



International Dalit Solidarity Network
WORKING DAILY AGAINST CASTE-BASED DISCRIMINATION

Child, Early and Enforced Marriages - Conversions and Forced Marriages in Pakistan

Call for submission for two reports on the issue of child, early and forced marriage

OHCHR

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The Problem

In Pakistan, forced marriages and forced conversions of women and girls affect Hindu and Christian minorities disproportionately. There are frequent reports that persons belonging to these minorities are kidnapped and subjugated to physical and emotional abuse involving threats of violence. These minorities face obstacles in pursuing remedies for the violations sustained. In a report to the CEDAW Committee of 2013, IDSN brought the issue of (forced) faith conversion, affecting minority women mostly from scheduled castes Hindu background. Many of the victims are forced to convert under the disguise of marriage of choice.¹ Those most affected are Scheduled Caste Hindu girls, especially Dalits (formerly known as untouchables), who are kidnapped or lured into conversion, sexually exploited and then abandoned.²

In its Concluding Observations on Pakistan, the CERD has demonstrated its concern about instances of forced marriage by highlighting that:

The Committee is deeply concerned at the repeated reports on abduction of Dalit women and girls for the purpose of forced conversion to Islam and forced marriage. It regrets the lack of detailed information and data on the situation of Dalits in the State party (arts. 1, 2 and 5).³

¹ Alternative report to the UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) for the examination of the 4th periodic report of Pakistan at the 54th CEDAW session in February 2013 – “Schedules Caste Women in Pakistan - Denied a life in dignity and respect.” Prepared by the Pakistan Dalit Solidarity Network (PDSN) in association with the International Dalit Solidarity Network (IDSN), para. 74. Available at http://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Pakistan/SCHEDULED CASTE WOMEN IN PAKISTAN - Alternative report to CEDAW - PDSN and IDSN - Jan 2013.pdf

² Scheduled Caste Children in Pakistan - Committee on the Rights of the Child (CRC) 72nd PSWG 5 - 9 October 2015 – Pakistan Joint alternative NGO report by the Pakistan Dalit Solidarity Network (PDSN) and the International Dalit Solidarity Network (IDSN), p. 9. Available at: [<https://idsn.org/wp-content/uploads/2015/07/IDSN-and-PDSN-alternative-report-on-Scheduled-Caste-Children-in-Pakistan-July-2015-CRC-Pakistan.pdf>]. See also: IDSN “Dalit women in Pakistan”, indicating that Dalit women that are victims to sexual abuse, abduction and forced religious conversion suffer triple discrimination due to their gender, religion and caste. Available at: [<https://idsn.org/key-issues/dalit-women/dalit-women-in-pakistan/>].

³ CERD, Concluding Observations on Pakistan, UN Doc. CERD/C/90/1, para. 31.

The Magnitude of the Problem

Abductions and forced marriages in Pakistan affect a wide range of minorities, but these practices affect Hindu and Christian women and girls more seriously. It has been estimated by the Aurat Foundation that around 1,000 women and girls are abducted, converted and then married off to their abductors. There are also accounts that, once kidnapped and forcibly converted, women and girls are raped, sold off, and are forced into prostitution or into human trafficking, particularly among the most deprived populations, as in the Sanghar, Ghotki and Jacobabad regions. Also, various districts of Sindh and Punjab where the minority population is most concentrated.

The socio-economic context and the position of the victim in society are key factors that victimize women and girls in forced marriage and conversion. According to the 2017 census figures for minorities the number of registered scheduled castes in Pakistan is 849,614, but according to researchers and Dalit activists, their number is more likely to be in the millions. Dalits and Hindus frequently face incidences of bonded labour in the agriculture and brick kiln sectors. The young Dalit women and girls, who work in the agricultural sector, are more vulnerable to violence, harassment and rape. 14-year-old Jeetvi, the daughter of bonded labourers, was abducted from her parent's home by the landlord, converted to Islam and forcibly married to him as a second wife, given his claim of an unpaid debt of US\$ 1000.00 by her family. Other factors, such as destruction of community buildings and temples, leaves Hindus vulnerable due to a lack of community protection and cohesion.

Legal Framework

Since 1860, Pakistani legislation has prohibited forced marriage (Penal Code, Chapter XX-A, Offenses against Women). In 1929, the Child Marriage Restraint Act was approved providing more clarity on the prohibition on forced marriage. However, in practice this act is hardly ever applied, as it has been branded as un-Islamic by the Council of Islamic Ideology, blocking efforts to prevent forced conversion, as pointed out by the CESC in 2017:

The Committee is concerned that the practices of forced conversion of non-Muslim women and forced marriage continue. It is particularly concerned that the proposed amendment to the Child Marriage Restraint Act, 1929, has been declared un-Islamic by the Council of Islamic Ideology and that efforts to enact a law to prevent forced conversion have been blocked by the Council (arts. 3 and 10).

The Committee recommends that the State party prohibit the forced conversion of a person from his/her belief without his/her consent.⁴

However, in 2016, this act was amended, providing an additional legal definition of woman as a “non-Muslim woman”. This additional definition is ambiguous, problematic and open to abuse. Such scenarios are further complicated by the application of Sharia (Islamic Law) principles. For instance, the girl’s *Wali* (guardian) is empowered by those principles to authorize a child marriage. The case of Revita Megwar (Hindu, 16) is illustrative. She was kidnapped and hours later re-appeared apparently embracing Islam. Her parents filed a petition to the court requesting her return, while her husband filed another petition requesting protection of his family. Given diverse legal applications from different religious groups, the Islamic marriage law prevailed over the Marriage Restraint Law, leading the court to order the return of Revita to her husband.

The Sindh Criminal Law (Protection of Minorities) Bill was unanimously adopted in 2016 by the Sindh Assembly, which included many sections banning forced marriage, through specific instruments of implementation. Chapter IV(5) comprehensively defines forced conversion as forcing a person to adopt another religion under duress, force, coercion or threat. Chapter II provides for training and sensitization of the police and the judiciary on child marriage. It also establishes a body to oversee the relevant violations. Chapter III prohibits the conversion of a person under 18. Chapter IV sets the criminal penalties for anyone convicted of child marriage. Chapter V gives priority to such cases in court, enabling swift action by courts. Chapters X through XII provide a number of procedural protections to the victim of forced marriage and conversion. Despite the positive provisions of this law, it was not enacted by the governor, given the strong mobilization and pressure of influential Islamist groups and parties against this law.

In 2017, the Hindu Marriages Act was approved by the National Assembly in Pakistan, formalizing the registration of Hindu marriages, filling an important gap of official registration, particularly in view of the risk of Hindu women and girls being accused of adultery, through the *zina* judgments.

More recently in October 2021, efforts were taking place at federal level by non-Muslim parliamentarians through the Ministry of Human Rights draft “Prohibition of Forced Conversion Bill 2021”. This was rejected by the parliamentary committee after feedback

⁴ CESCR, Concluding Observations on Pakistan, [UN Doc. E/C.12/PAK/CO/1](#), paras. 57-58.

from the Council of Islamic Ideology and members from Jamaat-i-Islam. [Ref Dawn News Oct 14, 2021]

The Age of Early Conversions

A UK Parliament report has pointed out to data collected from mainstream and social media, court orders, and police reports during 2013-2020, out of 162 incidents of forced conversions, only 6.67% of victims were above 18 years old. But this percentage can be even higher, because 37% of the victims analysed in that data did not mention their exact age. The government does not keep any official records of cases forced conversion and forced marriage.⁵ The psychological and moral effects of abuses in early age imply the deprivation from childhood, and support systems, from her extended family, and permanent separation from her families. These girls feel loneliness and isolation, with severe consequences for the adult woman. According to Dalit Solidarity Network Pakistan:

“In many cases, the victims are treated badly by their husbands and their families. The girls are not allowed to meet their parents, nor are their parents allowed to come to a girl’s home.”⁶

Access to Justice

Access to justice for girls subjected to forced marriage represents an important obstacle, given the frequent biases and lack of adherence to the legal procedures in cases involving forced marriage. Deeply entrenched patriarchal values and cultural norms in Pakistan have influenced of the justice system’s acceptance of statements of the husbands at face value. There are very few investigations into the allegations of the circumstances of the marriages and conversions, and the victim’s age is frequently ignored:

76. As demonstrated by these cases, the general practice of forced conversions is that a girl is kidnapped; her parents lodge a complaint with the police about the kidnapping; and a few days later she is declared to have embraced Islam, and her marriage with a Muslim man is announced. In such cases, the law against forced marriages hardly applies, because the case becomes a religious issue; once the girl is declared a Muslim, she cannot revert back to her former religion. The government therefore needs to put in place laws and measures, which take this matter into account and protect the rights of these minority girls.⁷

⁵APPG for the Pakistani Minorities Inquiry - Abductions, Forced Conversions, and Forced Marriages of Religious Minority Women and Girls in Pakistan, p. 33.

⁶APPG for the Pakistani Minorities Inquiry - Abductions, Forced Conversions, and Forced Marriages of Religious Minority Women and Girls in Pakistan, p. 41.

⁷ PDSN and IDSN, report *supra*, para. 76 (underlines added).

The case of Rinkle Kumari, judged by the Supreme Court of Pakistan (2012) is representative of the aforementioned issues. She filed a petition before the Karachi High Court alleging that she had been forcibly abducted and converted, with the support of a powerful politician. Even hearing Rinkle's compelling argument that she had been forced to convert and marry, that Court allowed the accused to "take her home". The Supreme Court ignored her age of 16 years, illegal in Pakistan.⁸

The CERD, in 2016, strongly recommended Pakistan to take all effective measures to eradicate the practice of forced conversion and forced marriage by punishing the perpetrators proportionally:

It urges the State party to take immediate action to end the forced conversion and forced marriage of Christian and Hindu Dalit women and to prosecute and punish the abductors with penalties commensurate with the gravity of the crime. CERD/C/PAK/CO/21-23 7.

The media in Pakistan are often silenced when it comes to forced marriage and forced conversion. Many cases go underreported due to pressure on the media by influential locals and religious leaders. Such insufficient reporting and lack of debate on such a serious problem contribute to the social milieu that encourages forced conversions and marriages.

Frequently, the victims do not find the conditions to freely speak at Courts when their cases make it to the trial phases. This report from the Centre for Legal Aid and Assistance (CLAAS) is representative:

"After a kidnapping, conversion, and forced marriage many girls are coerced by their abductors into making statements against their parents when they are presented in Court. Due to life threats, the girls state that they have come of their wills, such as in recent cases of Hema Yohana and Aqsa Rana of Karachi, Sindh. The victims of forced conversion often take an Islamic name, but at the same time are called such names as "Chuhri" (a derogatory word for low caste and untouchable people). After four or five months, these girls realise the reality behind their kidnapping. But now they cannot think to go home due to guilt, social, and family pressure.

⁸ Id: "One case, which received media coverage in local, national and international newspapers, was the case of Ms. Rinkel Kumari, a 17-year old Hindu girl from the town of Mirpur Mathelo. She was kidnapped on February 24 2012; a kidnapping which was allegedly ordered by a Member of the National Assembly (MNA) of the Pakistan People's Party (PPP). The same week that Rinkel was kidnapped three other Hindu girls were kidnapped and underwent the same harassment, conversion, and forced marriage including a physician who worked at a prestigious hospital in Karachi." Para. 75.

After some time, many are disappeared, murdered, or forcefully moved into prostitution. When we challenge abductors about these girls, they have no answer. 90% of girls do not want to disclose their reality because of guilt and disgrace of their family or community. Further, if the victims get pregnant and their newborn is not acceptable by the abductor's family and not acceptable in society, their future is very bleak. If they give birth to a girl, then the situation can be even worse. The victims are treated like slaves and if they managed to return, no one else will marry them.⁹

A Multi-Violation Problem

Forced marriages and forced conversions affect a wide range of rights of Dalit women and girls trapped in those situations, including the right to education, sexual and reproductive rights and access to justice. Kirshana Lal, 33, from the Kolhi clan (bottom of the hierarchy among scheduled castes), a counsellor in a legal aid centre explains:

“The incidence of kidnapping, forced conversion and sexual harassment of scheduled caste and minority girls are often and most frequently happening in the provinces of Sindh and South Punjab”, she explains. As a result, the majority of the parents hesitate to send their daughters to schools and out of the home. She points out some recent incidences involving two Dalit child girls. 14-year-old Momal converted into Islam, and 6-year old Viganti was raped. But no action was taken to punish the perpetrators. Kirshana says that despite the enactment of the law on Protection against Harassment of Women at Workplace, there is very little implementation at the grass root level. The young Dalit women and girls, who work in the agricultural sector, are more vulnerable to violence, harassment and rape. But the media does not pick up such cases. The rape case of Kastoori Kolhan became a high profile case in the national and international media. But no real action was taken, “Unfortunately justice is only for the rich; not for the poor and lower caste people. We cannot change our status, until we fight against this injustice. And to fight for justice, we need to educate our people”.¹⁰

⁹ APPG for the Pakistani Minorities Inquiry - Abductions, Forced Conversions, and Forced Marriages of Religious Minority Women and Girls in Pakistan, p. 29.

¹⁰ IDSN: “Case Studies of Dalit Women in Pakistan (2012)”, available at: [https://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Pakistan/Dalit_women_in_Pakistan_-_case_studies_2012.pdf]