities, gender equality and non-discrimination. Contained within these instruments are assurances that marriage shall only be entered with the free and full consent of both parties.

2. Article 16(1) of the UDHR provides that:

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.

3. The ICCPR protects individuals from early and forced marriages. Article 23(2) of the ICCPR provides for the recognition of the right of “men and women of marriageable age to marry and to found a family” whereas Article 23(3) in prohibiting forced marriages notes that “no marriage shall be entered into without the free and full consent of the intending spouses.”

4. Pakistan is also a party to the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC). Article 34(a)

²³ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III).

²⁴ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

²⁵ UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3

of the CRC prohibits harmful activities against children, in particular “inducement or coercion, to engage in any unlawful sexual activity.” CEDAW contains a specific provision prohibiting child marriages. According to Article 16(2) of CEDAW, child marriages shall have no legal effect. In the joint recommendation by the CEDAW Committee and the CRC Committee, General Comment No. 18 on harmful practices, the Committees note that:

“In some contexts, children are betrothed or married very young and, in many cases, young girls are forced to marry men who may be decades older. In 2012, the United Nations Children’s Fund reported that almost 400 million women between 20 and 49 years of age around the world had been married or had entered into a union before reaching 18 years of age. The Committees have therefore been paying particular attention to cases in which girls have been married against their full, free and informed consent, such as when they have been married too young to be physically and psychologically ready for adult life or to make conscious and informed decisions and thus not ready to consent to marriage. Other examples include cases in which guardians have the legal authority to consent to the marriage of girls in accordance with customary or statutory law and in which girls are thus married contrary to the right to freely enter into marriage”.²⁶

“In some contexts, forced marriage may occur when a rapist is permitted to escape criminal sanctions by marrying the victim, usually with the consent of her family. Forced marriages may also occur in the context of migration in order to ensure that a girl marries within the family’s community of origin or to provide extended family members or others with documents to migrate to and/or live in a particular destination country. Forced marriages are also increasingly being used by armed groups during conflict or may be a means for a girl to escape post-conflict poverty.

Forced marriage may also be defined as a marriage in which one of the parties is not permitted to end or leave it. Forced marriages often result

²⁶ Joint general comment No. 18 of the Committee on the Rights of the Child and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women on harmful practices. CEDAW/C/GC/31-CRC/C/GC/18, 21.

in girls lacking personal and economic autonomy and attempting to flee or commit self-immolation or suicide to avoid or escape the marriage”.²⁷

5. In its concluding observations on the fifth periodic report of Pakistan, the CEDAW Committee expresses serious concerns:

“The persistence of discriminatory stereotypes faced by women and girls belonging to ethnic minority groups, in particular Ahmadi, Christian, Dalit, Hindu, Roma, scheduled caste, Sheedi and Sikh women and girls, who are sometimes the victims of abduction and forced conversion; (b) The insufficient information and data on the situation of women facing intersecting forms of discrimination, including women with disabilities and Ahmadi, Christian, Dalit, Hindu, Roma, scheduled caste, Sheedi and Sikh women and girls”.²⁸

6. In relation to marriage and family relations, the CEDAW Committee expresses concerns at “the existence of multiple legal systems with regard to marriage and family relations”²⁹ and that:

- a. child marriage and forced marriage persist in the State party;
- b. the minimum age of marriage for women is 16 years, while it is 18 years for men.

7. CEDAW’s Committee’s recommendations to Pakistan include inter alia to:

- a. Adopt a bill to amend the Child Marriage Restraint Act to set the minimum age of marriage at 18 years for both sexes without exceptions throughout the State party;

²⁷ Joint general comment No. 18 of the Committee on the Rights of the Child and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women on harmful practices. CEDAW/C/GC/31-CRC/C/GC/18, 23.

²⁸ CEDAW, concluding observations on the fifth periodic report of Pakistan, Adopted by the Committee at its seventy-fifth session (10–28 February 2020).

²⁹ Ibid.

- b. Amend the Penal Code to make offences related to forced marriage cognizable and continue raising awareness among all communities and at all levels about the criminal nature and harmful effects of child and forced marriage on the education, health and development of girls.³⁰

8. While considering action on this issue, the Government of Pakistan will be aware that there have been other international (including Islamic) initiatives undertaken to protect the rights of religious minorities, for example, the principles proclaimed in the Marrakesh Declaration.³¹ This is a statement made in January 2016 by more than 250 Muslim religious leaders, heads of state, and scholars, all defending the rights of religious minorities in predominantly Muslim countries. According to the Marrakesh Declaration: “It is unconscionable to employ religion for the purpose of aggressing upon the rights of religious minorities in Muslim countries.”³²

³⁰ CEDAW, concluding observations on the fifth periodic report of Pakistan, Adopted by the Committee at its seventy-fifth session (10–28 February 2020).

³¹ See more on the Marrakesh Declaration: <http://www.marrakeshdeclaration.org/>

³² Ibid.

4. The Issue of Abductions, Forced Conversions and Forced Marriages



4.1 The Victims

1. The abductions, forced conversions and forced marriages of religious minority women and girls is a major issue among Christian and Hindu communities in Pakistan. The APPG Inquiry has heard that the communities have raised the issue on various platforms in Pakistan and abroad, but the Pakistani Government has taken little initiative to tackle this matter. The Pakistani Government has disputed the often-quoted figure of 1,000 girls from Christian and Hindu communities being abducted, forcibly converted and married each year. The APPG acknowledges that the figure is not confirmed, and in the absence of any proper research, this figure must be seen as contingent and provisional. The primary responsibility, nevertheless, lies with the Government of Pakistan to produce any alternative verifiable data, but to this day, it has failed to do so, or investigate the

issue and consider its severity. Former vice-chair of the Human Rights Commission of Pakistan, Amarnath Motual, noted that 20 or more Hindu girls are abducted every month in Pakistan.³³

2. In order to overcome the dearth of official data, the Centre for Social Justice (CSJ) has carried out detailed research and collected data from the reported cases in mainstream and social media, court orders, and police reports during 2013-2020. It identified 162 such forced conversions cases. From the data gathered it appears that the problem mainly affects Christian and Hindu communities. Using the data collected, the CSJ prepared a briefing entitled ‘Silence of the Lamb III’³⁴, according to which the number of Hindu girl victims was 88 (54%), Christians 72 (44%), Sikhs 1 (0.62%), Kalash 1 (0.62%). Province wise, 84 (51.85%) of cases had occurred in the Punjab province; 71 (43.83%) of these incidents had also taken place in Sindh, while 2 (1.23%) each were reported in the Federal and Khyber Pakhtunkhwa areas, and 1(0.62%) occurred in Balochistan.³⁵

3. The CSJ data also indicates that nearly half the converted victims were minors. The figure of reported cases of girls under 18 was 75 (46.3%) - some 32.7% of them aged between 11-15 years. Furthermore, in 37% of cases age was not mentioned, so the ratio is likely to be higher.³⁶

4. Considering the sources used to produce the CSJ report, it is reasonable to assume that the numbers identified are only a tip of the iceberg. This is because many of these cases will never be reported at all.

5. Furthermore, human rights organisations lack resources and funding to collect data from the whole country. This further affects the ability to assess the true scale of the issue.

³³Reuben Ackerman, ‘Forced Conversions& Forced Marriages In Sindh, Pakistan’ (CIFORB, The University of Birmingham, 2018) at p. 7. Available at: <https://www.birmingham.ac.uk/documents/college-artslaw/ptr/ciforb/forced-conversions-and-forced-marriages-in-sindh.pdf>

³⁴CSJ, ‘Silence of the Lamb III’ (2020). Available at: http://www.csjpak.org/pdf/reports-studies/Fact_Sheet_on_Forced_Conversions.pdf

³⁵ Ibid.

³⁶ Ibid.

6. **The APPG Inquiry recommends that in order to address the issue of lack of data, it is crucial to introduce an online complaint portal and a toll-free helpline. This will enable victims and their families to report such cases. It would further enable the Government to build a credible database of abductions, forced conversions and forced marriages in Pakistan.**

4.2 The Perpetrators

7. The perpetrators vary in their background and social status, however, they are usually men belonging to the majority Muslim community. In some cases, powerful men groom religious minority women and girls, and there have been cases of opportunism where abductors take advantage of the fact that these girls are often from a poor minority background and serious consequences for abduction and associated abuse are therefore unlikely. This is illustrated by many cases presented to the Inquiry.

8. All the perpetrators have a unique advantage over their victims. They know that they can hide their crime under the cloak of religion, and there are unlikely to be any worrying penalties to pay for them. As Prof. J. A. Paul told the Inquiry:

“The thought that they are adding a new convert to Islam alone can give them immunity in the eyes of religious leaders and scholars as well as ordinary citizens, and sometimes influences the police and the judiciary as well.”³⁷

9. There have been consistent reports that some Muslim organisations and shrines are involved in this practice.

“There are organisations that only do this work, they convert non-Muslim girls to Islam and marry them off. The Government should be asked to contain them, the Government cannot take on reactionary clerics; and the world at large has every right to

³⁷Prof. J. A. Paul, oral submission.

*complain to the Government of Pakistan that they should protect minority communities.”*³⁸

10. In many of these cases, the perpetrators know that they will not face any accountability for the crimes. Indeed, as will be explained later in the report, such cases are rarely investigated, let alone prosecuted.

4.3. The Act

11. In some cases, powerful men groom religious minority girls. However, in many cases the perpetrators use force to abduct the young girls. The focus of this report is on the act of abductions, forced conversion and forced marriages. However, it does not end there. As the Centre for Legal Aid and Assistance (CLAAS) reports:

“After a kidnapping, conversion, and forced marriage many girls are coerced by their abductors into making statements against their parents when they are presented in Court. Due to life threats, the girls state that they have come of their wills, such as in recent cases of Hema Yohana and Aqsa Rana of Karachi, Sindh. The victims of forced conversion often take an Islamic name, but at the same time are called such names as “Chuhri” (a derogatory word for low caste and untouchable people). After four or five months, these girls realise the reality behind their kidnapping. But now they cannot think to go home due to guilt, social, and family pressure.

After some time, many are disappeared, murdered, or forcefully moved into prostitution. When we challenge abductors about these girls, they have no answer. 90% of girls do not want to disclose their reality because of guilt and disgrace of their family or community. Further, if the victims get pregnant and their newborn is not acceptable by the abductor’s family and not acceptable in society, their future is very bleak. If they give birth to a girl, then the situation can be even worse. The victims are treated like slaves and if they managed to return, no one else will marry them. If they

³⁸ I. A. Rehman, oral submission

*refused to convert in order to marry, they are killed, as happened in the recent cases of Sorya Alam Roshan from Rawalpindi, and Shaima & Abia from Lahore”*³⁹

12. The below considers the different elements of the crimes perpetrated.

4.3.1. Abductions

13. The review of several cases reveals a clear pattern. A girl or young woman can be abducted on her way to school or work, or even from her own home. After the abduction, she is immediately taken to a mosque or religious institution to be converted to Islam. As Elaine Alam indicated in her written submission to the Inquiry:

*“In February 2019, Shaheen a 13-year-old Christian girl was alone at home. She was abducted from her home, by local Muslim men, converted and married to one of them. Her age was falsified on the marriage certificate as 18. Her poor family has not been able to retrieve her.”*⁴⁰

14. There are routine proclamations that no force is used in these cases. However, in cases where victims escape, they have reported that force was used to abduct, convert and marry. The APPG Inquiry heard from a witness about her personal experiences and how she was physically abused and imprisoned in a house to prevent escape.

*“I was kept imprisoned in the house with no means of escape and physically and sexually abused constantly. I was frightened and terrified the whole time.”*⁴¹

³⁹ CLAAS UK, written submission.

⁴⁰ Elaine Alam, written submission.

⁴¹ Christine Jalal (victim), oral submission

Case Study

Kajal, a 14-year-old Hindu girl was abducted on her way to tuition on September 2, 2018. Her family, unable to find her, filed the crime at the local police station. The family visited the police station twice on September 3, 2018, but police said the investigation had not yet commenced. With this, police authorities stated that if she had already embraced Islam they would be unable to return her.

The next day, police informed Kajal's family that she had converted to Islam and married a Muslim man named Mohsan Asgar. The marriage certificate was shown to them. Kajal's father, Chandar, argued that the signature on the affidavit did not match his daughter's, and insisted on a court appearance and reopening of the investigation. He also visited notable figures in the area for help. Nevertheless, due to fear of Islamic clerics, who currently provide the abductor protection, there is a general unwillingness to assist in such cases.

(Information provided by the Sindhi Foundation)

4.3.2 Forced Conversions

15. Conversion to another religion is a life-changing event. Even in the case of adults, acts of conversion take place after years of contemplation and meditation. In Pakistan, there is no law against conversion, but in practice only conversion to Islam is allowed. If a Muslim changes his or her religion, they are ostracised from family and society and face substantial risks of being charged with Pakistan's draconian blasphemy laws. Forced conversion refers here to the practice of conversion where the person does not consent or cannot consent to convert to another religion.

16. State institutes such as the National Database and Registration Authority (NADRA) have no provisions to record a Muslim changing their religion, whereas a non-Muslim can easily change their religious identification on official documents.⁴²

17. Conversions can take many forms. Understandably, there may be cases where a person would convert of his or her own wishes; however, particular attention needs to be paid to cases of

⁴² <https://tribune.com.pk/story/363182/losing-your-religion-nadra-should-not-be-deciding-peoples-faith>

persons under the age of 18. Furthermore, there are certain relationships, where because of the power imbalance between two parties (e.g. employer-employee), free and informed choice is questionable.

18. Another issue is induced conversion, namely, where over months or even years, a man wins the confidence of a girl's family, buying goods and presents for them in order to develop a relationship with the girl. The girl is then groomed for ideological as well sexual reasons. These actions, once given the religious cloak, are looked upon with apathy, if not admiration, by the majority population.

19. Sulema Jahangir from the AGHS Legal Aid Cell stated that: "While there are a large number of cases of forced conversions and marriages, there are also cases where vulnerable young women are preyed upon by influential men who entice them to convert and marry."⁴³

20. She further stated that:

*"According to case law, exploiting a position of power to entice vulnerable people or subordinates to convert amounts to coercion, which should be outlawed. The fact that the default legal system in Pakistan is discriminatory, particularly towards women from religious minorities, coupled with the clout and resources of those preying upon them, implies coercion and urgently requires positive legislation to safeguard vulnerable citizens."*⁴⁴

21. From reported cases of forced conversions, it has been noticed that once a conversion certificate is issued, the dynamics of the case change. In effect, the police appear to be deterred from lodging an FIR; therefore, it is crucial to regulate the process before it gets to that point.

"After the abduction, the first thing an abductor does is to obtain a Conversion Certificate. Anyone with a mere Rs.20 (10p) can get a conversion certificate from a local mosque/madrassa. The low cost

⁴³ The Dawn April 2020

⁴⁴ The Dawn April 2020

makes it easy for an abductor to obtain a Conversion Certificate and marry the victim, sometimes in the same mosque.”⁴⁵

22. The APPG Inquiry heard that in some other Muslim-majority countries like Malaysia, only dedicated institutes can issue conversion certificates. Similar formal methods of conversions should be adopted by Pakistan.

“The first and foremost step for issuing the conversion certificate should be to see the NADRA certification or a birth certificate. If the age of the child is under 18, then the conversion certificate should not be issued and the relevant authorities be informed immediately. Any religious conversion should only be of an adult, voluntary and after considerable study of the new religion.

The conversion certificate should only be issued by a government body or judiciary. An application should be filed with affidavit and evidence to show that the person has been studying Islam for 3 months and that evidence should be produced to get a conversion certificate. The Government should create separate cells/offices in all cities/districts to ensure people all over Pakistan are catered to. No religious scholars or group can have an objection to implementing of the aforementioned process as a similar process is already in place in Malaysia.”⁴⁶

The need to act urgently on this issue was emphasised by witnesses for different reasons:

“Forced conversions are being exonerated by the Muslim majority ‘blaming’ minority religions too weak in such that young girls ‘willingly’ marry Muslim men and convert. The absence of a law on forced conversions is highly disturbing which requires immediate action for which we are lobbying in personal capacities as activists as well as organizational levels. The implementation and misuse of laws is another factor of grave concern for which we advocate with the relevant authorities. Forced conversions are increasingly being used as a tool for ‘silent discrimination’ in the wake of decreasing blasphemy cases, however, both are now rising at exponential levels

⁴⁵ Ambreen Qureshi, oral submission.

⁴⁶ Ambreen Qureshi, oral submission

threatening the safety, security and human dignity of religious communities.”⁴⁷

*“The victims and families both face immense challenges since forced marriages, conversions and abductions also entail rape. The humiliation and helplessness they face without any counselling support can lead to psychological and emotional trauma, along with the lingering fear of the safety of the victim and the family members as well. The entire community may also face threats and force the victims to give statements in favour of the abductors which raises serious challenges to the proceedings of the case.”*⁴⁸

*“After a forced conversion case the whole minority community is traumatized and left feeling helpless and isolated. In some cases, the Hindu families have migrated to India. Furthermore, these cases increase the mutual distrust among communities and discourage interfaith harmony and dialogue.”*⁴⁹

23. Barrister Ambreen Qureshi mentioned that the problem is deliberately downplayed and greatly neglected.

*“Ironically, the issue of forced conversion is either out rightly denied or shut away with the excuse that the number is not as high as reported in this country. Very recently we have seen a highly reputable human rights organisation within Pakistan also denying the seriousness of forced conversion in Pakistan. However, if one as an individual merely acknowledges recent cases of the past year which were highlighted in the social media or were taken up in court/higher courts of the country then there is every reason to believe that the issue of forced conversion needs to be addressed immediately on urgent basis.”*⁵⁰

⁴⁷ Elaine Alam, Written submission.

⁴⁸ Elaine Alam, Written submission.

⁴⁹ Prof. A. J. Paul, oral submission.

⁵⁰ Ambreen Qureshi, written submission

The APPG recommends that a separate government department or civil courts should have exclusive jurisdiction to issue conversion certificates to adult applicants, after those applicants have studied the new religion for a defined time. A law should be passed banning forced conversions.

Ages of the Converted Victims

24. As the Government does not keep any records of forced conversion and forced marriage cases, it is necessary to use alternative records. As mentioned earlier in Section 4.1, the Centre for Social Justice (CSJ) produced a datasheet of the cases reported in mainstream and social media, court orders, and police reports during 2013-2020. CSJ verified 162 such incidents. According to their collected data, only 16.67% of victims were above 18, while nearly half of the victims of forced conversion were minors, and the actual ratio of underage victims could be higher because the exact age of 37% of the victims was not mentioned in the report. Further data should be collected to identify the particulars of the issue.

25. It is very troubling and highly regrettable that after a minor's forced conversion, some judges decide to apply *Sharia* law instead of the State law, to the victim's marriage status, who has little if any knowledge of Islam. Thus, she is abused twice, once by forcibly converting her religion and again by legitimizing her illegal marriage. Ironically, the same court might decide a born Muslim girl's marriage status according to the State laws:

“When a girl from a religious minority is converted to Islam, Islamic laws will apply to her. Islamic law permits the marriage of underage girls after the girl has experienced her first menstrual cycle. These Islamic laws are in contravention of the Sindh Child Marriage Restraint Act 2013 which dictates that a girl cannot legally marry if she is below the age of 18 years (applicable to the province of Sindh). Similarly, the Punjab Marriage Restraint Act of 2015 states that marriage to a child is punishable by imprisonment and that a girl is considered a child if she is under the age of 16 years (applicable to the province of Punjab). Due to the discretionary power of local and regional judges and the ambiguity regarding whether Islamic laws or secular laws preside in such cases, a judge can decide to approve a marriage even if it is proven that a girl is under the age of 18 or 16 years old. According to the Constitution of the Islamic Republic of Pakistan, every secular law should

comply with the Islamic code. More often than not, the religious laws prevail over the secular laws in court.”⁵¹

Role of Religious Institutions

26. The practice of forced conversions continues unabated as it is supported by many willing actors. The roles played by mosques, religious madrassas and seminaries, particularly in Sindh province, cannot be ignored. Typically, an abducted Christian or Hindu girl is taken to a local mosque or madrassa for conversion. The conversion process itself is very simple and usually consists of stating a simple conversion statement repeated after a cleric. The declaration in Arabic states: ‘La ilaha ill Allah, Muhammad rasool Allah’ (There is no true god but God (Allah), and Muhammad is the Messenger of God). Usually, the age of the girl is entered simply as over 18 on the conversion certificate. It may be followed by a Nikah (Muslim wedding) straightaway in the same place.

27. Some of these institutes offer financial rewards for conversions.

“Some organisations, such as Minhaj-ul-Quran, routinely and as a matter of official policy, encourage the practice of converting members of minority communities by offering rewards for successful conversions.”⁵²

28. Some clerics in Sindh are well known for using their religious institutions in facilitating forced conversions. A report by Gandhara, an arm of the Radio Free Europe/Radio Liberty, describes an Islamic seminary –Dargah Bharchundi Sharif in Sindh, where Mian Abdul Haq, widely known as Mian Mitho, is reputed to have arranged the forced conversions and marriages of many young Hindu girls from the surrounding countryside.⁵³

⁵¹ Jubilee Campaign, written submission

⁵² Reuben Ackerman, ‘Forced Conversions& Forced Marriages in Sindh, Pakistan’ (CIFORB, The University of Birmingham, 2018) at p. 12. Available at: <https://www.birmingham.ac.uk/documents/college-artslaw/ptr/ciforb/forced-conversions-and-forced-marriages-in-sindh.pdf>

⁵³ RFE/RL April 2021

As such, forced conversion is a means to enable further crimes perpetrated against these religious minority women and girls.

4.3.3 Forced Marriages

Performance of Nikah

29. The Nikah (Islamic wedding) often immediately follows the conversion and obtaining the conversion certificate. The Nikah Nama (Marriage Certificate) rules are often ignored. For example, according to the rules, two separate lawyers representing both parties are meant to sign the certificate; however, in many cases, this requirement is ignored. Another often-overlooked requirement is clause 21 of the Nikah Nama which states that if a man is already married then under the Muslim Family Law Ordinance 1961, he must present proof to the Union Council that he has obtained permission to marry another woman.⁵⁴

As Barrister Ambreen Qureshi indicated these problems can be overcome to some extent if the Nikah is conducted by qualified practitioners:

“In cases of forced conversion and forced marriages, the law does not come into play against the alleged abductor at the time of performance of Nikah. It comes much later i.e. either when an FIR is finally lodged or at the time when there is a request that the marriage be registered by National Database and Registration Authority (NADRA). (Under the law it is only recommended that the marriage is registered as early as possible; however, one can register at his/her own free will). This gives leverage to the abductor who can not only consummate the marriage but also get the defence of wilful conversion much more strongly established. It is therefore recommended that Government should ensure that the Qazis/moulvis of the mosque who perform the Nikah should be registered with NADRA, they should make them legally responsible for ensuring that the Nikah is performed after seeing the registered birth certificate of the girl/woman, in the presence of her natural/legal guardian; also they must refuse if that is not the case and inform the authorities. A mere verbal declaration of age should

⁵⁴ <https://images.dawn.com/news/1178937>

not be allowed as we have seen in such cases. A penalty should be imposed for failure to do the same.”⁵⁵

The APPG Inquiry recommends that Government should ensure that the Qazis/Moulvis of the mosque who perform the marriage should be registered with NADRA, and that they should be held responsible for ensuring that the marriage is performed after seeing the NADRA Certification, or a birth certificate of the girl, in the presence of her natural/legal guardian. A mere verbal declaration of age should not be allowed as we have seen in so many cases. A penalty should be imposed for failure to do the same.

30. One common complaint heard by the APPG Inquiry was that despite the families providing authenticated documents such as NADRA certification to prove the victim’s age, the courts often want to order a medical examination to confirm the age. This is an intrusive and invasive examination that usually can only come up with a range of ages rather than a precise number.

31. Another issue raised was that the legal status of a marriage that has been contracted in violation of the Child Marriage Restraint Act, nevertheless remains valid. It cannot be annulled and even if the girl was forced to marry or was underage at the time, once her marriage is solemnised, it remains valid. Thus, even if it is proved and accepted by the court that the girl was below the marriageable age, and she goes back to her family, her marriage remains valid, because the judges do not want to rule on whether the conversion was valid. For example, as Peter Jacob told the Inquiry:

“The Hyderabad High Court in Sindh was recently petitioned by 16 Hindu women, who had been forcibly converted and married to Muslim men. They have children now and are unable to live with their “husbands”. They cannot revert to their former religion. Nor can they apply for divorce. Their marriages can only be dissolved under Islamic law. All they can do is apply for relief from the court.”⁵⁶

⁵⁵Ambreen Qureshi, written submission

⁵⁶ Peter Jacob, oral submission

Role of the Wali (Guardian)

32. Under most schools of Islamic jurisprudence, an underage girl cannot get married without the consent of her Wali (male guardian, typically a father or an uncle). He acts as an authorised agent of the bride in concluding a marriage contract. The Council of Islamic Ideology recommends that this could be extended to non-Muslims, in order to prevent the forced conversions and forced marriages of minority girls. Indeed, as Dr. Qibla Ayaz told the Inquiry:

“The extension of the consent of the Wali to non-Muslims could be a useful weapon to stop such practices in Pakistan.”⁵⁷

33. The concept of the presence of the “Wali” was also mentioned in a landmark decision by the Lahore High Court, in the case of Pam Mohran,⁵⁸ and it could be used as an effective tool in other forced marriages cases. However, there are also other issues to consider. For example, what will happen if the “Wali” of a Christian or Hindu decided to allow a child to get married: would that make it a legal marriage?

34. One model worthy of consideration is the concept of “Appropriate Adult”, an independent person selected to look after the interests of a child during police and court proceedings in the UK.⁵⁹ The role of the “Appropriate Adult” is to safeguard the interests, rights, entitlements and welfare of children and vulnerable people who are suspected of a criminal offence by ensuring that they are treated in a fair and just manner and can participate effectively. Research by Bristol University found that “service users felt supported emotionally, and more protected against mockery, intimidation, fear, dehumanising, bullying and isolation.”⁶⁰

Role of Media

35. The Inquiry believes that the media play a critical role in raising awareness about particular cases. It can help to persuade the Pakistani Government to take action, as in the case of sisters Rajata and Rajeshri Mahesar in Sindh in 2019. There, media helped to change societal understanding of the issues and worked towards addressing prejudicial narratives about religious

⁵⁷ Dr Qibla Ayaz, oral submission.

⁵⁸ Nasira v. Judicial Magistrate and 5 others, W.P. No.45156 of 2019.

⁵⁹ The Appropriate Adult Network, ‘About appropriate adults.’ Available at: <https://www.appropriateadult.org.uk/information/what-is-an-appropriate-adult>

⁶⁰ Ibid.

minorities. Media can also play a role in influencing the religious lobby by emphasising the rights of minorities guaranteed under the constitution. At the same time, it is accepted that highlighting a particular case can sometimes create problems for the family, particularly in rural Sindh, as the associated publicity can draw the attention of religious extremists. Journalists must be properly trained about reporting such sensitive cases.

36. However, the local media, particularly the Urdu media, have tended not to highlight these cases, partly out of the misplaced concern that publicising such cases harms the image of the country. Even more worryingly sometimes they are reported as “romantic love stories”:

“The English and Sindhi media pick up issues, but the Urdu media hardly ever does so.”⁶¹

“The majority of cases of forced conversions against women and girls from religious minorities go unreported and unheard, especially those from rural areas. In fact, the media misrepresents the conversions, it does cover this as ‘love and affection’, thereby limiting the support religiously marginalised individuals receive from wider society when it comes to this form of violence”.⁶²

37. Because of reluctance by local media to highlight such cases, social media has come to play a more prominent role in several recent cases. Social media has played an increasingly critical role in drawing attention to these cases, at national and international levels. The case of Aqsa Rana in Sindh in 2020, was one such case where the initial alarm was raised through social media.

⁶¹ Jai Parkash Morani, oral submission.

⁶² CREID written submission

Case Studies

*January 2020 -- A young Hindu woman, **Bhavani Bai**, was kidnapped from her wedding ceremony—in Sindh—by unknown assailants with the involvement of local police. According to reports, Bhavani Bai was then forcefully converted to Islam by the Jamiat-ul-Uloom and married to a Muslim man named Sheikh Rehman Gulam, who had led the kidnapping.’*

*January 2020 -- A 15-year-old student, **Mehar Kohari**, was kidnapped and married to a Muslim man, Ahmad Riaz Sonari, in Sindh. In a rare instance, a court later nullified the marriage on grounds of Mehar being underage but did not address the religious aspect of the forcible conversion. Moreover, Mehar was sent to a shelter home, rather than back to her parents. She also received death threats from religious clerics after she rescinded her prior statement saying she willingly accepted Islam.’*

*March 2019 -- Two sisters **Radha and Raksha**, both below 16, were kidnapped from their home in Sindh and converted to Islam. The girls were then taken to Punjab province, where they were married to two Muslim men at the headquarters of a religious political party, Sunni Tehreek. After initially disregarding the girls’ family’s complaints, the police registered a formal case and arrested twelve people. The Islamabad High Court, however, eventually ruled against the family and found that the girls were above the legal marriageable age of 16 and that the girls converted to Islam out of their own free will.’*

*August 2019 -- A Sikh girl, **Jaswant Kaur**, was abducted by a Muslim man, who was a member of the fundamentalist Jamaat-ud-Dawa organization. After the victim’s brother lodged a complaint with the police, an Islamic mob attacked and vandalized the local Sikh holy site, in January 2020.’*

(Cases provided by Hindu American Foundation, written submission)

5. The Consequences for the Victims, their Families, and Communities



5.1 Victims: Physical and Psychological Abuse

1. Abduction, forced conversion and forced marriage have long-lasting physical and psychological consequences for the victim. The physical results of rape in general are incalculable, but at such young age are particularly harrowing. As Dr. Peter David explained to the Inquiry:

“The body is too small and delicate at that stage. The physical rape of a teenager can cause permanent damage to anatomical structure, and the pain and suffering are indescribable. The tearing down of internal organs by such a violent act on the tender body of a young woman, can lead to her internal organs being torn sometimes, and the bleeding and pain may last for weeks, even months. She may never be able to conceive, and even if she manages to come back to

her family, the physical and psychological trauma of the ordeal will take a long, long, time and indeed may never heal.”⁶³

2. The psychological effects of being abused at such an early age are also life changing. This violent and inhumane act deprives the girl of her childhood, and the support systems she had known all her life; her extended family, school and the wider community suddenly disappear. In a completely new environment, unfamiliar with their new religion and rituals, the girls usually feel lonely and isolated. As the Pakistan Dalits Solidarity Network explained:

*“In many cases, the victims are treated badly by their husbands and their families. The girls are not allowed to meet their parents, nor are their parents allowed to come to a girl’s home.”*⁶⁴

3. There have been cases of domestic violence, jealousy and even attempted murders.

*“The case of a minor Christian girl, Monica Masih, illustrates the sufferings of a victim. She was abducted and raped at gunpoint by a 41- year-old Muslim man, Safdar Ali, who also took nude pictures of her and threatened to put them on social media. When she was finally recovered, she went into a deep depression and then discovered that she was pregnant. In hospital, Mr Safdar Ali tried to kill Monica Masih and her mother to expunge any evidence of the case against him.”*⁶⁵

4. Several submissions commented on the effects of abductions, forced conversions and forced marriages, including:

“The effect of these abductions on the victims and their families is traumatic. For example, Mary Sarfraz’s mother had a heart attack after the local Magistrates’ Court ruled in favour of her daughter’s abductor. Mary Sarfraz and her family are now in hiding because her abductor and his followers have threatened to kill her.”

⁶³ Dr Peter David, oral submission

⁶⁴ Pakistan Dalits Solidarity Network, written submission.

⁶⁵ Minorities Alliance Pakistan, written submission

*In another case, Mr Masih, Farzana Sohail's father, told ACN: 'Farzana Sohail needs psychological help...Farzana Sohail has serious symptoms of mental distress...She speaks in broken sentences and her powers of reason are seriously impaired.'*⁶⁶

"There have been drastic effects in these kinds of cases, not only on the victims and their families, but at the community level as well. Victims and their families suffer from the psychological and emotional trauma of being separated from their loved ones on the pretext of conversion, and later no whereabouts of the girls are shared with the girl's/ victim's family.

*At the community level, the social breach is enhancing between minority and majority communities, due to these kinds of incidents and the trust deficit (regarding majority community) has been increased within the minority communities.'*⁶⁷

"The girls that are abducted and forcibly married can suffer great harm such as physical and sexual abuse at the hands of their kidnappers. They can also face both short-term and long-term trauma. Upon return to their families, they might not be able to remarry due to shame and stigmatization from society.

*Families would have temporarily lost their daughters and suffered severe mental trauma and hardship because of this. They might have faced threats from their daughters' abductors or might have spent large amounts of time and income trying to visit the police and other institutions who could have been able to help secure the safe return of their daughters. If the daughters return, families might not find a partner for their daughters, thus making these survivors a financial 'burden' for their families.'*⁶⁸

5. Furthermore, after the abduction, forced conversion and forced marriage, and in cases where the family pursue the matter with the police and the court, the girl is sometimes threatened

⁶⁶ Aid to the Church in Need, written submission.

⁶⁷ Minority Rights Group International, written submission.

⁶⁸ Jubilee Campaign, written submission.

that her relatives will be harmed if she does not state that she voluntarily left her family home with the abductor. Some of the victims are subjected to threats, intimidation and beatings. As a result, the victims often testify in favour of the abductor. Their families may be approached by the abductors and told to drop their case, also under the threat of harming the girls. The APPG Inquiry received evidence of such threats, including from CSW which submitted to the Inquiry that:

“In [an] interview with lawyers in Karachi in March 2016, they informed CSW that often victims and their families receive such severe threats and intimidation that when girls appear in court they are often ‘brainwashed’ and declare that they have converted to Islam and are ready to marry.

For example, in a court case following the abduction of the minor Aqsa Rana in October 2020, Ms Rana reportedly claimed that she had not been kidnapped and had instead willingly married her abductor and converted to Islam. In this case, the Sindh High Court fortunately and correctly observed that the female minor could not contract a marriage of her free will and directed that she be taken back to a shelter home.”⁶⁹

6. In the lower courts, religious lobbyists often crowd the court buildings and intimidate the court, judiciary members and the girl’s family. At the same time, the abductor’s lawyers try to play the “religious card,” and imply that any judgement apart from handing the girl over to her “husband” would be a betrayal of Islam. If the victim is sent to stay with the abductor while the case progresses slowly, the victim again comes under immense pressure to deny that she has been forced or coerced to convert and to state that she married him willingly. Even if the victim is sent to sheltered accommodation for the duration of the court hearing, the victim might still come under pressure from the abductor or others to affirm that she voluntarily converted and married.

Sex Trafficking

7. Sometimes forced conversions are used as a smoke screen for other crimes, including human trafficking, forced prostitution and child abuse. In the Coalition for Religious Equality and Inclusive Development (CREID) Intersections Series, *A Case of Several Jeopardies: A Study on the Intersecting Inequalities in the Everyday Lives of Poor Minority Christian Women and Girls in Pakistan*, the author describes the experience of one of the girls who went through this ordeal:

⁶⁹ CSW, written submission

“In the opinion of some of the participants, after the forced conversions and total disconnection from their parents and families, these girls are being trafficked as sex workers. The perpetrators can do this because these girls are disconnected from their families and no one would come after them to find out their whereabouts. Though there is a lack of evidence in this regard, in June 2020, the statement of Shrimati Meghwar in court upon her recovery after 18 months of abduction validates the aforementioned opinion. It was stated that ‘after her abduction, she was converted forcibly and was pushed to work as a sex worker’ (Sohail 2020, unpaginated). After this statement, the court handed over custody to her parents.”⁷⁰

Early marriages

8. The Inquiry has heard that one unfortunate result of parents’ constant fear of their daughters being abducted, forcibly converted and married to their abductors, is that it forces the parents to arrange early marriages for their girls, sometimes in their early teens. Such early and child marriage has several consequences, including early pregnancies, increased child mortality and poverty:

“Another effect of the abductions is that in some cases religious minority girls are subjected to early marriage or deprived of an education by their own families due to fears that they might be taken away under the pretext of faith conversion.”⁷¹

“Hindu parents marry their girls early. It’s always the same script. Converting is a one-way street. [The] whereabouts of the girls are not known ever. The girls might be sex trafficked. [There is] no known case of girls ever contacting parents again, except Mehar Kohari case.”⁷²

⁷⁰ CREID, ‘A Case of Several Jeopardies: A Study on the Intersecting Inequalities in the Everyday Lives of Poor Minority Christian Women and Girls in Pakistan’ (2020) at p. 34.

⁷¹ CSW, written submission

⁷² Ross Mahtani, oral submission.

5.2 The Effect on the Victim’s Family

9. Another unfortunate aspect of this crime is the breakdown of contact and communication between the victim and her family. The family is not allowed to get in touch with the victim, on the pretext that the parental family is *kafir* (infidel), even when parents accept their daughter’s new religion and merely want to keep in touch with her:

“Once a Hindu woman is converted, there is no going back as it would be considered apostasy by Muslim practitioners and would mean a death sentence. In many cases the converted women are told that their families are ‘kafirs’ and they cannot meet them after becoming Muslims. This impedes their access to justice as they remain in the clutches of powerful men. No one hears from these women directly after they ‘elope’.”⁷³

10. There have been some cases where the victim’s parents have gone to extraordinary lengths to recover their daughters despite all the challenges. Unfortunately, most of them end in failure. In the case of Mariam, a 12-year-old girl who was forcibly converted and married to her father’s work colleague, her father suffered a fatal heart attack:

“Holding a grainy, fading photograph of a long-haired, Kohl-rimmed girl whose dark stare bores into one’s soul, Shazia says, ‘She was my offspring. I kept her in my womb for nine months. Then I gave birth to her, and raised her with so much love — my heart is broken, and only I know how much.’”⁷⁴

5.3 The Effect on the Victim’s Community

11. Religious bodies portray conversion as a question of honour for Islam and efforts by the family to retrieve their daughter as an attempt by the *kafirs* (infidels) to retrieve a newly converted Muslim back into *jahalia* “uncivilized living”. This “religious card” is played expertly by the

⁷³ Pakistan Dalit Solidarity Network, written Submission

⁷⁴ Sameen Khan, ‘Forced conversion, marriage and the endless cycle of misogyny’ *The Dawn* (March 2017).

zealots to influence the police officers and the judiciary. The detailed case study by the Pakistan Institute of Labour Education and Research (PILER) illustrates this practice.⁷⁵

12. Reportedly, after the conversion and marriage ceremony, especially those arranged in the madrasas and shrines of Sindh, there are sometimes triumphant celebrations. Indeed, the Pakistan Dalit Solidarity Network stated that:

“The psychological impact on families of minorities who worry when their daughters venture out is immense; and the culture of intolerance that is promoted when the religious leaders celebrate the ‘conversion’ and marriage as a victory for the Muslim faith in the local community, sends a chilling message to the most vulnerable people that their girls are not safe. In Sindh, many families of girls have left their homes and many Hindu families have migrated to India after their daughters’ kidnapping and then conversion. This has terrified communities and resulted in migration and stigma for families.”⁷⁶

13. This should be understood in the subcontinent's cultural context, in which women and girls are considered the “honour” of the whole community; and the deliberate violation of the “honour” of one community is considered as a triumph by some members of the other community. Any celebration in such cases sends a chilling message to the minority communities.

⁷⁵ Pakistan Institute of Labour, Education and Research(PILER), Available at: https://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Pakistan/Rinkel_Kumari_case_-_2012.pdf

⁷⁶ Pakistan Dalit Solidarity Network, written submission.

Case Study

Vinaya, a 12-year-old Hindu girl, was abducted from outside her home in September 2018, in Sindh. When Vinaya's family and neighbours were unable to find her, they turned to the police. According to Samesh, the father of the victim, the police were not cooperative, due to family's religious background. Then, two days later, the police told father that Vinaya had converted to Islam by choice and handed him the certificate of proof. Her family believes that an Islamic religious leader has abducted, raped and forcibly converted her. When the family requested to arrange a meeting with their daughter at the magistrate's office, Vinaya was absent. Her family has reason to believe that the abductor has killed her. An investigation is being held but no legal action has been initiated.

(Information provided by the Insight UK Team)

6.The Pursuit of Justice



1. The pursuit of justice is always identified as a crucial problem by victims. The APPG Inquiry has heard evidence of the many problems faced by family members in trying to obtain justice for the victims.

6.1 Police

2. The role of the police is described in a report produced by the Commonwealth Initiative for Freedom of Religion or Belief, which states that:

“The police will often either refuse to record an FIR or falsify the information recorded on the FIR, thus denying the families involved the chance to make their case and complaints any further. The lack

of an FIR or the misrepresentation of information means that the family are unable to seek further justice in law courts, as an FIR is the vital first stage in the Criminal Procedure Code. Police are often lethargic in attempting to recover a girl who has been abducted, thus allowing the conversion and marriage to take place.”⁷⁷

3. The often derogatory treatment of the victims, their parents and their lawyers by the police and the judiciary further embolden the perpetrators and gives them the reassurance they need that they will be granted impunity for their actions. Conversely, it sends a message to the victim that her family is helpless, and she might as well stay with the abductor. As Dr Shoaib Suddle told the Inquiry:

“The justice system in Pakistan is anachronistic; for example, the police officers don’t properly and thoroughly examine the witnesses before registering an FIR. They write down the statement themselves. No witness is required to sign the statement, however, this FIR is considered as infallible, up to the Supreme Court.”⁷⁸

4. This problem was also emphasised by the Aid to the Church in Need:

“Law-enforcement authorities take too long between the reporting of a case, the registering of a First Information Report (FIR) and anything substantive being done. Mr Masih, Farzana Sohail’s father, told ACN: ‘When I reported to the police...I was called ‘chuhra’ which means filthy, a term of rebuke often used against Christians. The police refused to listen to me and it was nearly three months before a FIR was opened in this case.’

With Hema Yohana, there was a delay of two days until the police filed the complaint, by which time she was hundreds of miles away.”⁷⁹

⁷⁷ Commonwealth Initiative for Freedom of Religion or Belief, Submission to office of High Commission for Human Rights on Forced Conversions and Forced Marriages. Available at: Reuben Ackerman, ‘Forced Conversions& Forced Marriages In Sindh, Pakistan’ (CIFORB, The University of Birmingham, 2018) at p.9. <https://www.birmingham.ac.uk/documents/college-artslaw/ptr/ciforb/forced-conversions-and-forced-marriages-in-sindh.pdf>

⁷⁸ Dr Shoaib Suddle, oral submission

⁷⁹ Aid to the Church in Need, Written Submission.

5. The APPG heard reports that the attitude of police officers towards the family of the victim is not only unsympathetic and condescending but sometimes even hostile. The influence of the religious lobby, societal discrimination against minorities and pressure from the influential abductors makes them quasi aiders and abettors of the abductors. This discriminatory attitude of the police towards the victims' families is consistently confirmed by the families in both Punjab and Sindh. It is made worse by the police officers' ignorance of the correct law to be applied when filing the FIR. As CSW notified the Inquiry:

*"In some cases, the families who report abductions even face pressure from the police. CSW has interviewed several Hindu families whose daughters have been abducted. Many said they were reluctant to file a complaint or a First Information Report (FIR), which is required for the police to open up an investigation, due to the poor response of, and weak investigative procedures carried out by the police, who often actively discourage them from filing the FIR."*⁸⁰

6. Dr Shoaib Suddle further informed the Inquiry that:

*"The chapters guaranteeing fundamental rights in the constitution have no meaning unless there is an independent, efficient police force, which can handle investigations fairly and justly. As such, the issue of human rights is interlinked with the police reforms."*⁸¹

6.2 The Criminal Justice System

7. The criminal justice system does not enable a proper response to the issue of abductions, forced conversions and forced marriages.

⁸⁰ CSW, written submission.

⁸¹ Dr Shoaib Suddle, oral submission

8. As emphasised by the Minority Rights Group International:

“There is no such law in Pakistan that can deter forced conversion. However, the Child Marriage Restraint Act prohibits marriage of girls under the age of 16, except in Sindh where 18-year age is mandated ascertained for marriage. Besides this the crimes of abduction and rape always go unpunished under the guise of so-called conversion, despite the existence of law against these crimes.”⁸²

Barrister Ambreen Qureshi told the Inquiry that:

“Lower courts in particular have acquiesced to pressure and have approved marriages and forced conversions of underage girls based on fraudulent documents or the mere statement of the girl saying she is 18 years of age, even when the girl is coerced into making a false statement of her age. This is because lower courts do not have the protection that the high and Supreme courts enjoy, which would aid them in countering heavy pressure from various Islamic groups to support the kidnappers and appease their Muslim community. Right-wing groups often engage in protesting and threatening judges and lawyers in order to force them to decide in favour of the abductor. Often, lower court judges rule in favour of the abductor and pass the cases on to the high courts and the Supreme Court for further review.”⁸³

9. The kidnappers of these abducted Christian and Hindu girls often try to prove in a court of law that their victims were 18 (legally marriageable age in Sindh) or 16 (legally marriageable age in Punjab) years old in order to bypass any laws that prohibit marriage to girls under the legal age of 18/16.

10. The judges often overlook documentation such as the Child Registration Certificate also known as B-forms, issued by NADRA, even when they are provided by the family which can prove that the girl in question is under 18/16 years old. Instead, they rely on the documents issued by mosques. Some Muslim clerics and lawyers falsely claim that the girl is above 18/16 years old and therefore is eligible for legal marriage. The judges often disregard any of the documents the

⁸²Minority Rights Group International, written submission.

⁸³ Ambreen Qureshi. oral submission

family of the girl submits; however, they often accept the forced statement of the girl in court that she is 18/16 years old and that she willingly converted to Islam and married her captor.

11. The justice system does not protect the victims from their abductors. When kidnapped girls are produced before a court, they are still in the custody of their abductors, and often the kidnappers are in the courtroom when the victims deliver their testimonies. Under duress, these girls tend to cave in to the pressure of their abductors and give false statements in court claiming that they willingly converted to Islam and married their captors. This is due to fear that the abductor will exert revenge on the girls themselves or their family members.

12. The criminal justice system also presents other challenges. For example, the initial statement by the victim should be recorded in front of a judicial magistrate to state whether the victim converted and married voluntarily, but the method specified for this process is not always adhered to. Indeed, as Dr Shoaib Suddle told the Inquiry:

“The Magistrate is supposed to warn the victim that she should not make any statement under any pressure or inducement. But it does not happen. The victim is not even given a cautionary warning.”⁸⁴

13. The APPG Inquiry was also informed that judges are often influenced by the deliberate attempts of the abductor’s lawyer to convert the criminal trial into one centering on religion: Barrister Akmal Bhatti from the Minorities Alliance Pakistan submitted:

“I prepared my case very well and all the facts of the case were also in our favour (even the accused person somehow admitted his guilt) but the opposing lawyer appealed to the religious sentiments of the judge. He argued mostly on the emotive matter of the conversion of Christian girls to Islam. Unfortunately, the judge ruled in his favour and he won the case.”⁸⁵

⁸⁴Dr Shoaib Suddle, oral submission

⁸⁵Minorities Alliance Pakistan, written submission.

6.3 Shelter Homes

14. Further concerns were expressed in relation to the shelter homes. As Aid to the Church in Need warns:

“Sometimes, courts place abducted girls in women and girl’s shelters – as, for example, both Mary Sarfraz and Farzana Sohail were. Sajid Christopher, CEO at Human Friends Organization (HFO), told ACN that in the shelters the girls are put under pressure by older women to go back to their abductors. This view was shared by the father of Aqsa Rana, a 13-year-old girl allegedly kidnapped, forced to marry her 44-year-old neighbour, Shabir Ali Awan, and convert to Islam. Her father, Rana L Masih, told ACN: “She is being brainwashed by older women at the centre. It is no place for a child.”⁸⁶

Similarly, Minority Rights Group International raised concerns about shelter homes stating that:

“The government-owned shelter homes, especially Dar ul Amans, are not safe for the victims, as these shelter homes do not provide a conducive environment for ascertaining someone’s free will, rather they have been a place to influence victim’s decision in favour of culprits, especially when the victim is a minor girl. Moreover, usually these shelter homes do not provide any counselling or treatment.

However, there have been a couple of private and better shelter homes; Panah and Dastak in Karachi and Lahore respectively, where a better environment can be expected.”⁸⁷

⁸⁶Aid to the Church in Need, written submission.

⁸⁷Minority Rights Group International, written submission

Case Study

In January 2019, Christine Jalil a teen aged, Christian girl living in Punjab, went to her maternal aunt's home nearby. She was one of seven children for a very poor family. Due to poverty she was taken out of school, to help her mother clean the homes nearby.

Finding her aunt not at home, she was invited by her aunt's friend to come and wait in her home. She was handed tea to drink, and subsequently she lost consciousness. When she came around she was in an unfamiliar home, and informed that she had been bought by Zahoor Ilahi, who subsequently raped her. Following days and weeks meant continuous cases of rape and beatings.

Her parents bravely refused to give up, sold all their paltry possessions and applied to the Lahore High Court for justice. The culprits were warned and fled, dropping a phone in their hurry. Christine Jalil managed to contact her parents who informed the police and she was eventually rescued.

(Christine Jalil was a witness in the Inquiry)

7. The Required Responses

1. The Inquiry has heard several concerns which need to be addressed by the Federal Government of Pakistan to help victims and their families and provide a sense of security among minorities.

7.1. Legal Reforms

2. The Government of Pakistan must proceed with several reforms to ensure that the law is equipped to deal with the issue of abductions, forced conversions and forced marriages.

3. The punishment for solemnising a child marriage, as per Section 4 of the Child Marriage Restraint Act 1929,⁸⁸ is imprisonment of up to 6 months and/or a fine; unless it is proven that the person solemnising the marriage had reasons to believe that the marriage was not a child marriage. The penalties prescribed under the law are too lenient and as such cannot be seen as an effective deterrent. The punishment for the crime should be strengthened to become an effective deterrent.

4. In Sindh, the Child Marriage Restraint Act 2013⁸⁹ specifies the marriageable age to be at least 18, while the Punjab Marriage Restraint Act⁹⁰ defines the minimum marriageable age as 16. This allows the perpetrators to move girls from one province to another in order to marry according to the lower prescribed marriageable age there. This anomaly in laws needs to be revised to increase the minimum age to 18 throughout the country, in line with Pakistan's international obligations.

5. The main concern, however, remains the frequent application of the Islamic religious doctrine of *Balooghat* or maturity, according to which girls reach maturity and marriageable age at puberty. There is no precise date for this understanding of *Balooghat*, but child marriages on this basis have been justified for girls as young as 8 or 9 years of age. It is concerning that a non-

⁸⁸ See: [The Child Marriage Restraint Act 1929 \(punjablaws.gov.pk\)](http://punjablaws.gov.pk)

⁸⁹ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/99327/118488/F381727767/PAK99327.pdf>

⁹⁰ See: <https://www.punjabpolice.gov.pk/system/files/PunjabMarriageRestraint%28amd%292015.pdf>

Muslim girl becomes subject to *Sharia* law and thus is considered marriageable at puberty, while a similar Muslim girl's case is not subject to *Sharia* law but State Law.

6. Even though a girl might be below the local marriageable age, when a case comes to court, the age of the girl is sometimes disputed. The courts often refuse to accept baptismal certificates or school certificates specifying the age, which are quite often the only certificates available to parents if the girl has not been registered at birth with NADRA.⁹¹ Sometimes even if the child is registered, the courts refuse to accept NADRA certification,⁹² thus undermining one of the state's reputable institutions.

7. Instead, quite often, the courts opt to determine the age by using the ossification test. This cannot determine the exact age. It only provides an approximate age:

“The process does not give the victim’s age by certainty. It’s mostly guesswork. The report will say around 14 years old or 18 years old.”⁹³

This test leaves a margin of at least six months on either side even if the test is conducted upon multiple joints. At times, it shows a variation of four years.⁹⁴

The APPG inquiry recommends the establishment of a uniform age of marriage all across Pakistan. The minimum age of marriage should be established by statute for both men and women and should be 18 years. It also recommends that age determination should be by the NADRA records only. If they are not available, a Church Baptismal Certificate or School Certificates should be accepted as alternative proofs of age. The medical examination to determine age is an intrusive and unwelcome check which provides only an approximate, not exact, age.

⁹¹ <https://acnuk.org/news/pakistan-court-rules-men-can-marry-underage-girls-if-they-have-had-first-period/>

⁹² <https://www.thetablet.co.uk/blogs/1/1648/the-scandal-of-underage-girls-forced-to-marry-in-pakistan>

⁹³ Dr Shoaib Suddle, oral submission.

⁹⁴ <https://www.grin.com/document/498265>

8. The Hindu Marriage Act 2017⁹⁵ was a positive step. However, it still has not been implemented in provinces because rules have not been formulated. They should be framed within 3 months.
9. The APPG Inquiry was informed that new legislation should be introduced mandating a statutory ‘cooling-off period’ of at least 3 months between the alleged abduction and forced conversion and registration of the marriage to assess the voluntary nature of the marriage. During that period the girl should be kept separate from the abductor.
10. If consent to conversion or marriage is proven to be through coercion, according to the existing laws, the marriage is still considered valid. This established practice must be outlawed.
11. The APPG inquiry heard that the use of the additional term ‘non-Muslim woman’ while defining a female child has created confusion, and therefore this phrase should be deleted from section 2. 1 of Section 498B of the Pakistan Penal Code. As Ambreen Qureshi stated:

“It is suggested that singling out non-Muslim women could lead to ambiguity at the time of interpretation of the law and could result in unfavourable or confusing judgments.”⁹⁶

12. The APPG recommends that the definition in section 2.1 of Section 498B of the Pakistan Penal Code (below), must be amended as a matter of urgency to:

“Provided that in case of a female child as defined in the Child Marriage Restraint Act,1929, the accused shall be punished with imprisonment of either description for a term which may exceed to 10 years but shall not be less than 5 years and shall also be liable to fine which may extend to one million rupees.”

⁹⁵ National Assembly, ‘Hindu Marriage Act 2017’
http://www.na.gov.pk/uploads/documents/1491458181_468.pdf

⁹⁶ Ambreen Qureshi, oral submission.

7.2 Other Reforms

Legal Advice

13. According to the evidence received, the victims and their families are not provided with any legal advice. The families are forced to rely on expensive private lawyers to understand their rights and proceed with their cases. Considering that they normally belong to very poor families, they are effectively left without any legal support. **Trained pro bono lawyers should be designated to assist the family of the abducted child. UK Aid could fund training for lawyers, or help to work toward establishing free advice offices, akin to the Citizens Advice Bureaus. A good example of training is the training developed by the International Bar Association’s Human Rights Institute (IBAHRI)⁹⁷.**

Police

14. The APPG Inquiry noted that the police use only a certain limited number of applicable laws when filing an FIR. The chances of retrieving the victims will improve if additional and more effective laws were used against those accused of abductions, forced conversions and forced marriages, for example:

S. 292A of the Pakistan Penal Code⁹⁸

Exposure to seduction: “Whoever seduces a child by any means whatsoever with an intent to involve him in any sexual activity or exposes him to obscene and sexually explicit material, document, a film, video or a computer generated image or attempts to do aforementioned acts, shall be punished with imprisonment of either description for a term which shall not be less than one year and may extend up to seven years or with fine which shall not be less than one hundred thousand rupees and may extend up to five hundred thousand rupees, or both”.

⁹⁷ <https://www.ibanet.org/IBAHRI>

⁹⁸ See: <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

S.498B of the Pakistan Penal Code⁹⁹

Whoever coerces in any manner whatsoever, [or] compels a woman to enter into marriage shall be punished with imprisonment of 7 years but not less than 3 years along with five hundred thousand rupees fine.

15. The APPG Inquiry recommends that Sections 292A and 498B of PPC (prohibition of forced marriages) should be considered as suitable laws for a charge in these cases. Additionally, the need for more guidance and assistance, both for the victim's family and for the police at the filing of the initial FIR, was recognised. It is suggested that a sample FIR could be produced for distribution among the minority communities through existing institutions like churches and temples.

Courts

16. A common complaint is that courts often take a long time to reach a decision and often the hearings are adjourned. This not only gives more time to the abductor to influence the victim but also creates problems for the parents and family of the victim, who sometimes have to travel the whole day to get there only to find out that the case has been adjourned, as happened repeatedly in the case of Rinky Kohari.¹⁰⁰

The APPG Inquiry proposes that courts should hear these cases in private with only the people closely involved allowed to attend the trials. In order to avoid repeated delays, and for the convenience of families living far from the court, the courts should make more use of video links.

Shelter Homes

17. The existing government shelter homes, where the abducted girls would sometimes be sent while their case is pending, were established for victims of domestic violence, and are primarily used for those women. They are not equipped to provide sheltered accommodation to victims of forced conversions and forced marriages, especially minors and religious minorities. There are no such shelters outside of the big cities. The majority of staff are untrained. Furthermore, reports

⁹⁹ See: <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

¹⁰⁰ Pakistan Institute of Labour Education and Research(PILER), December 2012.

suggest that sometimes the abductor and even religious leaders are allowed access to the victim in the shelter homes, as happened in the case of Mehar Kohari. More alarmingly, there have been reports of sexual exploitation of vulnerable women and girls in shelter homes.¹⁰¹

The APPG Inquiry proposes that Pakistani Government should introduce special shelters for victims of forced conversions and forced marriages.

The National Commission for Minorities:

18. It was suggested that the Federal Pakistani Government should establish, through a parliamentary statute, an independent National Commission for Minorities Rights, with complete financial and political independence and fully in accordance with Principles Relating to the Status of National Institutions (The Paris Principles) adopted by the UN General Assembly Resolution 48/134 of 20 December 1993.¹⁰² Similar Commissions should be established by the Pakistani provincial governments, which should be empowered to take up such cases and verify the authenticity of conversions.

19. In order to distinguish a forced consent from a voluntary conversion, the federal and provincial governments need to establish independent boards/commissions, which must include representatives of minority communities. This will help to distinguish genuine conversions from forced conversions and in order to establish genuine conversions, the victim could be questioned about her knowledge of Islam.

¹⁰¹ Pakistan Today, 'Underage girls being misused at Darul Aman, claims official' PT (29 November 2019). Available at: <https://archive.pakistantoday.com.pk/2019/11/29/underage-girls-being-misused-at-darul-aman-claims-official/>

¹⁰² Status of National Institutions (The Paris Principles), UN General Assembly Resolution 48/134, 20 December 1993. Available at: <https://www.ohchr.org/en/professionalinterest/pages/statusofnationalinstitutions.aspx>

Case Study

Farzana Sohail, a pre-teen Christian girl, was abducted by Arif Ahsan, a 45-year-old married Muslim man with three children, in June 2020. He came to know her as he periodically worked close to where Farzana Sohail lived; he delivered food provisions to a storage area at the bottom of the building where she and her family had their home.

When the family went to the police to report that Farzana Sohail had been abducted, they soon discovered the authorities were biased against Christians. After Farzana Sohail's abduction, it took three months for the authorities to register the case. The crime of her abduction had been perpetrated on 25th June and Farzana Sohail's family submitted their written application on 27th June but the complaint was not recorded until 19th September. Furthermore, in the First Information Report (FIR), the parents claimed Farzana Sohail was 12 and provided a birth certificate as evidence. However, the Investigation Officer (IO) stated Farzana Sohail was 17 and allowed Mr Arif Ahsan to keep her in his possession.

A protest rally and sit-in, in front of the Police Department's office, alerted the higher authorities to the IO's report. Eventually, Farzana Sohail was recovered and moved to Dar-ul-Amann (a women's shelter). She gave a statement that she converted and married Mr Arif Ahsan with her free will. But such statements are common in cases of abducted minor girls as they are harassed and threatened by the abductor and his supporters. Despite having a birth certificate to prove her age, the police authorities ordered a physical examination of Farzana Sohail which in due course gave her age as 16 or 17.

Eventually, on 16th February 2021 the District and Sessions court ruled that Farzana Sohail should be allowed to return to her father and siblings after declaring her marriage was invalid as it had not been registered with the local authorities. The Judge, taking the birth certificate into account, ruled that the medical tests giving her age as 16 or 17 were inconclusive. Farzana Sohail reported that when in Mr Arif Ahsan's possession, she had been attached to a rope, her feet placed in shackles and that she had been forced to work all day cleaning filth in a cattle yard.

The family described how Farzana Sohail, after her release, was severely traumatised by her experience at the home of Mr Arif Ahsan and for a time was unable to speak.

(Information provided by Aid to the Church in Need)

8. Recommendations

The APPG Inquiry identified several steps which could be taken by the authorities to alleviate this issue. The APPG makes the following recommendations to the Pakistani authorities:

The Federal Government of Pakistan

1. To pass the Anti-Conversion laws for minors as proposed by the representatives of minority communities and to regard marriage between a Muslim man and a girl below the age of 18 of another religion as "forced marriage" and therefore consider it "null and void".
2. To introduce strict punishments for the forced conversion of minority girls with sentences of up to seven years in prison to reflect the severity of these crimes that include abductions, forced conversion and forced marriages of minority girls.
3. To ensure that any person above the age of 18 wishing to convert to another religion should be allocated 3 months to learn about the new religion to ensure his or her conviction to convert. Any suggestion of coercion should be duly investigated.
4. To establish specialised courts or institutions and legislate to ensure that the conversion process of an adult is exclusively conducted through these courts or institutions. Legislation should also establish a detailed procedure for ensuring that the conversions are voluntary and without coercion.
5. To introduce by statute, 18 as the minimum age of marriage, applicable and implemented within all provinces and regions of Pakistan.
6. To collect and keep comprehensive data of all cases of abductions, forced conversions and forced marriages of religious minority girls and women, to be able to assess the true scale of the issue.

7. To introduce an online portal and a free call line to report such cases.
8. To ensure that cases of abductions, forced conversion and forced marriages of religious minority women and girls are heard in the court of an Additional Session Judge.
9. To amend Section 498B of the Pakistan Penal Code, to add 10 years' maximum punishment as well as a fine.
10. To add more stringent penalties for solemnising a child marriage, under the Child Marriage Restraint Act 1929 Section 4.
11. To ensure that the Qazis/Moulvis of the mosque who perform the marriage should be registered with NADRA, and that they should be held responsible for ensuring that the marriage is performed after seeing the NADRA Certification, or a birth certificate of the girl, in the presence of her natural/legal guardian.
12. To train and sensitise the police officers to make use of all existing laws, for example while registering the FIR. These should include:
 - Forced marriage, under Section 498B of the Pakistan Penal Code 1860;
 - Exposure to seduction under Section 292A of the Pakistan Penal Code 1860;
 - Rape, under Sections 375 and 376 of the Pakistan Penal Code 1860;
 - Kidnapping, abducting or inducing a woman to compel for marriage, under Section 365B of the Pakistan Penal Code 1860;
 - Kidnapping or abducting from lawful guardianship, under Section 361 of the Pakistan Penal Code 1860;
 - Kidnapping or abducting a person under the age of fourteen, under Section 364A of the Pakistan Penal Code 1860;
 - Kidnapping or abducting in order to subject a person to grievous hurt, slavery etc., under Section 367 of the Pakistan Penal Code 1860;
 - Bonded labour, under relevant sections of the Bonded Labour System (Abolition) Act 1992.

13. To investigate and discipline police officers who refuse to file an FIR in cases of abductions, forced conversions and forced marriages of religious minority women and girls.
14. To introduce special shelters for victims of forced conversions and forced marriages.
15. To provide guidance, protection and assistance to persons who have been victims of abductions, forced conversion and forced marriages, and their families, especially where the victims are minors.
16. To ensure effective implementation of the Hindu Marriage Act 2018 within all provinces and regions of Pakistan.
17. To introduce legislation in the Parliament to create an independent and competent National Commission for Minority Rights, in accordance with the Paris Principles, and authorise it to hear such cases as a court of law.

The Supreme Court of Pakistan

1. To make it mandatory for the courts to confirm the age of the victim from the computerised NADRA ID card records. If there is no ID card to prove a girl is 18, there should be a presumption that the girl is below the age of 18, unless proven otherwise. If they are not available, the Church Baptismal Certificates or School Certificates should be accepted as alternative proofs of age. The medical examination to determine age is an intrusive and unwelcome check which provides only an approximate, not exact age.
2. To ensure that cases of abductions, forced conversions and forced marriages are dealt with expeditiously and within ninety days, and reasons for any adjournment granted should be recorded in writing by the Court.
3. To ensure that the victim is given temporary accommodation in a shelter home during the trial unless such victim provides a cogent reason to the contrary.

4. To make it mandatory that courts should hear these cases in private with only the people closely involved allowed to attend the trials. In order to avoid repeated delays, and for the convenience of families living far from the court, the courts could make more use of video links.

The Pakistani Parliament

1. To debate and investigate thoroughly the issue of abductions, forced conversions and forced marriages, consider converting the Parliament into a Committee of the Whole, under the joint chairmanship of the National Assembly Speaker and the Senate Chairman, according to the Parliamentary Rules; and inviting all relevant stakeholders, including representatives of lawyers, human rights organisations, affected families and communities.

2. To consider that legislation related to forced conversions and forced marriages is considered and reviewed by the Human Rights Committee of the Parliament, rather than the Religious Affairs Committee.

The UK Government

The APPG makes the following recommendations to the UK Government:

1. To channel aid to those deprived parts of rural Sindh and Punjab where the issue of abductions, forced conversions and forced marriages is acute, particularly focusing on funding for education of minority girls.
2. To help the Government of Pakistan to create a national database of cases of abductions, forced conversions and forced marriages.
3. To help with introducing technology to ensure recording electronic birth registration certificates, to assist the relevant actors with dealing with cases of minors.
4. To assist with training, the members of police, judicial officers and other relevant actors on how to deal comprehensively with cases of abductions, forced conversions and forced marriages.
5. To provide funds for shelter homes for the victims of these crimes where they could be taught skills to be self-sufficient, and for improving the conditions and training of staff in existing shelter homes.
6. To ensure that any aid programme design is inclusive of the vulnerability and access challenges faced by women and girls from religious minorities, especially those who belong to lower castes.
7. To persuade other members of the UN to join and sponsor a resolution in the Human Rights Council against forced conversions and forced marriages of religious minority women and girls.