

regained consciousness, Abid declared to her his intention of converting and marrying her.

On 17 June 2006, Abid forcibly married Farzana with the help of a local cleric. When Farzana's father came to know of the abduction, forced conversion, and marriage of his daughter, he registered an FIR against Abid Hussain, Nazia, and their accomplices. On 11 July 2006, Farzana appeared before the court. Though her abductors had strictly instructed her to give a statement affirming that the marriage and conversion had taken place without any duress, Farzana boldly told the court of her abduction and circumstances surrounding her conversion and marriage. The court arrested but allowed pre-arrest bail to Abid Hussain and Nazia. Farzana returned to her parents but at the last date of reporting, the case remained under trial without any resolution of the criminal charges against Farzana's abductors.

10 UZMA

Uzma, daughter of Sharif Masih and Christian by faith, lived with her family in Basra Village, District Sialkot. The majority of inhabitants and landowners of the small village were Muslims, and Uzma's was only one of six families in Basra. Almost every Christian worker in the village served the more affluent Muslim families to support their poor households. Uzma caught the eye of a 28-year-old Muslim boy, Kashif Raza, who used to visit her house to help Sharif Masih with his work. When Uzma denied Kashif's proposal to marry, Kashif conspired to abduct her.

On 10 December 2003, Kashif along with his brother and several friends came to Uzma's house while her parents were not present, with the intention of abducting her. When Uzma refused to open the door for Kashif, the men threatened to kill her younger brother and attempted to break the door. She opened the door reluctantly and begged Kashif not to kidnap her. The men, however, abducted her, and took her to a rented house in Gujranwala, where she was to stay for the next two months. The day after her abduction, Kashif forcibly converted her to Islam and on 12 December 2004, married her without her consent. When she was taken to her in-laws after her imprisonment in Gujranwala, she found herself treated badly as a result of her Christian faith. Kashif continued to threaten and abuse her, attempting to coerce her into accepting a subservient role in the household.

On 8 June 2004, she was reportedly turned out of the house by her mother-in-law after a quarrel, while Kashif was not at home. Uzma escaped to her sister's house near Gujranwala. At the time, Uzma was six-months pregnant. Under threat of life from Kashif, the family brought her to a safe house in Lahore, where she was still living at the last date of reporting.

These ten (10) cases were selected to highlight and illustrate several common factors that underlie the crime of forced marriage and conversion. These are part of a larger set of compiled stories from the archives of several legal aid groups, of which CLAAS is the most prominent. It is essential to reiterate here that attempts to compile exhaustive lists of victims and instances of forced marriage and conversion are hindered by reporting deficits, limited access or knowledge of legal aid mechanisms amongst victim families, lack of institutional mechanisms to follow up with victims following resolution

of cases or after the work of legal aid groups has ended, and lastly due to the underlying social realities that discourage reporting or access to justice avenues.

The archives and lists of reported cases, however, provide evidence of common themes and insight into key aspects of the chain of events that necessarily includes abduction, conversion, and marriage. That this logical pattern is not always followed – and particularly if marriage precedes conversion, shows a clearly unlawful action and breakdown of proper legal procedures, since a lawful interfaith marriage must necessarily under Pakistani law involve conversion prior to marriage. This distinction, if found in cases under trial, clearly signals that a forced marriage has occurred. Further, in many of the illustrative cases, the documents produced in court or to police to prove marriage and conversion under free will are clearly forged or unfit for legal purposes (samples are enclosed at the end of the report). In many nikahnamas, the date of attestation precedes the date of marriage. In several conversion certificates issued by madressahs and prominent mosques, similarly, the age of the converted party does not match with the age recorded on the nikahnama (marriage certificate).

Further, and most notably, as in the case of Tania Rubecca, forced marriage and forced conversion are often found to be smokescreens for much more pervasive and serious crimes. These include human trafficking, sexual exploitation, forced prostitution, child abuse, and obstruction of justice. Even where these crimes are not present, the abduction and forced marriage of Christian women is accompanied by sexual abuse and domestic violence bordering on torture. Jointly, these crimes have a severely damaging effect on victims and victims' families and leave long scars on the psychological, social, and economic well-being of minority individuals and communities.

Finally, in most cases, victim individuals and families have found regular avenues for justice, redress, and recovery blocked at multiple levels: the police refuses to lodge an FIR, courts accept without questions statements attesting to conversion and marriage, and recovery requires recourse to pleading with perpetrators and prominent individuals.

ROLE OF KEY STAKEHOLDERS

1 THE POLICE: POLITICAL ALLEGIANCES AND CONSTRAINED ACTION

Human Rights Commission of Pakistan (HRCP) reports on minority rights in Pakistan have conclusively established that forced conversions are allowed to take place when the local police and administration create impunity for perpetrators or remain indifferent to the plight of minority residents⁹⁵.

The first hurdle for the victim individual and family is at the FIR registration stage. The proper procedure under the Criminal Procedure Code, is that the victim family or individual requests the attending police officer to register an FIR and record a statement alleging the crime and details. This record is then compiled as a charge sheet and produced before the court as part of the record⁹⁶. Victim families contend, however, that the statements recorded and compiled in the form of a charge sheet are usually not based on facts, particularly when influential members of the village or community are involved⁹⁷. In a number of instances, the attending police station or official has refused to follow the established criminal procedure by denying the victim family the opportunity to record an FIR. Such action is an active and deliberate subversion of the criminal justice system and frustrates the primary avenue for redress.

Frustration for the individual family at this basic and initial stage of justice administration often creates a feeling of helplessness amongst the victim family⁹⁸. Article 164 of the Criminal Procedure Code outlines an alternative provision — that the judicial magistrate record the statement in his capacity as a judicial officer⁹⁹. This avenue, however, is usually not followed where the police have already recorded a statement that does not sufficiently address the harm suffered. The question of where liability should attach is further complicated when police action rises beyond mere indifference to active complicity in the form of facilitation of hate crimes or creation of immunity for criminals. Minority groups' dissatisfaction is also amplified when a non-Muslim girl is abducted and the police response is lethargic and disinterested in recovery until the marriage under Islamic rites is consummated¹⁰⁰.

Traditional or political sympathies also play a significant role in explaining refusal of police officials to act in the recovery of abducted women. In several instances, as shown in the illustrative cases, the police lacks capacity¹⁰¹ and authority where more traditional norms of justice operate beyond the official justice machinery. In most cases as a result, as HRCP officials conclusively state, efforts to recover forcibly converted and married girls fail¹⁰². In some cases, families of victims are reportedly too scared to register cases against prominent or powerful perpetrators for fear of violent retribution.

95 Ahmed, Ishtiaq. "View: Forced conversions and targeted killings" (Daily Times, 20 May 2012).

Retrieved on 22 July 2012 from http://www.dailytimes.com.pk/default.asp?page=2012%5C05%5C20%5Cstory_20-5-2012_pg3_3.

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

Retrieved on 22 July 2012 from <http://tribune.com.pk/story/386022/forced-conversions-six-month-marriage-bar-on-new-converts-recommended/>.

97 Asian Human Rights Commission. "Pakistan: The forced marriages of religious minority women must be annulled and the victims returned to their families and communities" (Asian Human Rights Commission, 25 October 2011).

Retrieved on 22 July 2012 from <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-159-2011>.

98 MSP Interview with Mr. Najam U Din (Human Rights Commission of Pakistan). 17 July 2012.

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

Retrieved on 22 July 2012 from <http://tribune.com.pk/story/386022/forced-conversions-six-month-marriage-bar-on-new-converts-recommended/>.

100 Rehman, I.A. "Unwelcome conversions" (DAWN, 22 March 2012).

Those instances in which victims' statements have been recorded or accepted without further inquiry into the attendant circumstances, such as whether the victim is acting under duress by her abductors, points to biased attitude amongst the lower judiciary¹⁰³ against the forcibly converted individual under pressure of the majority community¹⁰⁴. Judicial bias and predilection towards granting a presumption of innocence to the converting party¹⁰⁵ is not restricted to lower courts but is also manifested in Supreme Court decisions¹⁰⁶ – in the highly-publicized case of Rinkle Kumari, a Hindu girl alleged to have been abducted, and forcibly converted and married, the Supreme Court based its decision on the girl's statement while she was in custody of her alleged abductor.

Significantly, the judiciary applies available procedures selectively. In rare cases, courts have demanded security bonds from abducting families claiming to be lawful custodians of the girl allegedly abducted. Other proper procedures that raise the prospect of adequate provision of justice include sending the girl to a safe house prior to her statement before the court, and orders of special additional investigation by the attending police official into the circumstances surrounding the victim's conversion and marriage. The usual practice, however, has been characterized by a lack of diligence on the court's part, which favors the alleged criminal rather than the victim seeking relief.

Legal aid groups contend that, as a result of direct and indirect pressures, courts interpret and apply laws and legal procedures selectively and unequally¹⁰⁷, reducing minority communities to a secondary and subservient position under the law. In some cases, advocacy groups maintain that courts are actively influenced in their decision-making process by radical extremist elements. At best, the misapplication of personal laws particularly for Muslims to Christian parties marks a departure from the standard dispensation of criminal justice¹⁰⁸, and points to the lack of capacity of courts to deal with crimes against minorities. Basic habeas corpus procedures are routinely violated and threats to families go uninvestigated¹⁰⁹.

Misapplication of laws, interpretation of laws based on judicial officers' personal religious beliefs, and inadequate diligence regarding whether statements made under threat of life are admissible evidence add to minority communities' mistrust of justice mechanisms. For Christian legal workers, the failure of justice provision in this case resembles the cases of Shanti Nagar and Gojra, where the

101, 102 Qizilbash, Talib. "The blasphemy law is damaging Islam – I. A. Rehman, Director, HRCF" (Newsline, July 2010).

103 MSP Interview with Mr. Naeem Shaker (Advocate of the LHC and Supreme Court). 12 July 2012.

104 Dawn. "Minorities concerned at 'forced conversions'" (Dawn, 27 May 2006).

105, 106 MSP Interview with Mr. Peter Jacob (National Commission for Justice and Peace). 13 July 2012.

107 Anthony, Nadeem, ed. Centre for Legal Aid Assistance and Settlement (CLAAS): Annual Report 2011. Lahore, Pakistan: CLAAS-Pakistan, 2011.

108, 109 MSP Interview with Mr. Naeem Shaker (Advocate of the LHC and Supreme Court). 12 July 2012.

judiciary made little progress, moved slowly¹¹⁰, and failed to provide restitution for harms suffered.

3 CLERICS, MADRESSAHS, AND RELIGIOUS INSTITUTIONS: CONVENIENT PROCEDURES

As evident from numerous case records and investigations, the practice for conversion is well-established and provides abductors seeking immunity from the initial crime of abduction and subsequent domestic violence and sexual abuse charges an established procedure to follow. Officially, those seeking to convert – both lawfully and unlawfully – will usually register the conversion at the local mosque or seminary. The cleric, upon conversion of the adult from the minority religion to Islam, will issue a certificate that states the former and new Islamic name of the convert, as well as the location and date of conversion. The problem lies in the lack of diligence the recording cleric or institution employs – most will not inquire into the nature of the conversion and will routinely accept information provided by the abductor¹¹¹. A conversion certificate is thus issued and, after attestation, takes the effect of an official document that is accepted by both the police and the courts to excuse violations and grant bail¹¹².

Many prominent institutions, including Lahore's Badshahi Masjid¹¹³ and Ja'mia Naeemia either issue certificates of conversion or keep records of conversions. A sample certificate of conversion is attached to the report. These records are used for advertisement, publicity, and prestige-gaining purposes, creating an economic stake for religious leaders and institutions to continue the practice¹¹⁴. Some organizations, such as Minhaj-ul-Quran, routinely and as a matter of official organization policy, encourage the practice of converting members of the minority communities by offering monetary rewards for parties successfully doing so¹¹⁵.

In several instances, the information provided by abductors to obtain a conversion certification has shown to be false, since it does not tally with birth certificates, identity cards, or even the nikahnama produced before the court in support of the husband's claim that the woman married and converted of her own free will. The only requirement for converting parties is the presence of a witness from their locality and the production of an affidavit declaring that the two parties are embracing Islam without greed or force¹¹⁶. For the purpose of stopping further forced conversions and marriages, these requirements prove inadequate and are easily obtained by use of force or coercion. The law

110 MSP Interview with Mr. Eric Massey. 2 June 2012.

111 Sahi, Aoun. "Matter of faith" (The News, 13 March 2011).

112 In the illustrative case of Saima Ishaq (15), reported by the NCJP, the abductors evaded arrest by producing fake marriage and conversion certificates. NCJP. Human Rights Monitor 2005: A report on the Religious Minorities in Pakistan. Lahore, Pakistan: Sanjh Publishers, 2005.

113 Sahi, Aoun. "Matter of faith" (The News, 13 March 2011).

114 MSP Interview with Mr. Peter Jacob (National Commission for Justice and Peace). 13 July 2012.

115 MSP Interview with Mr. Peter Jacob (National Commission for Justice and Peace). 13 July 2012.

116 Sahi, Aoun. "Matter of faith" (The News, 13 March 2011).

even when it takes its usual and logical course thus endorses the conversion, giving credibility to these documents and leaving the girl in custody of her abductor¹¹⁷.

4 MEDIA: SILENCE AND MISREPRESENTATION

Though conversions of Christians are routinely reported in local newspapers across Punjab, most of these stories contain little detail about the circumstances surrounding the conversion. The relevant story usually carries the same boilerplate detail: “(Person of Christian faith) embraced Islam at the hands of (prominent cleric), having been convinced of the true faith.” MSP’s archival research from HRCP media archives revealed that 106 reports of conversions were published in the most prominent daily newspapers¹¹⁸ across Punjab between 2005 and June 2012. In contrast, the same newspapers only published eleven (11) reported incidents of forced conversion and marriage.

Several media personnel and representatives at the Lahore Press Club either refused to answer questions about the incidence of forced conversions and marriages, denied that such a crime existed, or cautiously answered that though such crimes do occur, reporters avoid bringing the incidences to light for fear of personal safety, especially if prominent individuals from the relevant village or district are involved¹¹⁹. The media’s self-confessed insecurity only partly explains the lack of reporting on the crime – several persons interviewed contended that the “right-wing orientation of the national media (continues to) exclude Christian voices”,¹²⁰ generally and blocks reporting on the issue of forced conversions and marriages specifically. Whether the lack of reporting is a result of deliberate exclusion of minority voices is irrelevant for this inquiry – the fact that abductions and forced conversions are not reported adds to the culture of impunity that benefits abductors.

5 MINISTRIES, LEGISLATURES, & POLITICAL PARTIES: FAILED REFORMS INDIFFERENCE

Though the Senate Committee on Minorities and Provincial Assemblies have periodically recalled attention to the issue of forced conversions¹²¹, these hearings or debates have failed to produce affirmative legislation to remedy the incidence of the rights violation. In some cases, representatives have actively blocked legislation and debate on the issue – on 21 June 2006, when Pakistan Muslim

117 DAWN. “Forced conversions” (DAWN, 13 March 2012).

118 The list of newspapers monitored by HRCP, and reviewed by MSP for the purposes of this report, includes but is not limited to: Saahil, Daily Khabrain, Daily Express, Nawa-i-Waqt, The News, The Nation, The Express Tribune, Daily Sahafat, Daily Pakistan, Jang, Daily Aaj Kal, Dawn, Frontier Post, Daily Din, and Roznama Pakistan.

119 Various MSP Interviews conducted at the Lahore Press Club. July 2012.

120 MSP Interview with Justice (Retd.) Asghar Haider (Lahore High Court). 31 May 2012.

121 Daily Aaj Kal. “Hindu larkion ka aghwa, Senate Committee ki tashweesh” (Daily Aaj Kal, 19 October 2010).

League-Nawaz's Joseph Hakim Din echoed the issue of forced conversion in the Punjab Assembly, Muttahida Majlis-e-Amal's Arshad Baggu cast doubt on the veracity of the forced conversion claim, labeling the conversions voluntary and a result of elopements and "wayward social practices"¹²². One Christian Member of Parliament noted that nothing had changed in the National Assembly's attitude and inclination to enact required reform since 1998 when the Bishop of Lahore invited Nawaz Sharif, then Prime Minister, to his congregation and brought the issue of abductions, conversions, and rape being perpetrated on Christian girls to his attention¹²³.

In the absence of forthcoming reform legislation, minority groups have unsuccessfully sought relief from the Supreme Court¹²⁴, demanding the court to direct the legislatures to enact specific legislation criminalizing forced marriage and forced conversions. The judiciary directly rejected the petitions from the Hindu Council, ruling that the Constitution of Pakistan already contains a guarantee of religious freedom in Article 20, which is dispositive and applicable to forced conversions and marriages¹²⁵. Chief Justice Iftikhar Chaudhry, ruling on the matter, said that the law would take its own course when confronted with a complaint on the issue¹²⁶.

The Hindu Council proposal outlines several provisions, including specific amendments to the Pakistan Penal Code targeted at the prevention of forced conversions and marriages; enumerated and specific punishments or sentencing for perpetrators found to have forcibly converted others¹²⁷; the creation of a special commission to grant jurisdiction to courts for the recording of statements of girls alleged to have been abducted and forcibly converted¹²⁸; the provision of a safe house wherein individuals would be allowed to make decisions about their religion without undue influence¹²⁹; and levying of fines for accomplices and capital punishment for perpetrators¹³⁰. Conversion under the proposal is defined with the following specific language:

"[C]onversion to another religion of any person who is a minor or under the age of 18 shall be treated as a forcible conversion and shall be punishable unless the parents of the minor have consented to such conversion.

Section 365-C: "[W]hoever kidnaps any person with intent that such person may be compelled, or knowing it to be likely that such person will be compelled to convert against

122 The News. "Elopement of Christian girls with Muslims echoes in PA" (The News, 22 June 2006).

123 Daily Times. "Honour killings and abductions of Christian girls" (Daily Times, 26 September 2006).

124 The News. "SC disposes of plea against forced conversion" (The News Rawalpindi, 18 May 2012).

125, 126, 127 Khan, Azam. "Constitution against forced conversions: CJ" (The Express Tribune, 18 May 2012).

Retrieved on 22 July 2012 from <http://tribune.com.pk/story/380625/constitution-against-forced-conversions-cj/>.

128 Daily Times. "NA committee seeks legislation on forced conversions" (Daily Times, 17 July 2012).

Retrieved on 22 July 2012 from http://www.dailytimes.com.pk/default.asp?page=2012%5C07%5C17%5Cstory_17-7-2012_pg7_1.

129, 130 DAWN. "Standing committee's consensus over forced conversion draft" (DAWN, 16 July 2012).

his or her will, or in order that such person may be forced or seduced or induced to marriage after forcible conversion, or knowing it to be likely that such person may be forced or induced for forced conversion to any other religion, shall be punished with imprisonment of life and shall also be liable to fine. And whosoever by means of criminal intimidation as defined in the code of abuse of authority, or any other means of compulsion, induces any person to go from any place with an intent that such person may be, or knowing that it is likely that such person may be forced or induced to forcible conversion to another religion, shall also be punishable”¹³¹.

The Hindu Council petition has been hampered by internal differences amongst the Hindu community. Further, the Law Division opposed similar legislation against forced conversions in 2010, stating that provisions to redress such crimes already existed in the Pakistan Penal Code and Criminal Procedure Code¹³². The reality, however, is that no law specifying and defining forced conversion as a standalone crime exists in the Penal Code¹³³. Several advocacy groups and prominent members of minority communities have reiterated the need for specific legislation on forced conversions, including The National Commission on Minorities¹³⁴ and Dr. Paul Bhatti, special advisor to the Prime Minister for Minorities¹³⁵. In August 2012, reacting to an exodus of Pakistani Hindus across the border to India, a parliamentary panel recommended that legislation on forced conversions be drafted¹³⁶. No major political party has, however, taken an official stance on the issue or initiated action on the proposed law.

Retrieved on 22 July 2012 from <http://dawn.com/2012/07/16/standing-committees-consensus-over-forced-conversion-draft/>.

131 Daily Times. "NA committee seeks legislation on forced conversions" (Daily Times, 17 July 2012).

Retrieved on 22 July 2012 from http://www.dailytimes.com.pk/default.asp?page=2012%5C07%5C17%5Cstory_17-7-2012_pg7_1.

132 Butt, Qaiser. "Gill wants tougher legislation against forced conversion" (The Express Tribune, 24 March 2012).

133 Anthony, Nadeem, ed. Centre for Legal Aid Assistance and Settlement (CLAAS): Annual Report 2011. Lahore, Pakistan: CLAAS-Pakistan, 2011.

134 Daily Khabrain. "Qaumi Commission ka aqliyati afraad ke aghwa ki barhti hui waardaton par izhare tashwish" (Daily Khabrain, 22 February 2012).

135 Agenzia Fides. "Forced Conversions result of Poverty and Ignorance" (News.VA, 16 May 2012).

Retrieved on 22 July 2012 from <http://www.news.va/en/news/asiapakistan-forced-conversions-result-of-poverty>.

136 Gishkori, Zahid. "Protecting Minorities: NA Panel suggests law on forced conversions" (The Express Tribune, 28 September 2012).

Retrieved on 13 February 2013 from <http://tribune.com.pk/story/443767/protecting-minorities-na-panel-suggests-law-on-forced-conversions/>.

137 The purpose of such an official statement is two-fold: first, it serves as an official recognition for the harms suffered by victim individuals and families; second, the Government's clarification of stance provides precedent for lower official authorities. MSP Interview with Mr. Peter Jacob (National Commission for Justice and Peace), 13 July 2012.

RECOMMENDATIONS

TO THE GOVERNMENT OF PAKISTAN

In accordance with the Constitution of Pakistan, protect the religious freedoms of the Pakistani Christian community and women's rights of minority women by:

- Providing affirmative action to uphold and safeguard the rights of minorities in the issue of forced conversion and marriages, and implement Article 20 of the Constitution¹³⁷.
- Urging the legislatures to redraft conflicting personal laws and provisions relating to personal matters, such as wills, alimonies, and maintenance, of minority communities¹³⁸.
- Urging the legislature to act on the recommendations of HRCP, the Minister of National Harmony, and numerous human rights and minority protection groups, by instituting legislation criminalizing forced conversion and providing adequate procedures that address gaps routinely exploited by criminals¹³⁹.
- Revising the mandate of and providing funds to Ministries, the Commission for Minorities, and official bodies charged with overseeing minority rights and affairs to provide these institutions greater authority and capacity to hold police and government officials accountable for violations of minority rights^{140, 141}.
- Ensuring adequate law enforcement and provision of security for the protection of minority representatives, legal aid and social workers, victim women and families.

138 MSP Interview with Mr. Najam U Din (Human Rights Commission of Pakistan). 17 July 2012.

139 One proposal is for prohibiting marriage after conversion for up to six (6) months to discourage criminals from using forced conversions and forced marriages as a smokescreen for other crimes, such as human trafficking and sexual abuse. Agenzia Fides. "Forced conversions 'against human dignity': Christians support the new law" (Agenzia Fides, 19 June 2012).

Retrieved on 22 July 2012 from <http://www.fides.org/aree/news/newsdet.php?idnews=31757&lan=eng>.

140 Several persons interviewed by MSP noted that federal and local bodies lacked sufficient authority or capacity to provide oversight on human rights violations pertaining to minority communities. HRCP has termed the official Commission for minorities "utterly ineffective," noting the confusion that surrounds its mandate and authority. Human Rights Commission of Pakistan (HRCP). *Life at Risk: Report of HRCP Working Group on Communities Vulnerable because of their Beliefs* (April 2011). Lahore, Pakistan: HRCP, 2011.

141 The HRCP Working Group has suggested the formation of an authority that could "vouch for the voluntary nature of conversion" and provide specific remedies on case-by-case basis for forcibly converted minority women. Human Rights Commission of Pakistan (HRCP). *Life at Risk: Report of HRCP Working Group on Communities Vulnerable because of their Beliefs* (April 2011). Lahore, Pakistan: HRCP, 2011.

142 A Jinnah Institute report on the state of minority rights noted that the police has been seen to connive actively in hate crimes, and recommended that refusal of policing authorities to intervene must be punished. Faruqi, Mariam. *A Question of Faith: A Report on the Status of Religious Minorities in Pakistan*. Islamabad, Pakistan: Jinnah Institute, 2011.

143 A Shirkat Gah study revealed that police tended to view women's problems in the home as private or trivial, which approach should be addressed in cases concerning domestic violence issues and where the women is alleged to have been sexually abused after forced conversion and marriage. Hassan, Yasmeen. *The Haven Becomes Hell: A Study of Domestic Violence in Pakistan* (Special Bulletin August 1995). Lahore, Pakistan: Shirkat Gah, 1995.

TO THE GOVERNMENT OF PUNJAB

In accordance with the Constitution of Pakistan, protect the religious freedoms of the Christian community resident in Punjab, and safeguard the rights of minority women by:

- Engaging in police reform to improve response times to instances where abduction is alleged to have occurred; fair reporting standards and FIR registration as provided under Article 161 of the Pakistan Penal Code; identification of falsified marriage and conversion certificates; and guarantee protection to victim women and families under threat by abducting parties^{142, 143}.
- Creating a Commission for Minorities at the provincial level, composed primarily of minority representatives, rights workers, and retired judges, with clarified procedures, adequate provision of security, and with the relevant legal authority to propose reforms on minority rights¹⁴⁴.
- Undertaking administrative reforms to ensure that proper official procedures regarding the attestation and registration of marriage and conversion certificates, focusing on registering nikah khwaans and religious institutions issuing conversion certificates¹⁴⁵.
- Reforming the Union Council system to ensure adequate representation of women and minorities; provide alternative dispute resolution forums for peaceful resolution of local matters¹⁴⁶ pertaining to personal affairs of minorities; institutionalize rapid response committees sensitized to address issues such as forced conversion and gender rights¹⁴⁷.
- Providing helplines for easy and safe reporting, and psychological and medical help to victim women through links with local hospitals and medical institutions¹⁴⁸;
- Allocating funds for rehabilitation efforts, including compensation for victim families, provision of protective services for at-risk individuals, counseling services for newly converted women, maintenance of victims under protection, and for vocational support for reintegration of victim women into society.

144 HRCRP has recommended that the Commission must have the following attributes: (a) it must be a statutory body, endorsed by the legislature; (b) the law setting up the commission must also define the body's functions and composition; (c) the commission must have the mandate to address discrimination against minorities in laws, policies, and practices; (d) all members of the Commission should be named in a transparent manner after meaningful consultation with representatives of the minority and vulnerable communities. Representatives from human rights organizations/civil society should also be named for the Commission; (e) the Commission must have an independent status, with its own budget, secretariat and working procedure; (f) the Commission must have the power to receive and entertain complaints and take all measures necessary to redress those complaints; (g) it should also have the authority to refer matters to the court; (h) the Commission should submit an annual report to the legislature; and (i) to make the Commission effective, its existence, functions and relevance to the problems of the people must be publicized and access of members of minority communities to it facilitated and ensured. Human Rights Commission of Pakistan (HRCRP). *Life at Risk: Report of HRCRP Working Group on Communities Vulnerable because of their Beliefs* (April 2011). Lahore, Pakistan: HRCRP, 2011.

145 Similar initiatives to streamline and enforce proper registration have been successfully initiated in the case of inheritances by the Revenue Department, which now mandates reporting by patwaris and employs specific oversight procedures. MSP Interview with Ms. Mumtaz Mughal (Program Director, Aurat Foundation). 21 July 2012.

146 In May 2011, the elopement of a Muslim girl with a Christian girl led to communal violence between Christian and influential Muslim families, who retaliated by kidnapping and abusing several Christian women. Kharal, Asad. "Love affair pits Muslims against Christians in Sheikhpura" (*The Express Tribune*, 30 May 2011).

147 Union Council Committees provide local-level mechanisms and timely remedies prior to the perpetration of the crime, and must have the authority to hold accountable policing, check local registration and attestation of documents to be produced as evidence in courts, and mitigate the impunity afforded to criminals by prominent members of the community. MSP Interview with Ms. Mumtaz Mughal (Program Director, Aurat Foundation). 21 July 2012.

148 The Women Development Department has already proposed similar initiatives, which may be linked for expedited provision of critical services for minority women. MSP Interview with Ms. Mumtaz Mughal (Program Director, Aurat Foundation). 21 July 2012.

- Ensuring and providing legal services and dispute resolution forums with special emphasis on vulnerable communities, such as Christian women, in rural areas¹⁴⁹.
- Appointing special prosecutors in every district to try cases of violence against women and minorities, and providing training to these prosecutors to sensitize them to women and minority rights standards¹⁵⁰.
- Commission an official study to ascertain the prevalence of the crime, identify particular at-risk communities, and for the recovery of victims' stories for purposes of rehabilitation and recognition of harms suffered.

149 1A former Justice of the Lahore High Court noted that such reform would benefit from liaison with Churches and rural area representatives, and that the Christian community in Punjab continues to be hampered by underrepresentation of Christian lawyers in the professional legal community. MSP Interview with Justice (Retd.) Asghar Haider (Lahore High Court). 31 May 2012.

150 Human Rights Watch has proposed that special training for prosecutors should additionally instruct these practitioners in dealing with sensitive gender rights issues and crimes such as rape and sexual violence. Human Rights Watch. *Crime or Custom?* New York, NY: Human Rights Watch, 1999.

151 NCJP has noted that the application of the free consent principle, routine practice at the highest levels of the judiciary, presupposes or assumes that men and women "enjoy equal scope of free will in a weaponised male-dominated, and violent environment." Deccan Herald. "Minorities in Pakistan disturbed over forced conversions" (Deccan Herald, 21 April 2012).

- Standardizing application of legal remedies and for interpretation of laws in accordance with religious freedom guarantees in the Constitution of Pakistan. Further, precluding the application of free consent principles without examination of the attendant circumstances, such as control of the abductor over the woman¹⁵¹.
- Providing a legal definition of “forced conversions” and the accompanying crime of “forced marriage” in the Pakistan Penal Code¹⁵².
- Ensuring the correct application of relevant personal laws at all levels of the judiciary¹⁵³.
- Outlining specific procedures to be applied to cases in which forced marriage and conversion can reasonably be inferred to have taken place, such as ordering additional investigation by prosecutors to procure further evidence and mitigate coercive efforts by abductors to obstruct justice.
- Enumeration of protection mechanisms, including requiring surety bonds¹⁵⁴ for the protection of victims or the transferring of property to girl’s name.
- Ensuring the protection of minors by mandating that the custody an abducted and allegedly converted minor immediately be returned to the family or legal guardian¹⁵⁵.
- Undertaking reform efforts to raise sensitization of magistrates¹⁵⁶, judicial officers, and judges to issues of minority and women’s rights, with care taken to make any workshops conducted sensitive to cultural practices.

Retrieved on 22 July 2012 from <http://www.deccanherald.com/content/243711/minorities-pakistan-disturbed-over-forced.html>.

152 Precedent for such anti-forced conversions may be found both in Indian and Sri Lankan jurisdictions. In India, Rajasthan, Himachal Pradesh, Arunachal Pradesh, Jharkand, Uttarakhand, Madhya Pradesh, Orissa, Chattisgarh, Tamil Nadu, and Gujarat have either instituted or are currently discussing such laws for the protection of religious minorities and Scheduled Castes. Jenkins, Laura Dudley. “Legal Limits on Religious Conversion in India” in *71 Law and Contemporary Problems* (Spring 2008). Raleigh, NC: Duke University Press, 2008.

Retrieved on 13 February 2013 from <http://scholarship.law.duke.edu/lcp/vol71/iss2/9>.

153 Several lawyers interviewed by MSP reported that misapplication and incorrect implementation of personal laws to minorities was routine.

154 In the case brought by Mr. Misri Ludhiani for the recovery of his forcibly converted and married daughter, Chief Justice of Pakistan Iftikhar M. Chaudhr exercised the Court’s ‘parental jurisdiction,’ ordering the husband’s family to furnish a surety bond amounting to Rs. 1.5 million as guarantee for the girl’s welfare. In the same case the Court instructed the family to ensure that the girl occasionally visited her family. NCJP noted that the SC recognized the following two principles in issuing this landmark ruling: (1) that minority women require protection from restrictions on movement and wellbeing, and from violence; and (2) that conversion does not mean that the girl relinquish her relationship with her parents or family. Jivan, Jennifer Jag and Jacob, Peter. *Life on the Margins: A study on the minority women in Pakistan*. Lahore, Pakistan: National Commission for Justice and Peace, 2012.

155 HRCP noted in particular one incident in which the magistrate recorded the statement of a 12-year-old girl that she had converted to Islam of her free will, despite an objection by the family’s lawyer that the girl was a minor and that such official record was invalid. Human Rights Commission of Pakistan (HRCP). *Life at Risk: Report of HRCP Working Group on Communities Vulnerable because of their Beliefs* (April 2011). Lahore, Pakistan: HRCP, 2011.

156 In Tamil Nadu, India, all conversions must be reported to a magistrate judge in the province, who acts as a check on illegal conversions by examining evidence and attendant circumstances surrounding the conversion. Husain, Waris. “Forced faith or force of faith?” (DAWN, 21 April 2012).

Retrieved on 22 July 2012 from <http://dawn.com/2012/04/21/forced-faith-or-force-of-faith/>.

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We would like to acknowledge the continued bravery and strength of those brave women who have told and retold stories of their ordeal despite threats to their lives and the harms that they suffered at the hands of criminals who sought to use religion and official mechanism for criminal purposes. We hope their stories will pave the way for progress on minority and women's rights with respect both to this crime and more generally for the development of a more tolerant society.

ADDENDUM

Sample of Conversion Certificate used in a forced conversion case

امداد العلوم الإسلامية
جامع الدرویش
شاہراہ قائد اعظم پشاور صدر

Amad-ul-Uloom-i-Islamiin
Darwesh
Shahe-Quaid-e-Azam Peshawar Cantt.

الرقم _____ ۱۱/۶/۱۱
 باسمہ تعالیٰ
 التاريخ _____

آج بلورضہ 6 جولائی 2011 بروز بدھ نادریہ دختریشیرپور
 (سابقہ مذہب عیسائیت) نے یہاں جامعہ آگر ابن رضا درغبت سے
 عیسائیت سے توبہ تائب ہو کر دین اسلام کو قبول کر لیا۔
 آج سے ان کو وہ تمام حقوق حاصل ہوں گے جو مسلمانوں کو حاصل
 ہوتے ہیں۔ ان کا اسلامی نام بھی "نادرہ" ہی ہوگا۔
 اللہ پاک ان کو دین اسلام پر استقامت نصیب فرمائے۔
 فقط

نادریہ کافوق شناختی کارڈ نمبر
 17301-4953542-6
 ڈاکخانہ سکندر پورہ بیرون لاہوری
 گیٹ مکان نمبر 2 محلہ نیو سہم آباد
 پشاور
 تاریخ پیدائش 25 ستمبر 1982ء

دستخط نادریہ: _____
 نادریہ: _____
 گواہ شہدک راج گل فاضل ولد تاج محمد
 17301-1294113-1
 راج گل فاضل

ذرا درویش: _____
 قناریہ جامعہ امداد
 6 جولائی 2011ء

گواہ شہدک روح الامین ولد شیرعل
 روح الامین

من - ۵۲۸ پشاور صدر
 رقم الحساب ۸۱۶۰ یونائیٹڈ بینک پشاور صدر
 رقم الهاتف ۲۷۸۰۵۰۷ - ۲۷۱۴۹۷

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