

# **Forced Conversions and Marriages; Situation in Pakistan**



**Factsheet  
Forced  
Conversions and  
Marriages;  
Situation in  
Pakistan**

**Compiled By  
Naumana Suleman**

National Commission for Justice and Peace-Pakistan

**The contents of this factsheet may be reproduced  
by any organization working for promotion of human  
rights with acknowledgment**

<b>Publisher:</b>	National Commission for Justice and Peace
<b>Title Picture:</b>	Google Images
<b>Printed:</b>	January 2014
<b>Printed by:</b>	Artisan Services
<b>Layout:</b>	Artimpact
<b>Price:</b>	Rs. 50, US\$ 05
<b>Address:</b>	E-64/A, St# 8, Officers' Colony, Walton road, Lahore Cantt-Pakistan
<b>Tel:</b>	00-92-42-36668692
<b>Fax:</b>	00-92-42-36655549
<b>Email:</b>	<a href="mailto:ncjppakistan@gmail.com">ncjppakistan@gmail.com</a>
<b>Website:</b>	<a href="http://www.ncjp-pk.org">www.ncjp-pk.org</a>
<b>ISBN:</b>	978-969-9042-19-5

# Contents

	<b>Page</b>
1. Preface.....	07
2. Freedom of Religion or Belief in National and International Law.....	08
3. Conversions.....	10
4. Conversions after Abduction and Marriage.....	10
5. Examples	11
6. Measure taken by the Government/ State	12
7. Conversions' Data	13
8. Report of the UPR Working Group	14
9. UN Discussed the Question of Conversion	16
10. Recommendations	18

# Acronyms

<b>UDHR:</b>	Universal Declaration of Human Rights
<b>Declaration on Minority Rights:</b>	Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
<b>CEDAW:</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>ICERD:</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>ICCPR:</b>	International Covenant on Civil and Political Rights
<b>UPR:</b>	Universal Periodic Review
<b>UN:</b>	United Nations
<b>HRCP:</b>	Human Rights Commission of Pakistan
<b>NCJP:</b>	National Commission for Justice and Peace

## Muhammad Ali Jinnah's, presidential address

*“You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State”.*

**Constituent Assembly of Pakistan, on August 11, 1947.**

## Preface

The National Commission for Justice and Peace-Pakistan has done a significant service to the cause of human rights in the country by publishing this Factsheet on Forced Conversions and Marriages; Situation in Pakistan. The issue of forced conversion, especially of young women and teenaged girls and that after abduction, has been agitating the minds of members of minority religious communities for many years. The Christian and Hindu communities have in particular been vigorously protesting against lack of protection and security and the failure of the government to devise any strategy to assuage the hurt caused to them.

The question of forced conversion and forced marriage has certain features peculiar to Pakistan. The right to freely change one's belief is not available to people belonging to all faiths and the way it is used to defend forced conversion/marriage of the females belonging to the minority communities amounts to discrimination against them. The plight of women victims is exceptionally grave as they are rarely allowed to enjoy matrimonial happiness and in most cases they fall in the category of modern-day slaves.

The minorities complain that their appeals for redress do not receive favourable, or even responsible, responses from the administration. They have grievances against the attitude of the judicial forums too. Nothing has been done to curb the activities of what look like groups organized to carry out forced conversions. Frustrated at their helplessness many families from minority communities, especially from Balochistan and Sindh, have been emigrating to foreign lands and accepting the hazards of relocating themselves in alien habitats. This is certainly an important human rights issue.

In order to build public opinion and persuade the state to do its duty by the religious minorities it is first of all necessary to make the authorities and the public aware of the scale of the problem and the various forms of exploitation it assumes. The NCJP has met this need. The Factsheet should equip the human rights activists to develop their strategies for a realistic response to the situation. The recommendations made in this brief presentation need to be carefully studied and the best ways found to meet the legitimate demands and concerns of the minorities.

I. A. Rehman

# Freedom of Religion or Belief

## National and International Law

<b>Constitution of Pakistan<sup>1</sup></b>	<b>International Law</b>
<p><b>Article 20</b>  <b>Freedom to profess religion and to manage religious institutions.</b>            Subject to law, public order and morality:-            (a) every citizen shall have the right to profess, practice and propagate his religion; and            (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.</p>	<p>UDHR<sup>2</sup></p> <p><b>Article 18:</b> 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.</p>
<p><b>Article 25</b>  <b>Equality of citizens.</b>            (1) All citizens are equal before law and are entitled to equal protection of law.</p>	<p><b>Declaration on Minority Rights<sup>3</sup></b></p> <p><b>Article 1</b>  <i>1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.</i></p> <p><b>Article 2</b>  <i>1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practice their own</i></p>

<sup>1</sup> <http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

<sup>2</sup> <http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng>

<sup>3</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Minorities.aspx>

	<i>religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.</i>
<b>Article 36</b> <b>Protection of minorities.</b> The State shall safeguard the legitimate rights and interests of minorities,	<b>CEDAW<sup>4</sup> Article 16</b>  <b>1 (b) :</b> The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
<b>Article 9</b> <b>Security of person.</b> No person shall be deprived of life or <b>liberty</b> save in accordance with law.	<b>ICERD<sup>5</sup> Article 5 (d)</b>  (iv) The right to marriage and choice of spouse; (vii) The right to freedom of thought, conscience and religion; (viii) The right to freedom of opinion and expression;
	<b>ICCPR<sup>6</sup> Article 18</b>  1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to 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 in worship, observance, practice and teaching.

<sup>4</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

<sup>5</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

<sup>6</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

	<p>2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.</p> <p><b>Article 23</b></p> <p>3. No marriage shall be entered into without the free and full consent of the intending spouses.</p>
--	---

**Conversions:**

Theoretically, there is no restriction on changing ones religion in Pakistan. However, right to conversion in Pakistani context means conversion to Islam. The environment does not allow conversion to another religion from Islam; which is treated as apostasy, punishable by death according to common interpretation of Islamic Sharia.

NCJP recorded 762 non-Muslim conversions to Islam between 1999 and 2004 by monitoring the four daily newspapers printed from Lahore.<sup>7</sup> However there was no conversion reported from Islam to any other religion. Nevertheless the members of minority community also convert to Islam in case of illegal marriages and marriages without the consent of family.

**Conversions after abduction and marriage:**

In a number of cases, minority women (Christian, Hindu and Sikh), including minors were abducted and converted to Islam through a Muslim marriage. Their contact with families becomes impossible on account of their conversion. Scared by the abductors, they make statement before the judge that they changed their religion out of free will. The police and the administrative machinery usually side with the culprits who happen to be from the majority community and socially and

---

<sup>7</sup>Human Rights Monitor 2005, National Commission for Justice and Peace-Pakistan.

economically influential. The lower courts have generally ignored the circumstances i.e. detachment from family, crime involved, age of the so called converted therefore there is need for enabling conditions for a free consent.

**Following are few examples:**

- In 1997 three sisters Nadia, Naema and Nabila (15, 13 and 11 of age respectively) of Rawalpindi were given in the custody of their Muslim neighbors by the local Magistrate instead of their parents on pretext of conversion to Islam, whereas the Christian parents had approached the court reporting their abduction. Ironically the law did not require separating children from the natural and bona fide guardians despite conversion.<sup>8</sup>
- Hervinder Kor, a six years old Sikh girl was kidnapped by persons belonging to Afridi Tribe from Khyber Agency in 2003. The tribe reported that the minor had converted to Islam thus she could not be returned to her parents. The government failed to do anything to recover the girl.<sup>9</sup>
- A 13-years old Hindu girl Mashu was converted to Islam in Mirpurkhas, Sindh. She was renamed Mariam by her abductor cum husband. The court validated the marriage on a statement of consent, ignoring the circumstances and the motive. Police refused a meeting between the girl and parents on the pretext of conversion.<sup>10</sup>
- Three Hindu sisters Reena (21), Usha (19) and Rima (17) were kidnapped in 2005 from their house in Karachi. A case was registered against the neighboring boys as principle suspect with abduction charges by the parents. Police arrested the boys but later set them free. A few days later, parents came to know

<sup>8</sup>NCJP report on minorities in Pakistan 1998,

<sup>9</sup>Human Rights Monitor 2004, National Commission for Justice and Peace - Pakistan

<sup>10</sup>The Christian Voice Karachi, January 22, 2005

that their daughters were staying in a religious seminary. The parents believed that their daughters were kidnapped and forced to convert. The Supreme Court ordered police to provide security to the girls and shift them to Edhi orphanage from the seminary.<sup>11</sup>

- Ms. Rinkle Kumari (17), a Hindu girl, was allegedly kidnapped, forced to convert and married to a Muslim Naveed Shah in Mirpur Mathelo, Ghotki district.<sup>12</sup>

**Measure taken by the government/ state:**

The Parliamentary panel / Committee constituted in 2012 recommended legislating on forced religious conversions. The report held local police officers, tribal chiefs and politicians responsible for not helping minorities recover their kidnapped community members.<sup>13</sup> However, there were absolutely no legislative or administrative measures taken by any government so far to address this menace.

**Conversions' Data:**

The graph on next page is data of reported case of conversions of minorities mainly from four daily newspapers to see the trends which can be used to make further assessment though is not an exhaustive data.

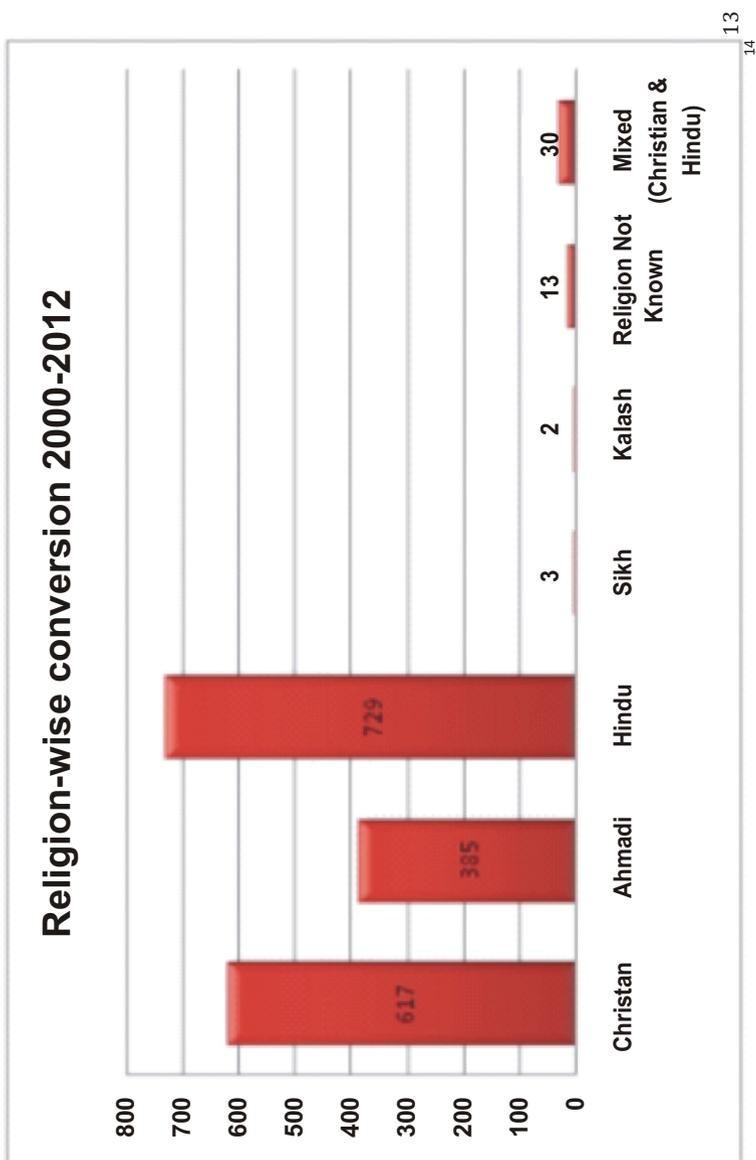
---

<sup>11</sup>Daily Dawn December 3, and Daily Times December 17, 2005

<sup>12</sup>NCJP report on minorities in Pakistan 2012-13 (pg: 78)

<sup>13</sup><http://tribune.com.pk/story/443767/protecting-minorities-na-panel-suggests-law-on-forced-conversions/>

## Religion-wise conversion



<sup>14</sup> [www.ncjp-pk.org](http://www.ncjp-pk.org) (NCJP Human Rights Monitor 2012-13)

# Report of the UPR Working Group<sup>15</sup>

During the Universal Periodic Review of Pakistan (October 30, 2012), following recommendations were made by several countries with regards to the freedom of religion and belief. The draft **report** of the UPR working group contained the followings:

122.26. Continue strengthening and enhancing women rights through the enactment of relevant necessary laws while providing the necessary administrative and institutional mechanisms (Palestine);

122.27. Review and align the legislation with freedom of religion and belief and freedom of expression, as stipulated in the ICCPR (Sweden);

122.78. Step up its cooperation with the special procedures of the Human Rights Council by responding positively to the pending visit requests of special procedures mandate holders and eventually consider extending a standing invitation to all the special procedures mandate holders of the Human Rights Council (Latvia);

122.79. Extend a standing invitation to the Special Procedures of the Human Rights Council and accept the competence of the treaty bodies in

## Concluding Observations of the CEDAW Committee:

The CEDAW committee made following recommendations after the review of Pakistan's fourth periodic report (February 12, 2013) on page 10 and 11 respectively; regarding the situation of women rights in Pakistan.

**38.** The Committee recalls article 16 of the Convention and calls on the State party:

(a) To adopt the Hindu Marriage Bill, the Christian Marriage (Amendment) Bill and the Christian Divorce Amendment Bill;

(d) To conduct research on the extent of the phenomenon of abduction of girls for the purposes of forced conversion and forced marriages and develop a comprehensive strategy to address this phenomenon to ensure the effective investigation of cases, prosecutions and punishment of perpetrators as well as the provision of remedies and support services for victims;

### Link:

[http://tbinternet.ohchr.org/\\_layout/s/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPAK%2fCO%2f4&Lang=en](http://tbinternet.ohchr.org/_layout/s/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPAK%2fCO%2f4&Lang=en)

<sup>15</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/190/31/PDF/G1219031.Pdf?OpenElement>

complaints, inquiry and urgent action procedures (Costa Rica);

122.81. Issue an open invitation to the UN Special Rapporteurs (Belgium)/Extend a standing invitation to all HRC Special Procedures (Hungary)/Issue invitations to the Special Rapporteurs to assess the human rights situation in the country (Iraq)/Consider issuing standing invitation to all special procedures of the Human Rights Council (Norway);

122.102. Take steps to implement laws and policies with a view to eliminating early and forced marriage (Canada);

122.103. Take effective measures to prevent forced or early marriage, in particular with a view to ending rape, sexual exploitation and forced conversions of scheduled caste girls (Austria);

122.121. Continue efforts to enhance legislations and measures to further address the situation of religious minorities, including blasphemy laws, force conversion and discrimination against non-Muslim minorities (Thailand);

122.155. Increase action to tackle violations of religious freedom especially, but not only, against members of religious minorities (Italy);

122.156. Adopt measures to ensure the protection of religious minorities, including Ahmadis, Christians, Hindus and Sikhs, prevent the abuse of blasphemy legislation, halt forced conversions, and take necessary steps to prevent violence against members of religious minority communities (Canada);

## UN Discussed the Question of Conversion<sup>16</sup>

The questions related to change of religion are at the very heart of the mandate on freedom of religion or belief. Violations and limitations of this aspect of the right to freedom of religion are unacceptable and still occur too often. In this section, the Special Rapporteur would like to give an overview of the problem as well as of the applicable standards. She wishes to emphasize that the complexity of the question, which includes many different situations, requires that it be examined further.

### **1. Types of situations reported under the mandate**

41. The mandate of the Special Rapporteur on freedom of religion or belief has received numerous reports of situations related to the question of the right to have or adopt a religion of one's choice, including cases of alleged forcible and so-called "unethical" conversions. On the basis of these reports, it is possible to identify four broad types of situations. It should be noted that certain cases may fall within more than one type of situation.

#### **(a) Situations, where state agents try to convert, re-convert or prevent the conversion of persons**

42. These reports describe situations where State officials at different levels, often municipal, and different institutions (police, army) tried to convert members of religious groups, often of minority religious communities, or to force them to renounce their beliefs. They did so by threatening to kill them or their relatives, depriving them of their liberty, torturing and ill-treating them or threatening to dismiss them from their jobs. In some instances State officials tried to make believers renounce their religion and join a State-approved religion.

#### **(b) Situations, where religious conversion is prohibited by law and punished accordingly**

43. The punishment for conversion can consist of arrest and trial for "apostasy", imprisonment, and sometimes the death penalty. In some countries other penalties can be imposed, such as the suspension of all

---

<sup>16</sup> [http://www2.ohchr.org/english/issues/religion/docs/A\\_60\\_399.pdf](http://www2.ohchr.org/english/issues/religion/docs/A_60_399.pdf)

contracts and inheritance rights, the annulment of marriages, loss of property or the removal of children. Administrative requirements can also make it difficult to change one's religion or belief: in a number of cases converts have found it impossible to obtain identity cards after having changed their religion. Where conversion is not actually prohibited by law, converts can be harassed or threatened by State and religious officials.

**(c) Situations where members of majority religious groups seek to convert or reconvert members of religious minorities**

44. This includes cases where local members of the clergy lead attempts to convert or groups of believers attack members of minority religious groups or their places of worship with the aim of converting them.

**(d) Situations where so-called “unethical” conversions have been reported**

45. These situations include cases where members of religious groups try to convert other people by “unethical” means such as the promise of material benefit or by taking advantage of the vulnerable situation of the person whose conversion is sought. Such conversions are sometimes prohibited by law and the acts facilitating such conversion may constitute a criminal offence. In some countries, legislation prohibits conversion without prior notification of the authorities or defines “forcible” conversion in broad terms.

## Recommendations

- Definition of “*forced conversions*” and the accompanying crime of “*forced marriage*” should be incorporated in the Pakistan Penal Code/ Constitution of Pakistan.
- Enforce judicial and legal safeguards against forced conversion and related crimes; i.e. Intention of the person converting, detachment from family, age of the converted person should be ascertained.
- Converted person (minority female/ male) must be allowed to meet her or his family and the court/s should monitor the implementation.
- The custody of abducted and allegedly converted specially minor should be immediately returned to the family or legal guardian.
- Independent and permanent Commission/s for Minorities (The one claimed by the government is not a statutory body) should be constituted at Federal and Provincial level; with the powers of a tribunal, to examine complaints and a timely redress.
- Time duration between the certificate of conversion and marriage can be helpful to ascertain the free will of the so called converted.
- In order to; vitalize the institution of family, checking abuses and enabling marriage without conversions, there is a need of enacting a Common Civil Code, that makes it possible for the citizens to contract civil marriages, interfaith and otherwise however with equal rights in all matters concerning marriage and divorce.
- Existing Family or Personal laws for religious minorities in Pakistan should be reviewed by a competent body to check injustices against minority citizens and to ensure that these laws comply with human rights standards and prevent the overriding

effect of the personal law of the majority community.

- Family laws should be enacted for Hindu, Sikh, Kalash and other minority communities that provide for a marriage registration/certificate and other important safeguards and arrangements for fulfillment of human rights.
- The UN Special Procedures on Minority Issues, Freedom of Religion or Belief should be invited for country visit

**Relevant reading material can be found here:**

- <http://hrcp-web.org/hrcpweb/wp-content/pdf/ff/5.pdf>
- <http://hrcp-web.org/hrcpweb/wp-content/pdf/ff/4.pdf>
- [http://www.ncjp-pk.org/media/publications/Human\\_Rights\\_Monitor\\_2012-13.pdf](http://www.ncjp-pk.org/media/publications/Human_Rights_Monitor_2012-13.pdf)
- Minorities concerned at forced conversions<sup>17</sup>
- Supreme Court disposed of the plea seeking law against forced conversions<sup>18</sup>
- 'Forced Conversions' Supreme Court urged to look into social realities<sup>19</sup>
- HRCP warns of rise in forced conversions<sup>20</sup>

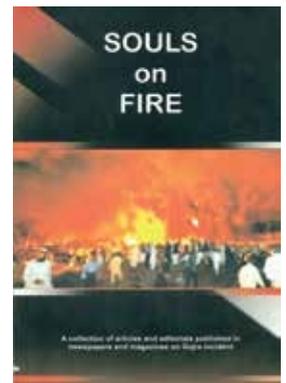
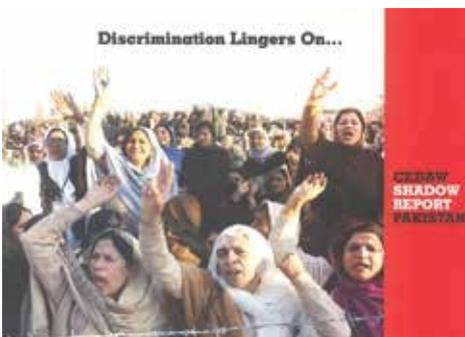
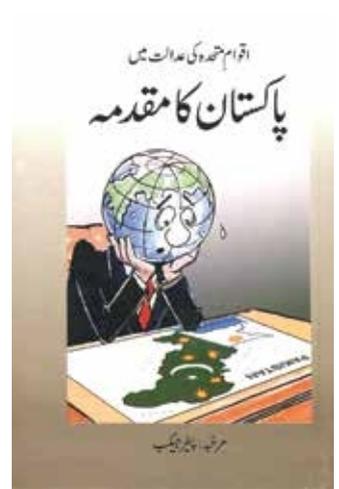
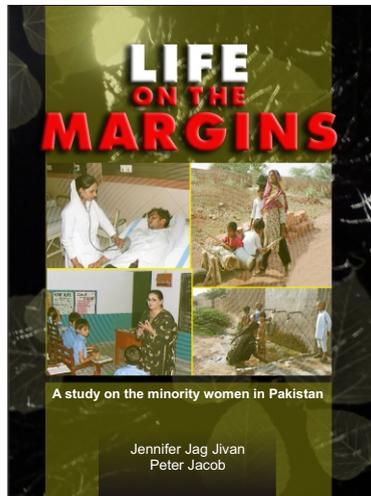
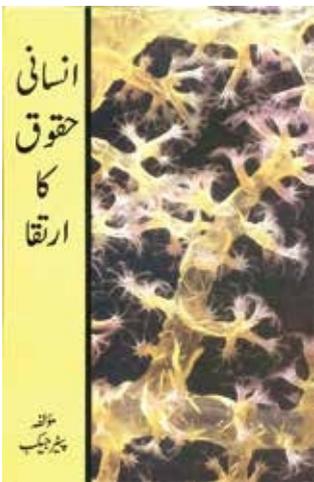
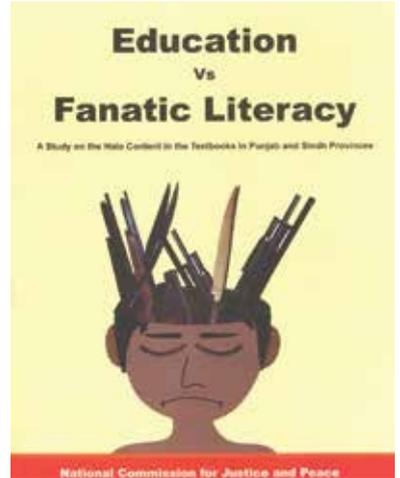
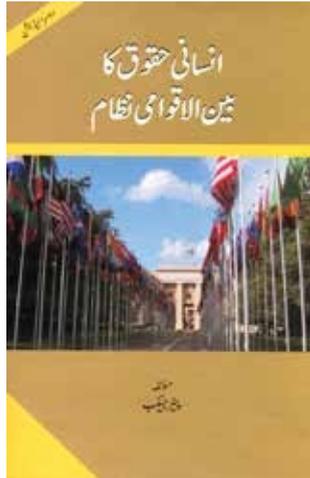
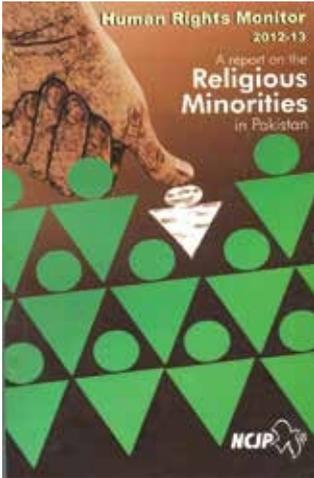
<sup>17</sup><http://www.hrcparchive.com/hrcp/index.php?articleID=2&menu=newsdetail&mode=edit&newsid=667195>

<sup>18</sup><http://www.hrcparchive.com/hrcp/index.php?articleID=2&menu=newsdetail&mode=edit&newsid=569491>

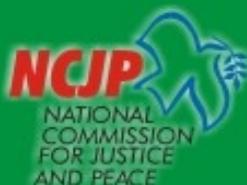
<sup>19</sup><http://www.hrcparchive.com/hrcp/manager/media/clips/2012/5/30/584.gif>

<sup>20</sup>[Http://www.hrcparchive.com/hrcp/index.php?articleID=2&menu=newsdetail&mode=edit&newsid=511475](http://www.hrcparchive.com/hrcp/index.php?articleID=2&menu=newsdetail&mode=edit&newsid=511475)

# NCJP'S PUBLICATIONS



The National Commission for Justice and Peace (NCJP) is a human rights body, established by the Pakistan Catholic Bishops' Conference in 1985. Following the dream of its founding Chairperson Bishop John Joseph, NCJP undertakes programs, projects, and campaigns; to build a society based on justice and to foster peace and harmony in the society. As an advocacy organization the Commission focuses human rights of the marginalized, especially of religious minorities, women and labour in Pakistan that involves interventions regarding awareness, opinion building about law and policy reforms. NCJP carries out its activities through seven regional offices in Rawalpindi, Gujranwala, Faisalabad, Multan, Hyderabad, Karachi and Quetta and a National office at Lahore. For its activities in the field NCJP relies on a cadre of 500+ human rights activists (volunteers) belongs to different religions, cultures and administrative regions of Pakistan. NCJP was bestowed upon an International Human Rights award by the Tji-Hak-Soon (Tulip) Foundation of South Korea in 2001 for its services in promotion of human rights.



**Street: E-64/A, Street No. 8, Officers Colony Walton Road, Lahore Cantt.**

**Ph: +92-42-36668692 Fax: +92-42-36655549**

**E-mail: [ncjppakistan@gmail.com](mailto:ncjppakistan@gmail.com) Website: [www.ncjp-pk.org](http://www.ncjp-pk.org)**