



Government of Pakistan



POLICY BRIEF

on forced conversion with
recommendations after analysis of

ARZOO CASE

Issued by

NATIONAL COMMISSION ON THE RIGHTS OF CHILD

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Contents

Commission.....	2
Context	3
Forced Conversion: International human rights law and its obligations, and the Constitution of Pakistan	5
Human rights treaties and recommendations	6
Human Rights Council.....	7
Special procedures	7
Constitutional provisions	8
Forced conversions.....	8
Issues relating to Police investigation in cases of forced conversion	11
Intimidation or threats to the victim.....	12
Courtroom intimidation	13
Discrimination and subjective interpretation within the judiciary.....	13
Recommendations.....	15
1. Government and legislative bodies: Parliament and provincial assemblies...	16
2. Law enforcement agencies including Police	16
3. Judicial bodies: District judiciary and higher judiciary	17
4. National and provincial human rights institutions	17
5. Civil society organizations including media.....	18

Commission

The Government of Pakistan established a National Commission on the Rights of Child (NCRC) under National Commission on the Rights of Child Act, 2017. The mandate of the National Commission on the Rights of Child in section 15 is to examine, review laws, policies, inquire into violation of child rights; examine international instruments and undertake periodical review of existing policies and programmes on child rights and make recommendations for their effective implementation in the best interest of children; advice the Federal Government to sign, ratify or accede to any proposed International Treaties, Protocols, etc.

As per NCRC Act, 2017, the Commission comprises of the Chairperson, Members and Ex- Officio members not below than Officers in BPS-20 from Ministries of Interior, Foreign Affairs, Human Rights, Chairperson of the National Commission on Human Rights (NCHR), Chairperson National Commission on Status of Women (NCSW) and Chairpersons of Provincial Commissions on the Rights of Child. Furthermore, as per section 15(b) of NCRC Act, 2017 the Commission has to keep liaison with the Provincial Commissions set up under Provincial laws/policies and other concerned Provincial Organizations. Section 15(c) of NCRC Act, 2017 empowers the Commission to examine and review any law or policy or practice, for the time being in force, for protection of child rights and recommend measures for their effective implementation.

Context

A 13 years old Christian girl ARZOO RAJA was kidnapped and forcibly converted and married to a 44 years old man namely ALI AZHAR in District South of Karachi Sindh as alleged by parents. This incident has once again brought all segments of society including religious minorities to the forefront of discussions demanding law reforms and policy revision regarding the age of consent of girls belonging to other religious faiths/ minorities for entering into a marriage contract. This case has been reported in the province of Sindh which has a population of almost 93% of all Hindus in Pakistan and other minorities including Christians, which come close to 8% of the total population of Sindh. The issues of religious minorities has been given considerable attention by the media which has been quick to highlight cases of forced conversions¹ in the past and recent ARZOO case has revitalized the debate² for political parties, policy makers, relevant stakeholders and society at large.

Sindh Province has already enacted a very progressive law restraining the Child Marriages i.e. Sindh Child Marriage Restraint Act, 2013, which forbids marriage under 18 years of age for boys and girls with application to all faiths including the Christians population in the instant case. Similarly, under Hindu Marriages Act, 2017 at Federal level, applicable to the whole of Pakistan except Sindh, where Sindh Hindu Marriage (Amendment) Act, 2018 is in field, a girl and a boy from Hindu community who has not attained the age of 18 years cannot contract a marriage within the community and terms such marriage as void. The Sindh Criminal Law (Protection of Minorities) Bill in 2016 was an attempt to tackle this difficult issue of forced conversion. However, it could not be passed due to pressure from various quarters and thus Government of Sindh³ recalled the passed Bill from the Governor of Sindh for reconsideration/revision in the

1. <http://tribune.com.pk/story/921649/seeking-their-rights-forced-conversions-still-an-issue-for-hindus-in-sindh/>

Hassan Mansoor, "Migration caused by 'Forced Conversion' may jolt Sindh's agro -economy" daily Dawn, 25th Jan, 2015 <https://www.dawn.com/news/1159228/migration-caused-by-forced-conversions-may-jolt-sindhs-agro-economy>

2. Afiya.S.Zia, "Enacting Consent", daily dawn dated 21st November, 2020 <https://www.dawn.com/news/1591561/enacting-consent>

3. Department of Law & Parliamentary Affairs, Government of Sindh moved a summary to Governor of Sindh dated 9th December, 2016.

language of bill and subsequently assent was not accorded by the Governor of Sindh as required under Article 116 of the Constitution of the Islamic Republic of Pakistan, 1973 . After devolution of powers in 2010, the Punjab Government has enacted “[The Punjab Sikh Anand Karaj Marriage Act, 2018](#)” to provide for solemnization and registration of Sikh marriage. Under this Act, a Sikh male and a Sikh female may contract a marriage in accordance with Sikh religion, if the parties to the marriage; (a) are of sound mind and not below the age of eighteen years.

Unfortunately, the personal laws related to Christian communities have not attracted the attention of policy makers during both elected civilian or military led Governments since the independence of Pakistan. The article 227(3) of the 1973 Constitution of Islamic Republic of Pakistan declares that, “[Nothing in this Part shall affect the Personal Laws of non-Muslim citizens or their status as citizens.](#)” Currently the Federal Government, through the Ministry of Human Rights (MoHR), has drafted a Bill under the title “[Christian Marriage and Divorce Bill 2019](#)” to bring the integrated law on regulating marriages and divorces related to Christian faith by consolidating two existing old colonial laws i.e. The Christian Marriage Registration Act, 1872 and The Divorce Act, 1869 (Pertaining to Christian marriages).

In the absence of any specific legislation dealing with the issue of ‘forced conversions’, a parliamentary committee from both houses, National Assembly and Senate, was formed⁴ to consider the all aspects of the issue. In this regard committee members has visited the provinces of Punjab and Sindh and met victim families, provincial departments and experts. As a result, a parliamentary panel report was presented that would provide impetus for addressing the issue and enactment of legislation on the subject of “**Forced Conversions**”⁵.

This Policy brief by the National Commission on the Rights of Child (NCRC) touches upon the gaps in existing laws, or need thereof for prohibition of “**Forced Conversions**” in light of international obligations/commitments and analyzing the causes or underlying factors that are beyond the scope and mandate of brief. This brief also put forward recommendations for specific interventions of various stakeholders to assist in curbing such incidents in light of rights and entitlements for religious minorities under the National Constitutional and Legal framework and International obligations/commitments to address such cases of forced conversion of girls who belong to other faiths for entering into marriage contract.

4. Kalbe Ali, “Parliamentary committee on forced conversion formed” daily dawn dated 24th November, 2019 and Senate Secretariat notified the committee on 21st November, 2019.

5. Final report of the Senate Parliamentary Committee to protect minorities from forced conversions.

Forced Conversion

**International human rights law
and its obligations, and the
Constitution of Pakistan**

Human rights treaties and recommendations

Freedom of conscience and the right to profess, practice and propagate religion is recognized as Fundamental Human Rights in the International Bill of Human Rights. Article 18 of Universal Declaration of Human Rights articulates as “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”.

Similarly, Article 18 of the United Nations Covenant on Civil and Political Rights (ICCPR), 1966 to which Government of Pakistan is State Party since 2010, provides that: “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief or belief in worship, observance, practice and teaching”.

In subsection (2) of Article 18 it attaches qualification as “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or a belief of his choice”. The monitoring committee of ICCPR known as “**Human Rights Committee**” has also articulated its view in General Comment 22 for exercise of such right. Committee in its review of Pakistan’s compliance report in 2017 has recommended⁶ on Freedom of Religion, Conscience, Belief in para 34(f) to fully implement the judgment of the Supreme Court of 19 June 2014⁷.

Though, UDHR and ICCPR do not expressly provide minimum age for religious conversion but provide safeguards against coercion.

Convention on the Elimination of Discrimination against Woman (CEDAW), 1979 to which Pakistan is State Party since 1996, while dealing with matters relating to marriage and family relations in Article 16 subsection 1(b) emphasis for intending spouses as “The same right freely to choose a spouse and to enter into marriage only with free and full consent”. Further in the matters related to child marriage in Article 16(2) as “The betrothal and the marriage of a child shall have no legal effect, and all

6. CCPR/C/PAK/CO/1 dated 23rd August,2017,www.ohchr.org

7. PLD 2014 SC 699

necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory”. CEDAW Committee while reviewing Pakistan’s fifth periodic report in February 2020 has recommended⁸ to legislate on the issues of **child and forced marriages** by making it cognizable offence and measures related to ending discrimination against woman and girls belonging to religious minorities.

UN Convention on the Rights of Child (CRC),1989, Pakistan has ratified in 1990, allows for putting such limitations to State parties in Article 14(3) as “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others”. CRC Committee has recommended in its Concluding Observations and Recommendations (CO&Rs)⁹ while reviewing Pakistan’s fifth periodic report in May 2016. While recommending in its para 17 for harmonization of the Child Marriages Restraint Acts in all its provinces, in order to align the age of marriage for boys and girls by raising the minimum age of marriage for girls to 18 years and para 31 (a) protect the freedom of religion of all children and ensure that children are able to choose their religion, or not to profess any religion at all, including in schools.

Human Rights Council

The Government of Pakistan has noted the recommendations of Universal Periodic Review (UPR) of Human Rights Council (HRC) mechanism in its 3rd cycle outcome document¹⁰ in 2018 for harmonizing the laws related to Child Marriages throughout the country. It is pertinent to mention that recommendation No.169 made to Government of Pakistan regarding “Forced Conversion” was neither supported nor noted.

Special procedures

In addition Human Rights experts of Human Rights Council known as special procedures such as Special Rapporteur on Minority Issues and Special Rapporteur on freedom of religion or belief has made reports and communications on such issues of forced conversion to members of UN¹¹.

8. Paras 30, 48 (a),50 (b) of CEDAW/C/PAK/CO/5 dated 10th March,2020.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/PAK/CO/5&Lang=En

9. CRC/C/PAK/CO/5 dated 11th July, 2016

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/PAK/CO/5&Lang=En

10. A/HRC/DEC/37/110 dated 17th April ,2018,

11. Rapporteurs Digest on “Freedom of Religion and Belief”, <https://www.ohchr.org/Documents/Issues/>

Constitutional provisions

Article 20(a) of the Constitution of Pakistan provides that “Every citizen shall have the right to profess, practice and propagate his religion”. The Supreme Court of Pakistan in a landmark judgment in *Suo Moto case 1 of 2014*¹² very thoroughly interpreted Article 20 of the Constitution of Pakistan. Paragraph 15(e) of this judgment of the Supreme Court of Pakistan provides that “The right of religious conscience conferred on every citizen is a right conferring three distinct rights i.e. Right to Profess, Right to Practice and Right to Propagate. What it means is that Article 20 does not merely confer a private right to profess but confers a right to practice both privately and publicly his or her religion. In Article 22 (1) of the Constitution of Pakistan provides safeguards as to educational institutions in respect of religion as “No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own”.

In Para 23 of Judgment of Lahore High Court in *WP No.45156 of 2019 (Nasira Vs. Judicial Magistrate and 5 others)*¹³, apex court has held that Supreme Court of Pakistan highlighted in the above mentioned judgment that Article 20 grants right to the citizen to propagate their faith but this right does not extend so as to allow anyone to convert a person to another religion by coercion or inducement. Forced conversion or imposing beliefs on others rather constitutes infringement of the right to freedom of religion.

Forced conversions

Religious conversions are “the adoption of a set of beliefs identified with one particular denomination to the exclusion of others”. Thus it can be termed as abandoning of adherence to one domination and affiliating to another.¹⁴ Recently the Parliamentary Committee on Forced Conversion has observed that there must be clear definitions of, and differentiation between forced and voluntary conversions.¹⁵ Forced conversion is the kidnapping/abduction, luring of girls from religious minorities and forcefully converting them to Islam, which has become a big concern for minority groups, particularly in Sindh and Punjab where such cases are constantly on rise.¹⁶

Religion/RapporteursDigestFreedomReligionBelief.pdf

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/106/62/PDF/G1810662.pdf?OpenElement>
12. PLD 2014 SC 699

13. PLD 2020 Lahore 489

14. Stark, Rodney and Roger Finke, “Acts of Faith: Explaining the Human Side of Religion of Religion”, University of California Press, 2000 p.114 as quoted in (*Nasira Vs. Judicial Magistrate and 5 others*) PLD 2020 Lahore 489

15. Kalbe Ali, “CII to define forced conversions, panel told”, daily dawn dated 17th November, 2020.

16. Zia, M., et al., Judge’s Toolkit: Delivery of justice, issues faced by gender and religious minorities,

Once girls are abducted, they are forced to marry their captors and are usually exploited sexually, raped and subjected to coercive measures with restriction on outside contacts. In case the abductors/captors are apprehended and produced in court after investigation, lack of evidence in the case results in their ultimate acquittal and is of no consequences for them. This lack of evidence is mostly the result of the fact that the girl and their families are threatened, which forces the victim girl to state in the court that she got fully converted to Islam of her free will and without coercion and/or got married.¹⁷ The multiple aspects that lead to and combine to form the category of “Forced Conversion” are all criminal in nature.

However this is only due to media reports, and reports by human rights organizations that the issue of forced conversions are repeatedly highlighted in Pakistan.¹⁸

Forced marriages are a violation of girl’s rights to choose her spouse by free and genuine consent and Forced Conversions are a violation of Fundamental Rights as enshrined in the Constitution of Pakistan. This places abducted girls and their families at a double disadvantage where on one hand they are discriminated against as equal citizens as per Constitution and as a member of religious minority on the other. The Pakistan Penal Code, 1860 and the Protection of Women (Criminal Laws Amendment) Act, 2006 serve as legal provisions in cases of abduction, kidnapping, and marriages.¹⁹ In addition to Section 365 B, which criminalizes the kidnapping or abduction of woman, Section 366A makes it a criminal offence to induce “any minor girl under the age of eighteen years” to participate in any act knowing that she will be “forced or seduced to illicit intercourse”. Section 498B was inserted in Pakistan Penal Code in 2011 to criminalize forced marriages but are non-cognizable.²⁰ Further in 2017, amendment to Section 498B was made and higher penalties for forced marriages was incorporated and proviso was inserted as;

[Provided that in case of a female 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.]

Legal Aid Society and EDACE

17. *ibid*

18. <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-025-2016>

19. Pakistan Penal Code sections 365 B, 364 A.

20. Anti-Women Practices Act-2011 also known as Criminal Law (amnd) 2011.

The Police generally resorted to apply various sections of laws in different cases before the promulgation of the Sindh Child Marriages Restraint Act, 2013 i.e. sections 364 A, 365 B and 498 B of PPC in the cases of forced conversion but different interpretations have been given to various case laws and in this regard legislative bodies and courts have to resolve the issues such as when a person may be considered capable of consenting to marriage²¹ and under what circumstances such free will or consent is accepted for entering into marriage contract.

Prior to the enactment of Hindu Marriages Registration Act, 2017 at Federal level and Sindh Hindu Marriage Registration (Amendment) Act, 2018, Hindu communities were not being able to register their marriages that made them more vulnerable to forced conversions and forced marriages as it was impossible to prove their marital status in court before the forced marriage and conversion. The issue must not be trivialized because even if the numbers are low, it is still an issue for minority groups who suffer from this problem which is criminal and a gross infringement of fundamental rights.²² The State must take preventive measures by adopting legislative and administrative measures by providing minorities with more rights and security and spread legal, religious and cultural awareness regarding the problem of forced conversion.

The usual trajectory that cases of force conversions take is as follows:

- Girls from religious minorities are abducted, converted to Islam and married to the abductor or third party and in some cases²³ Nikkahnama or free will affidavits bears the same date as of alleged missing or kidnapping/abduction.
- If the victim family files a First Information Report (FIR) against such abduction, the Police without any preliminary inquiry regarding the age of girl, commonly inserts section 365 B PPC which is applicable to woman i.e. girls above 18 years of age.
- The abductor may sometimes file a counter FIR, accusing the girl's family of harassing the girl who has willfully converted and in many cases files constitutional petitions in High Courts for registration of such counter FIR or getting restraint order for police not to arrest the alleged abductor/accused.
- The victim girl is asked to testify before a Magistrate under section 164, Cr.PC

21. Sara Malkani and others, Policy Brief “Ending Impunity for Child Marriage in Pakistan: Normative and implementation gaps”, Centre for Reproductive Rights (2018).p.23

22. Haya Emman Zahid, Mapping the Conflict Surrounding Religious Minority Groups in Northern Sindh: A Case Study of Ghotki, Larkana and Sukkur (2016)

23. In ARZOO case the Nikkahnama bears the same date of 13th October 2020 as of FIR.

whether she has converted and married of her own free will or otherwise. In case of ARZOO such process was delayed due to the leave of concerned Magistrate and the refusal of the duty Magistrate to record such statement and resultantly accused party approached the High Court as stated above.

- The girl mostly remains in custody of the abductor during such proceedings²⁴ and in ARZOO case in initial court order she was allowed to live with her abductor and later that order was modified.
- In most cases the girl testifies that she willfully converted and consented to the marriage. Her such statement is recorded under un-codified principles without resorting to confirmation of her age by applying the strict provisions of the relevant laws on the subject i.e. Section 3 of Child Marriage Restraint Act, 1929 and Sindh Child Marriage Restraint Act, 2013, section 498 B of Pakistan and Penal Code (PPC) or section 375(v) of PPC which forbids sexual intercourse with or without consent for girls below 16 years and thereby making such consent inconsequential.

Issues relating to Police investigation in cases of forced conversion

Widespread biases against minorities exist amongst the officials of law enforcement agencies including Police. These result in the reluctance on part of the police to initially register cases and once registered, proper sections of laws are not incorporated and furthermore, the allegations of forced conversion are not properly investigated.²⁵ These biases stem from the general intolerance and hatred spread in the communities against minorities, which in turn affects the mindsets of people and succeeds in distancing the minorities. The best way to alleviate such biases would be to train police officers in matters relating to the sensitivity of forced conversion cases and creating awareness regarding the equal rights of minorities as enshrined in the Constitution of Pakistan and as recommended in the famous Supreme Court Judgment on minority rights and forced conversion cited above.

Since the first step in reporting a forced conversion case is the registration of an FIR for recovery of victim and recording her statement, sometimes the police create the first hurdle for victims in such cases. It has often complained by the families of victims that the statements recorded and compiled in the form of a charge sheet are usually not

24. In Rinkle Kumari case ,court ordered for her placement in shelter home till she attained the age of 18 years and after that she was handed over to her husband.

25. Life on the Margins: A study on the minority women in Pakistan, Jennifer Jag Jivan, Peter Jacob, National Justice and Peace Commission 2012

based on facts, particularly when influential members of community are involved.²⁶ Sometimes police officers also deny members of the minority community the right to register an FIR and do not follow the established criminal procedure. This leads to a feeling of helplessness amongst the family members of the victim and diminish their will to proceed with the case. For example, in 2005, a 13-year-old Hindu girl was allegedly converted to Islam in Mirpurkhas, Sindh. The court validated the marriage on a statement of consent. The police refused to investigate the circumstances of the alleged conversion or meet with the girl's parents.²⁷

Section 164 of the Code of Criminal Procedure, 1898 requires that the Judicial Magistrate record the statement in his capacity as a judicial officer.²⁸ However, where the police have already recorded a statement, this route is not usually taken. Apart from being indifferent, the police due to inequality of social and political power structure may also be actively involved in facilitation or creation of immunity for criminals.

Intimidation or threats to the victim

As mentioned earlier, most cases of forced conversions do not result in any concrete relief to the victim of such a crime. The abductors usually file a counter FIR against the family members of the girl or file court proceedings claiming that the family members of girl are harassing the girl who has willfully converted and married the abductor and so is situation in Arzoo's case as well.²⁹ The reason why such cases fizzle out most of the time is because of the statements given by the victim under duress due to the intimidation and threats faced by her. These victims are usually abused and threatened to give statements in favour of the abductors or face further abuse and violence against them and their families. The main issue in these situations is that the victim is usually left in the custody of the abductor during such proceedings and therefore she has no alternative but to give evidence in favour of the abductor for fear of further abuse as witnessed in ARZOO case. It is pertinent to mention here that many girls who becomes victims and trapped in such situations are aware that chances of social and cultural acceptance back in their religious communities are very minimal and thus do not want to further stigmatize their family and minimize the chances of matrimonial relations of their brothers and sisters and relatives.

26. *Ibid.* Forced Marriages & Forced Conversions in the Christian Community of Pakistan, An Independent Investigative Report Produced by Movement for Solidarity and Peace, April 2014

27. Life on the Margins: A study on the minority women in Pakistan, Jennifer Jag Jivan, Peter Jacob, National Justice and Peace Commission 2012

28. Ghauri, Irfan. "Forced conversions: Six-month marriage bar on new converts recommended" (The Express Tribune, 30 May 2012).

29. Harassment application filed against Police in SHC by abductee family of Arzoo on 31st of October 2020.

Past examples include the case in 2012 of Manisha Kumari, a 14-year-old Hindu girl, who was allegedly kidnapped from Jacobabad in Pakistan's southern Sindh Province and forced to convert to Islam and marry a Muslim man. Earlier in 2012, Rinkle Kumari, a 19-year-old Pakistani student, Dr. Lata Kumari, and Asha Kumari, a Hindu working in a beauty parlor, were allegedly forced to convert from Hindu to Muslim.

In Punjab Province similar cases have been reported³⁰ like that of Myra Ayub in Faisalabad and others.

In some cases, which were appealed to the Supreme Court the girls categorically stated that they wanted to live with their husbands. Their statements have been treated with a degree of caution by many of those concerned as well as human rights activists.³¹

Courtroom intimidation

Courts also come under immense pressure while hearing cases of forced conversions. In many cases, when a girl is taken to court to verify whether she has converted of her own free will, the courtroom is packed with people chanting slogans in favor of such conversions. At times people celebrate the “conversion” of the girl outside the courtrooms. In the case of Rinkle Kumari, it was transferred from District Ghotki to Sindh High Court principal seat at Karachi. This not only intimidates the girls giving statement but puts severe pressure on the judges and lawyers acting in such cases. The girl is made to testify and confirm whether she has truly converted to Islam on her free will in this hostile environment.

Discrimination and subjective interpretation within the judiciary

The general atmosphere of intolerance and inequality towards religious minorities penetrates into all segment of society and members of judiciary too in some cases are overridden by ideological convictions rather than dictates of law. Like the police, there may be certain biases within the members of judiciary based on personal and religious beliefs that can cause hindrances in the dispensation of justice. Further, the judiciary may come under immense direct and indirect pressure from; inter alia, religious extremists, which may result in the interpretation and application of laws selectively and unequally. It is important to steer clear of such biases and selective interpretation of law.

30. Centre for Social Justice and Peoples' Commission for Minority Rights has urged Parliamentary Committee to probe forced conversions in Punjab, daily The News dated 4th September, 2020.

31. Forced Conversions and Forced Marriages in Pakistan, Legal briefing on behalf of the Bar Human Rights Committee of England and Wales, Zimran Samuel, March 2013.

These biases may be seen where victims' statements are recorded or accepted without further inquiry into the veracity of statement made by victims in forced conversion cases without going through the provisions of Laws on the subject, or delayed as in the case of ARZOO such as whether the victim is acting under duress by her abductors and relying on the un-codified principles of consent and free will which may not be genuine or authentic.

Recommendations

1. **Government and legislative bodies: Parliament and provincial assemblies**

In view of above analysis, it is suggested that as the Government is duty bound to protect and fulfill the rights of all its citizens including the members of various religious faiths who suffer the issues of “Forced Conversion”, therefore, cases of such girls undergoing “Forced Conversions” and related forced Marriages are to be prevented, prosecuted and to provide them a redress.

The current situation demands promulgation of laws on Prohibition of Forced Conversion at National³² and Provincial levels. The Government is also requested to remove the inconsistencies between child marriage laws and various sections of PPC such as 498-B making it as cognizable pertaining to forced and child marriages, and also the relationship between personal laws when it comes to conversion of girls under 18 years of age belonging to other faiths for marriage purpose.

2. **Law enforcement agencies including Police**

It is suggested that additional legal provisions may be invoked by law enforcement agencies and Police. Apart from the constitutional rights of equality and non-discrimination, including Article 20 which provides every citizen the right to profess, practice and propagate his religion, there are specific laws that may also be relied upon in cases of forced conversions.

In such cases, it is possible to invoke the provisions relating to abduction, kidnapping and marriage introduced in the Pakistan Penal Code, 1860 through the Protection of Women (Criminal Laws Amendment) Act of 2006. Under Section 365-B of the PPC, no valid marriage can take place between the abductor and the person abducted as long as the latter remains in the power or control of her abductor.

Section 365-B Kidnapping, abducting or inducing woman to compel for marriage, etc.

Sections 371-A Selling person for purposes of prostitution, etc.:

Section 366 A, 375, and 376, also added to the PPC by the Protection of Women Act of 2006, provide for remedies for associated crime following forced marriage and forced conversion:

32. An effort was made by Ministry of Human Rights (MoHR) to draft the bill on forced conversion but not passed by National Assembly Standing Committee of Parliamentary Affairs.

Section 375 and Section 376. Rape and punishment for rape: (1) 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 (25) years and shall also be liable to fine; (2) When rape is committed by two or more persons in furtherance of common intention of all, each of such persons shall be punished with death or imprisonment for life.

Section 498B, PPC place prohibition on forced marriage with punishment of imprisonment of either description for maximum 7 years and minimum 3 years and a fine of five hundred thousand rupees. [Provided that in case of a female 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.]

3. Judicial bodies: District judiciary and higher judiciary

In cases of forced conversions, where child marriages are established and fundamental rights' violations are proved to have taken place must be dealt by strict enforcement of legal prohibitions. Necessary instructions are to be given to the Judges and Magistrates of the District Judiciary to follow the procedure meant for disposal of such cases.

4. National and provincial human rights institutions

NCHR, NCSW, NCRC and Provincial Commissions on the status of Woman, Provincial Child Rights Commissions/Authorities as an independent bodies are mandated under respective statutory laws for such legal review and examination of existing laws may engage with Federal and Provincial Governments and Ministries /Departments to advocate for such promulgation of laws and asking for harmonization of laws related to Child Marriage/ Forced Marriage to ensure that legal framework provides protection to such girls belonging to various religious faiths entering into marriage contract. NHRIs can play a role of bridge between Government and civil society and may initiate a national dialogue on issue of forced conversion and connected matters of standardization of Child Marriages laws throughout the country.

NHRIs are mandated to conduct the inquiries/fact finding of such cases for urging the relevant authorities to provide legal remedies and social mechanisms against such practices.

NHRs should monitor the government's implementation of its international obligations as State Party to various international Treaties and such recommendations of UN Mechanisms: Treaty bodies, Special Procedures and Universal Periodic Review process.

5. Civil society organizations including media

In such cases of forced conversion, CSOs and media are requested to avoid the hype around the issue, and they should safeguard identity and privacy of both the victim girl and her families.

CSOs can support the victim by adopting victims centered approach and families of forced conversion in accessing the protection mechanisms and legal remedies such as providing legal counseling, legal aid/assistance including entering into Public/Social Interest litigation (P/SIL) and guidance for claiming their rights.

Devising and designing such awareness and educational campaigns on child rights promoting harmony and protection of minorities' children who are more vulnerable.

The Commission envisions an
enabling, responsive and productive
society for children to enjoy their
rights with dignity.

**NATIONAL COMMISSION
ON THE RIGHTS OF CHILD (NCRC)**

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