



20 August 2020

Pakistan: Abduction, Religious Conversion, and Forced Marriage of Minors from Minority Religious Groups

Joint written statement submitted by World Evangelical Alliance and the Commission of the Churches on International Affairs of the World Council of Churches to the Human Rights Council's 45th session (14 September – 6 October 2020) under Agenda item 4: Human rights situations that require the Council's attention.

The World Evangelical Alliance (WEA) is a network of churches in over 130 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a worldwide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

The Commission of the Churches on International Affairs of the World Council of Churches advises on public policy and advocacy, on programmatic directions, including analysis of systemic issues that underlie injustice and social transformation, and addresses particular programmatic and policy issues.

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Pakistan: Abduction, Religious Conversion, and Forced Marriage of Minors from Minority Religious Groups

1. Despite local and international advocacy, girls under the age of 18, belonging to minority religious groups in Pakistan, and to disadvantaged social classes, remain under the threat of abduction, forced conversion to Islam, and forced marriages.

Pakistani police and courts' repeated failure to achieve justice

2. On 30 August 2019, in the District of Sheikhpura, Punjab, Faiza Mukhtar, born in January 2004, did not return home from school. Aged 15 at the time, Faiza, a Christian girl, was abducted with the complicity of her school teachers, forcibly converted to Islam, sexually abused by her captor, and later placed in the custody of an Islamic Center. Faiza's father, Mukhtar Masih, lodged a report to the police and requested the return of his daughter. The father works as a laborer and the family is economically disadvantaged. Faiza's family have not been allowed to speak to their daughter since her abduction in August 2019. The father and his lawyers were not provided with marriage documents nor with a religious conversion certificate. The judiciary, including the Lahore High Court and the Supreme Court Judges, has dismissed the petitions of the family. Faiza's family is now appealing for a revision of court decisions before the Supreme Court of Pakistan.
3. On 14 February 2020, in the District of Lahore, Punjab, Aneeta (Maryam) daughter of Waris Masih, born in August 2004, was abducted, forcibly converted from Christianity to Islam, and married by force to a Muslim man, Nasir Ali, while being a minor. The father, Waris Masih, is a laborer, and the mother of Aneeta is a domestic worker. The family is economically disadvantaged. The police neither made efforts for her recovery nor arrested the accused. The father of the abducted girl has also seen his petitions dismissed by the Lower Courts and High Courts, respectively. At time of writing of this statement, an Appellate Petition is pending in the Supreme Court of Pakistan.
4. On 28 April 2020, in the District of Faisalabad, Punjab, Maria Shahbaz, a Catholic minor girl born in October 2005, was abducted and was married to an already married Muslim man. During a court hearing before the Sessions Court, in Faisalabad in July 2020, the family discovered that the defendant had presented a falsified contract of marriage for his marriage to their daughter Maria dated 25 October 2019. The marriage would have taken place prior to the kidnapping. The Lahore High Court refused to consider evidence of the documented age of the girl and the falsification of documents, namely the fake contract of marriage.
5. In these three cases, Pakistani courts, including High Courts and the Supreme Court of Pakistan, have ignored (1) the parents' will, authority over their minor child, and the parents' First Information Report made at the relevant police stations, (2) the Child Marriage Restraint Act 2019 which sets the age limit for marriage at the age of 18, and (3) the National Database and Registration Authorities which confirm age and religion of the minor girls.¹
6. In the District of Sahiwal, Punjab, Saima daughter of Javed Masih, 13 years old, was kidnapped, forcibly converted to Islam and married to a Muslim man. Her family reported her disappearance to the police station Fateh Sher District Sahiwal on 5 March 2020. With timely legal actions, the family succeeded to recover Saima from the Muslim family and she has been handed over to the mother.

1 Ezra Law Associates, Lahore District, Punjab, Pakistan, is defending all the listed cases, and is the source of information for these cases.

Lack of credible data on the scope of this phenomena

7. The prevalence and incidence of forced conversion and marriage are difficult to accurately estimate due to reporting deficiencies and the complex nature of the crime. Due to the social stigma associated with these crimes, to poverty, and to repeated failure of authorities to bring justice, many families do not report the kidnapping of their girls to authorities. According to one report in 2014, estimates range from 100 to 700 victim Christian girls per year. For the Hindu community, the most conservative estimates put the number of victims at 300 per year.²
8. Our sources in Pakistan have stated that they are aware of approximately 30 cases in Punjab of Christian girls aged under 18 that have been abducted, forcibly converted to Islam and forcibly married to Muslim men. In the province of Sindh, our sources are aware of twice as many cases as in Punjab, where both Hindu and Christian girls under 18 are reported to be kidnapped, converted to Islam and forcibly married to their kidnapper.

Pakistan is failing to abide by its international human rights obligations

9. The Committee on the Elimination of Discrimination against Women³ has noted with concern “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.” The Committee also noted with concern that “child marriage and forced marriage persist” in Pakistan.
10. The Human Rights Committee⁴ had appealed to the government of Pakistan to “intensify its efforts to eradicate forced marriage and related harmful practices, including by carrying out prompt and effective investigations of all reported cases and prosecuting those responsible, if appropriate,” and to “ensure that victims are provided with appropriate remedies and rehabilitation services.”
11. The Committee on the Rights of the Child⁵ had stated that it was “seriously concerned about the limited freedom of religion in the State party, the sectarian violence targeting children from religious minorities, such as Shia Muslims, Hindus, Christians and Ahmadis, and forced conversions.”

2 Forced Marriages & Forced Conversions in the Christian Community of Pakistan, an Independent Investigative Report published by Movement for Solidarity and Peace (MSP Inc.), April 2014, Accessible at: https://d3n8a8pro7vhm.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215

3 CEDAW concluding observations on the fifth periodic report of Pakistan, adopted by the Committee at its seventy-fifth session (10-28 February 2020). https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/PAK/CO/5&Lang=En

4 Human Rights Committee concluding observations on the initial report of Pakistan, adopted on 23 August 2017 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/PAK/CO/1&Lang=En

5 Committee on the Rights of the Child’s concluding observations on the fifth periodic report of Pakistan, 11 July 2016, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/PAK/CO/5&Lang=En

Recommendations to the Government of Pakistan

12. Enforce legislation to prohibit child marriage throughout the country; enforce strict age verification mechanisms in the judiciary and prevent courts from deciding *sui juris* (full age and capacity) while ignoring the National Database and Registration Authorities as well as other certificates indicating the real age of the victim;
13. Eradicate forced marriage and related harmful practices; carry out prompt and effective investigations of all reported cases and prosecute those responsible; treat alleged religious conversion connected to forced marriage as *prima facie* indicator of forced marriage; ensure that victims are provided with appropriate remedies and rehabilitation services;
14. Enforce Article 20 of the Constitution of Islamic Republic of Pakistan (1973), and the corresponding international human rights norms, which enshrine the right of the freedom of religion, and grants the parents the right to keep their minor children in the faith that the parents profess;
15. Require the Parliamentary Committee on Protection of Minorities from forced conversions⁶ to present its substantive progress report to the both houses of the parliament 9 months after its constitution⁷;
16. Carry forward the bill introduced by the Government in the province of Sindh, in November 2016, criminalizing forced conversions to become an act.⁸

6 Formation of parliamentary committee against forced conversions lauded, 28 November 2019, <https://www.thenews.com.pk/print/575271-formation-of-parliamentary-committee-against-forced-conversions-lauded>

7 People's Inquiry into Forced Conversion of Minority Women Calls for Serious Attention to Problem, 14 March 2020, <https://dnd.com.pk/peoples-inquiry-into-forced-conversion-of-minority-women-calls-for-serious-attention-to-problem/183964>

8 Sindh Assembly adopts bill against forced religious conversions, 24 November 2016, <https://www.dawn.com/news/1298369/sindh-assembly-adopts-bill-against-forced-religious-conversions>; Sindh governor returns forced conversion bill, 7 January 2017, <https://www.thenews.com.pk/amp/177439-Sindh-governor-returns-forced-conversion-bill>