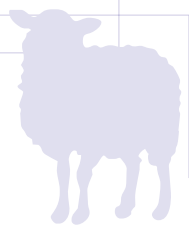


Silence of the Lamb III



Realm of Justice and Broken Lives

The issue of forced conversions, with all its ingredients of systematic as well as gross human rights violations, has formed a pattern in Pakistan. The issue merits a careful scrutiny of legal dynamics of the issue in order to understand the sufferings that the most vulnerable section of society, particularly the minority women, are subjected to in sheer abuse of law and religion.

CSJ is presenting here, an analysis of a few cases of forced conversions of adolescents – mostly Christian and Hindu girls, in Sindh and Punjab. It includes cases adjudicated upon in recent times and those under investigation or in process in the courts.

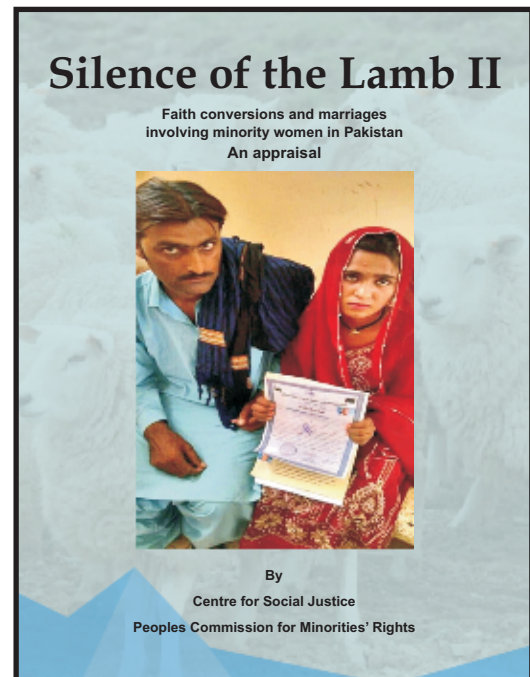
1. Huma Younas, 14,¹ an 8th grade student from a Christian family, went missing on October 10, 2019, from her house in Zia Colony, Karachi. An FIR was lodged by Younas, Huma's father under Section 365 B, PPC on 12th October 2019, alleging that Abdul Jabbar, 24, a taxi driver living in their neighborhood had abducted her.

According to the case file, the marriage between Abdul Jabbar and Huma, (whose name was changed to Mehek) performed by a cleric, Qari Matloob in Dera Ghazi Khan of a district in Punjab on 12 November 2019, hence a month after her alleged abduction. An affidavit was also signed by Huma, supposedly on 14 October 2019 which, in contradiction, suggests that a Nikkah has been already performed. The family received the affidavit by post, stating that she had converted to Islam and married the alleged abductor.

About 900 kilometers away from her home, an application was filed on her behalf before the Civil Judge Multan on 15 November 2019, alleging that her father was maligning her willful marriage. On the same day, the Additional Session Judge Multan, Zulfiqar Ahmed Naeem passed orders to Police, restraining the father from harassing Huma who had been given a new name, i.e. Mehek.

Her parents filed an application under Article 199 of the Constitution of Pakistan at Sindh High Court after the police failed to recover Huma. Her registration of birth, B-form from NADRA and school certificate showed her year of birth as 2005 (14 years old). However, in the meantime the investigation officer was changed and the new officer excused himself from appearance in the court on the last hearing. The next date of hearing was not announced.

Huma's case is a replica of several other stories - a minor girl, falls prey to an acquaintance-turned-predator, which is common in forced conversions. Though, the most significant element here is that the accused managed to avoid the jurisdiction of the concerned police station and the court in Sindh, where the minimum age for marriage is 18 years. Following the modus operandi of the previous cases of Reena and Raveena, who were produced before a court in Rahimyar Khan, Huma too was transported to Punjab, to escape the jurisdiction of Sindh. The same strategy had been applied in Rinkle Kumari's case in 2012 who was transported to Islamabad.



¹Jalil Xari, *In The Name Of Faith* (January 19, 2020), retrieved from: <https://voicepk.net/2020/01/19/in-the-name-of-faith/>



A twist got added when, the culprit, being a person of influence, lodged application for criminal investigation against the parents of Huma. This became possible as he had procured a marriage certificate somehow, while the girl was in his custody and control. The court in Multan did not raise these questions as the matter was framed as a civil marriage case.

2. The story of 12 year old Mohan Ram of Yazman, Bahawalpur presents somewhat different circumstances yet a similar manipulation – this time - with a male victim.

Muhammad Asif Bhatti, a motorcycle mechanic, was running a workshop adjacent to Bachu Ram's relative's shoe store. On September 29, 2019, Bhatti asked Mohan who was at his uncle's shop, to lend some help. It took a long time and when Mohan did not return till that evening, Bachu Ram asked Bhatti about the whereabouts of his son. Bhatti replied that Mohan had converted to Islam and he would not return back to his home.

When Bachu approached police he was told that his son's custody had been given to the Child Protection Bureau on September 23, 2019, by the District Magistrate because he himself requested the court in his application, and stated conversion as the reason. Mohan was also given a Muslim name, Abdul Rehman.

Mohan's family approached Lahore High Court – Bahawalpur Bench, which declined the application observing that proceedings in the lower court regarding Mohan's custody were pending. On 27 November 2020, the Guardian Court Yazman dismissed the application of Muhammad Khaleel seeking the custody of Mohan on the basis of his conversion to Islam.

Currently, Mohan's parents have applied for his custody as natural guardians however; his fate hangs in the balance. The court can rule in favour of the parents on the basis of law of the land, however, the Court will have to consider child's best interests, particularly if he wishes not to go back to his parents. Even if Mohan is returned, he is not likely to come out of mental pressure that he was subjected to until he receives a psychological therapy and certain assurance about his safety, etc. Until then, the family will not get justice.

3. In yet another case in Yazman, Bahawalpur, 15 year old Bhambo Mai,² a Hindu girl, was kidnapped on March 13, 2020, during the night by a fellow villager Munir Ahmed who claimed that Bhambo had converted to Islam and married him.

Munir Ahmed blackmailed the family through the village chief to pay 400,000 Rupees for the return of Bhambo. The family managed to pay the sum, however, after receiving the money he refused to return the girl. On March 20, the family registered an FIR under section 365 B PPC related to the abduction, etc. Bhambo in her statement in the LHC (Bahawalpur Bench) said that she wanted to live with her husband / alleged abductor.³ Hence the case reached a closed end.

Apart from the above examples where the justice system failed to provide remedy, there have also been some instances of positive outcomes which explain the dynamics of the complex nature of the phenomenon of forced, manipulated or unethical conversions in Pakistan.

4. In Jacobabad, on February 18, 2020, a District and Session Court ordered to prosecute Ali Raza Solangi who had married a Hindu minor girl Mahik Kumari (later named Aliza) after converting her to Islam. During the investigation in late January 2020, the SHO approached the Sessions Court for initiating proceedings under section 552 of Criminal Procedure Code (Cr. P. C.) that grants powers to the Sessions Court to compel restoration of abducted females.

As the report of the medical board ascertained Mahik's age between 15 and 16 years, the court held

²Saeed Ahmad, *Against My Will, In The Land Of Pure* (March 29, 2020) retrieved from: <https://voicepk.net/2020/03/29/against-my-will-in-the-land-of-pure/>

³<https://www.aghslaw.net>



that the marriage violated the Sindh Child Marriage Restraint Act, 2014. The Additional Sessions Judge, Ghulam Ali Kanasiro, directed the DIG police Larkana, and SSP Jacobabad “to take due action against those involved, within 24 hours.

The court also held that the process of shifting of the child Mahik Kumari aka Naniki Kumari aka Aliza from the Darul Aman to the Child Protection Institution be completed within 48 hours, under intimation to this Court, holding the Deputy Commissioner Jacobabad, Secretary of Sindh Women Development Department, DIG Larkana, SSP Jacobabad and in-charge Darul Aman, Larkana responsible.

In this case, the outcome of the proceedings show that the court took a holistic view of the facts of the case – focusing on the aspect of child marriage and the violation of the law – as well as all legal protections affordable to the victim rather than relying on statements or claims. A due diligence was applied by police and the court and medical examination was ordered for ascertaining the girl's age – and finally the court passed specific directions to the officials, in-charge for implementing the court orders.

5. Likewise, on March 26, 2020, the Sessions Court of Sahiwal ordered that a Christian girl Saima Javed, 13, be returned to her parents. According to case details, Saima remained 25 days in the captivity of Shan and Nazir Shera. Saima whose family worked as laborers at a Sahiwal brick kiln was abducted when she went out to fetch water. Abductor, Shan Shera claimed that she converted to Islam and married him.

In court, Saima stated that she had been detained against her will and she had not changed her religion upon which the court ordered her to be handed over to her parents. The court failed to punish the culprits though.

6. In another such case, in August 2019 the LHC passed an authoritative order in the Muskan case which helps understand confusion regarding age, freedom of religion and custody of minors in the wake of conversion.

Nasira Bibi, a Christian woman worked a domestic laborer in Sargodha while her husband was in jail serving a sentence in a criminal case. Her 14-year-old daughter Pumy Muskan helped her with her work at a Muslim family's house who promised to pay for her needs and for Muskan's education. Muskan was asked to stay with the employer's family. A few months later, when she went to meet her daughter Nasira was told that Muskan had gone to another city, and having embraced Islam did not want to see her mother anymore.

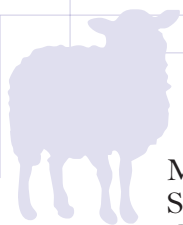
Nasira protested but she was sent away by the employer. She approached the police, who were initially reluctant but eventually produced Muskan before the Judicial Magistrate, Sargodha on May 5, 2019, in the presence of the accused. The SHO confirmed that Muskan had embraced Islam but in view of her tender age, requested the Magistrate that she should either be handed over to her mother or sent to Darul Aman (shelter home).

The Magistrate recorded Muskan's statement who expressly stated that she did not want to go with her family. Eventually, she was sent to Darul Aman in Sargodha. Nasira requested the Superintendent Darul Aman to allow her to see her daughter but was refused. On July 8, 2019, she learned that the Magistrate had ordered her release and the Superintendent had once again handed Muskan over to the accused.

Nasira Bibi filed a writ petition in LHC praying that her minor daughter be recovered from the illegal custody of her abductors.

Justice Tariq Saleem Sheikh of LHC passed a detailed judgment on August 2, 2019, quoting the domestic and international law regarding freedom of religion, authorities on age for conversion, as well as Islamic jurisprudence.

The court held that Nasira being the lawful guardian of Muskan was entitled to her custody and could exercise control over her. The employers could not retain custody of Muskan because



Muskan's legal guardian was against it, secondly, the culprit was not related to her, and thirdly, Section 3 of the Punjab Domestic Workers Act, 2019, prohibits the employment of a child below the age of 15 years for any household work. Muskan's employment was unlawful.

The court also held that Muskan was a minor and lacked the legal capacity to change the religion on her own. While faith was a personal matter, the court could still refuse to recognize it for several legal reasons.

7. Before this judgment of August 2019, another case of Charlotte Javed was also placed before the same court on April 10, 2019. Charlotte, a minor from Faisalabad had testified before the court under the circumstances involving her forced conversion. The court gave the custody of Charlotte to her family.

8. Among cases highlighted in the media in 2020 one was of 13 years old Arzoo Raja who was converted and married to a 44 years old man named Azhar. Arzoo's parents reported the incident to local police and were informed two days later that their daughter had converted to Islam and married. They challenged the validity of the marriage claiming that it violated the Sindh Child Marriage Restraint Act 2014.

People across the country were agitated and the law enforcers became conscious. On November 2, the Sindh High Court ordered police to recover Arzoo, arrest Azhar and ordered a medical examination by a board to determine Arzoo's age. In the next hearing on November 9, the bench observed on the report presented by the medical board, that Arzoo was between 14 to 15 years of age and that her marriage to Azhar violated the Sindh Child Marriage Restraint Act. The court remanded the girl to a shelter home.

On December 17, the court granted bail to Azhar. However, the court did not dismiss the FIR registered by Arzoo's father under the offense of rape of a minor, a crime punishable with life imprisonment or death sentence. The trial and litigations are likely to take months or years.

It is evident that forced conversions are made possible by the manipulation of legal and judicial procedures which the justice system ignore – with a few exceptions such as the Mahik case in Jacobabad, and the Charlotte and Muskan cases in Lahore High Court.

Normally FIRs filed by the family heavily rely on using Section 365 B, dealing with the offense of kidnapping, abducting or inducing or compelling a woman for marriage, etc. This section does not cover the complexity of the circumstances. Therefore a proper law is needed that protects the victims of forced conversions.

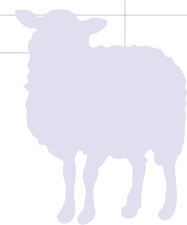
Nevertheless, an insertion of Section 498 B in 2017 (Criminal Law (Amendment) Act 2017 IV), in the Pakistan Penal Code, 1860: “forced marriages with a minor and non-Muslim woman” shall be liable to maximum 10 years and a minimum of five years jail term and fine. This law has not been applied in the cases so far. It could be an effective deterrent if applied.

The victims and their sympathizers providing legal aid also need to pay attention to the quality of legal representation. The cases detailed in this article show that the offenders engage those lawyers who are skilled at manipulating the justice system.

A Parliamentary Committee (National Assembly and Senate) was set up on November 21, 2019, to carry out inquiries and come up with recommendations. It has failed, so far, to make any meaningful progress.

In January 2021, the Functional Committee on Human Rights at the Senate called explanation and finally ordered an inquiry into the conversion and marriage of another under age girl named Farah Shaheen of Faisalabad.

Note: The names of the victims are being used for comprehension, because these have already been published in various media.



Supplementary Datasheet

Forced Conversions of Minor Girls and Women in Pakistan

Definition

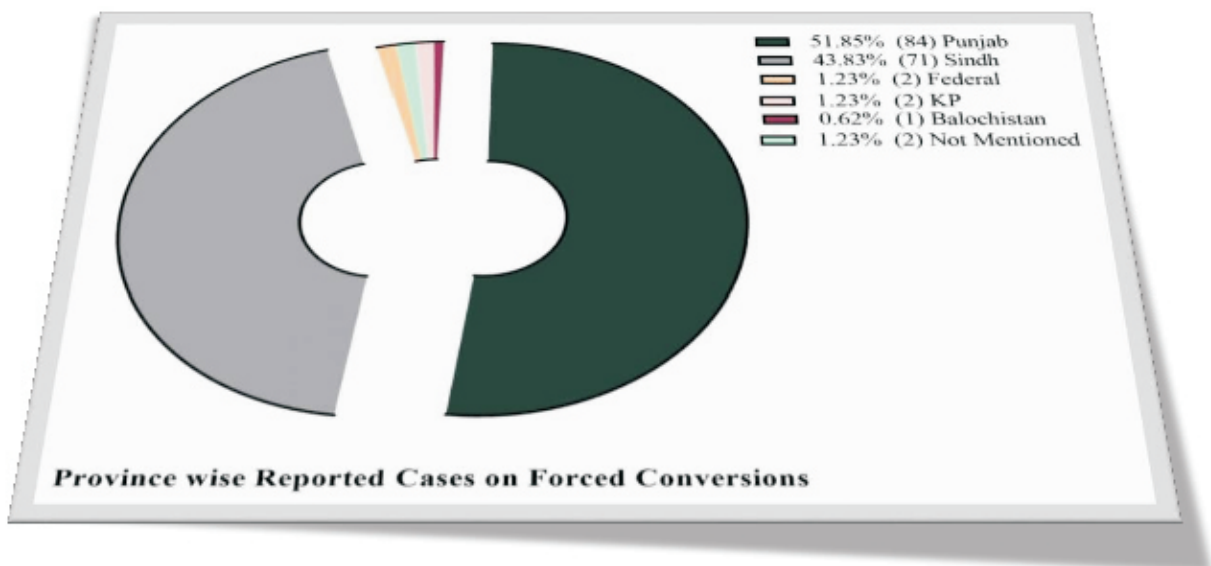
Different expressions such as, manipulated, unethical, and forced conversions, have been used internationally to explain the involuntary change of faith identity, under enticement, duress, or coercion. Evidence at hand shows that the involuntary conversions ,though camouflaged, have a connection with the vulnerabilities of the victim, linked with gender, age, minority status, or social and economic disparities.

About the Data

This Datasheet is a supplement to CSJ's publication 'Silence of the Lamb' (www.csjpak.org), using the cases reported on mainstream and social media, court orders, and police reports that surfaced during 2013-2020. CSJ used verified 162 incidents as a sample to study the trends; however, the actual number of incidents may exceed 162.

Conversions - Province wise

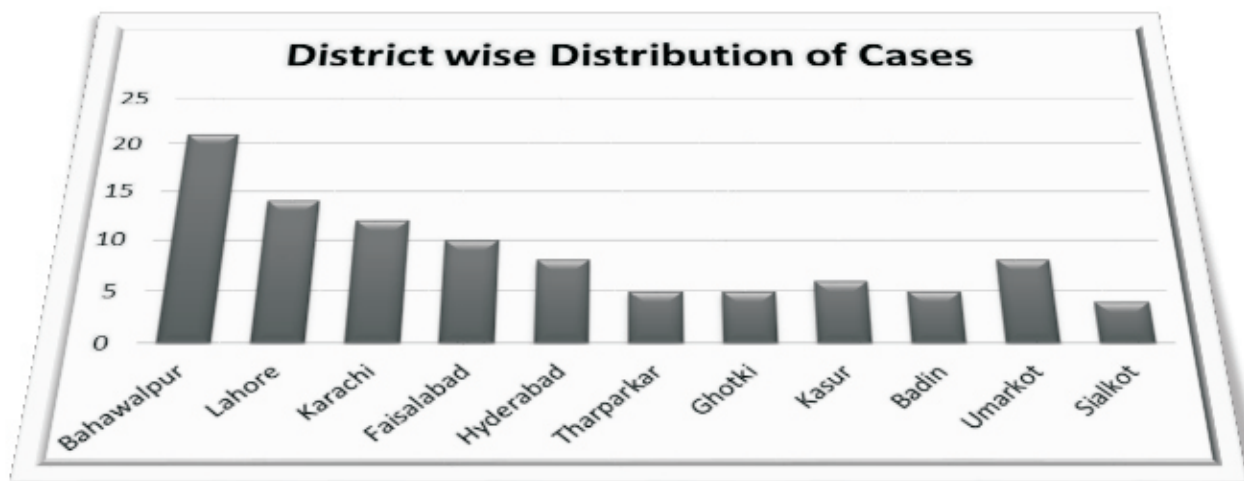
The following chart presenting a summary of the results shows that the highest incidence of alleged forced conversions (51.85%) was reported in Punjab, 43.83% in Sindh, 1.23% each reported in Federal and Khyber Pakhtunkhwa while one case was reported in Balochistan.





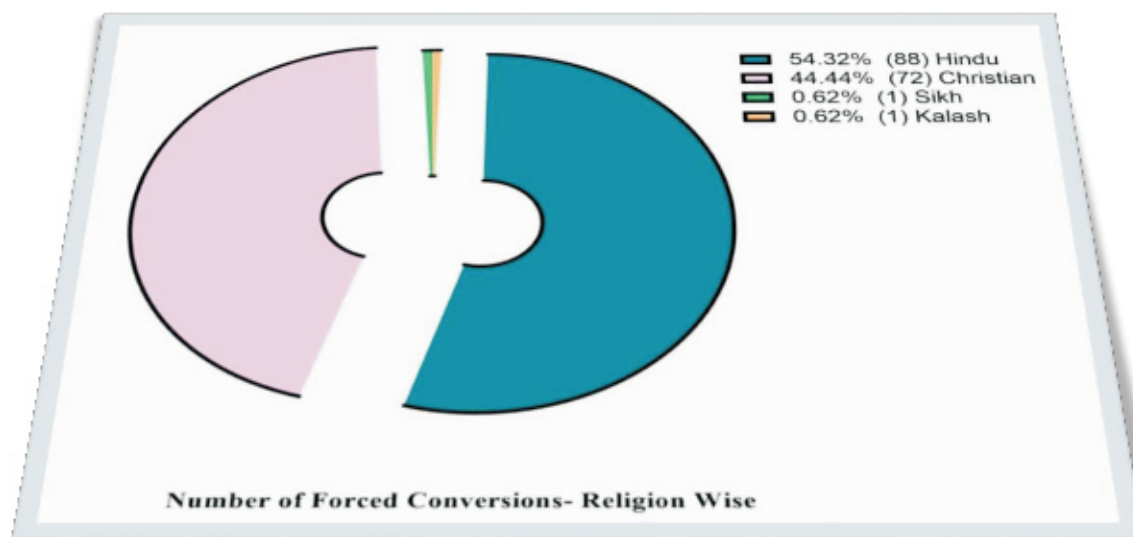
Conversions-District wise

During the past seven years, the highest number of cases (21) was reported from Bahawalpur. 14 cases were reported from Lahore, 12 from Karachi, 10 from Faisalabad, 8 each from Hyderabad and Amarkot, 6 from Kasur, 5 each from Badin, Tharparkar, Ghotki and 4 incidents were reported from Sialkot.



Conversions - Religion wise

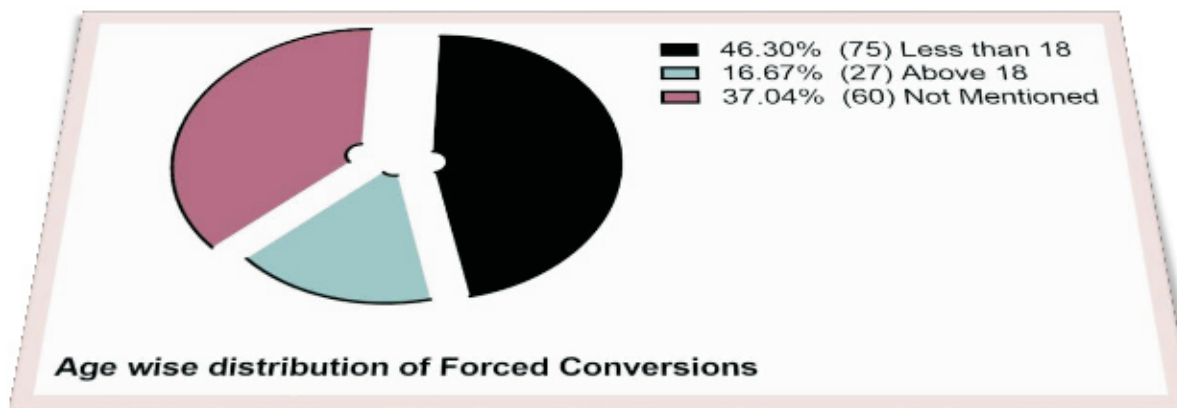
The number of victims (girls and women) belonging to Hindu community (54.3%) were higher than Christian (44.44%) while 0.62% each belonged to Sikh and Kalash religion.





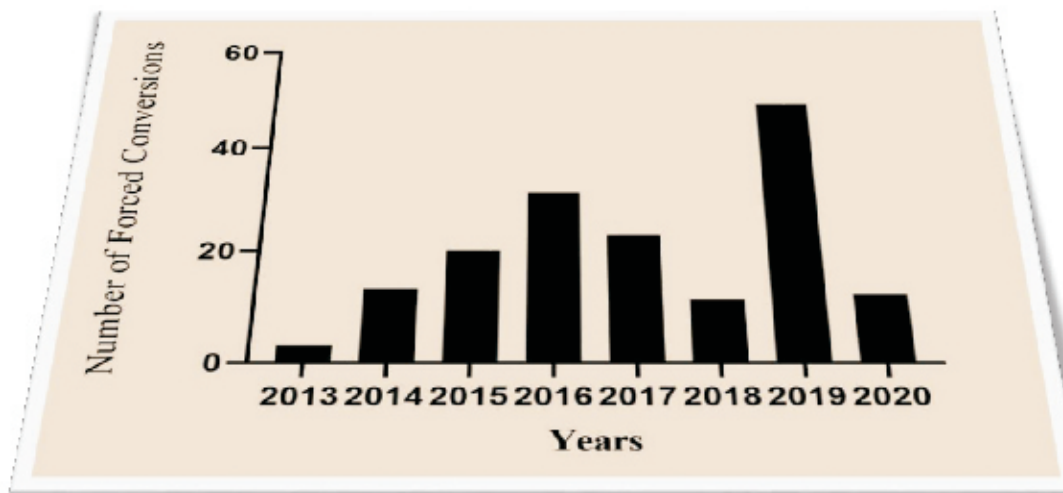
Conversion: Age wise

The pie chart below reflects that over 46.3% percent of the victims of forced conversion were evidently minor while 32.7% were 11-15 years, hence below the marriageable age under the Child Marriage Restraint Act 1929. In fact, the actual ratio of underage victims could be higher because the exact age of over 37% of the victims was not mentioned in the reportage. Only 16.67% of the victims were above 18 years though the claim was not always verified by the lower courts through NADRA, school record, etc.



Trends in Past Seven Years

The data in the chart below demonstrates a steady increase in conversions from three cases in 2013, to 13 in 2014, 20 in 2015, to 30 in 2016. Dropping slightly to 23 in 2017, then further down to 11 in 2018 however, the highest number of cases (49) was reported in 2019. 13 cases had been reported till November 2020. The court cases usually involve several years of litigation, therefore, the cases were counted according to year of occurrence. CSJ discovered that 16 cases were pending before Hyderabad bench, Sindh High Court, where the girls returning to the families sought relief, mainly with regards to their safety and security.





Conclusions

The trends reflected in the data of 162 incidents show that:

1. The phenomenon of forced conversions is widespread and, not limited to a particular province or community, rather the trend is somewhat close to the population according to the 1998 census and the presence of religious minorities in that area. Hence Punjab, the Bahawalpur district in particular, showed the highest occurrences.
2. The Hindu girls are reflected to be around 10 % more susceptible to the abuse than Christian girls which may be due to the size of population and locale. A definitive observation would be made when the data for 2017 census could be released by the government.
3. A large number of girls who were claimed to have converted to Islam and contracted marriage were minor.




Recommended measures:

1. The Federal Ministry of Human Rights should carry out a comprehensive study and analysis of the issue, including under-trial cases, and the remedies, if any, provided by the concerned departments and institutions.
2. The Parliamentary Committee established in November 2019 should only make statements based on factual inquiries and comprehensive data analysis and disclose the progress made by the Committee on the issue.
3. The police all over the country must investigate all pending cases and future cases under Section 498 B Pakistan Penal Code, as this enactment is particularly relevant to forced conversion and marriages involving minority women. The proviso has not been put into practice since the enactment in 2017.
4. An amendment bill in the Criminal Procedure Code should be introduced that makes all religious conversions be acknowledged, verified, and validated by a Senior Civil Judge to ascertain the presence of free will, consent, in addition to the appropriateness of age and marital status of the parties.
5. The Majority Act be amended to bring it into conformity with NADRA ACT and other laws on the majority.
6. An autonomous, empowered and statutory National Commission for Minorities Rights be constituted without further delay.
7. The Chief Justice of Pakistan is respectfully urged to consider sensitization of the judiciary and judicial officers on the issue of forced conversions and the above-mentioned recommendations.

Note: Please contact for updated data after 2020. csjpak@gmail.com



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