**The Relentless Tide of Forced Conversions**

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On 14th March, a 15 years old Hindu girl, Bindiya Meghwar, was forcibly converted to Islam and married off to a Muslim man in Khairpur, Sindh. She is now Fatima. In the first week of March, Persicla, a 15-year-old Christian girl was kidnapped in front of her parents from their home in Sumundhari, Faisalabad. Dilawar, the child’s father, said they were asleep when a Muslim man, Muhammad Qasim, broke into their home and took away their daughter. He threatened them with death if they told anyone about it. Consequently, he married Persicla.

On September 17, 2020, almost two months after her disappearance, Saneha Kinza Iqbal, the daughter of a pastor appeared in the court of Lahore, dressed in a burqa and accompanied by almost 20 family members of her husband who is twice her age. The teenager claimed to have embraced Islam, got married of her free will and expressed that her parents are now a threat to her. On the marriage certificate, her age is 20 years contrary to her school certificate and baptism certificate where she is 16. This is a popular way to hide forced conversions to Islam – to say the girl was 18 at the time, and show a fake age certificate or say she had reached puberty. It is claimed that the girl is an adult, and no more questions are asked.

The general public should be aware of the punitive laws pertaining to forced faith conversions and related crimes.

Minority girls suffer triple jeopardy in Pakistan, vulnerabilities; as children, as females and as religious minorities. Day after day, terrible and heart-wrenching stories come to light prompting concerns about the need to protect vulnerable minority girls from forced conversions. According to the Centre for Social Justice, the number of incidents of forced conversion surged once again in 2021. The year saw an increase of 80% as compared to 2020 and 50% as compared to 2019. The names change, the places change, and the dreadful stories remain the same. Rinkle, Raveena, Mehek or Arzoo, their fates are linked by their faith. Data show that episodes of forced conversion are accompanied by a range of other criminal offences, including, but not limited to, assault, kidnapping, abduction, forced marriage, child marriage, statutory rape, rape, gang rape, forced prostitution, and use of force.

Recent Status of Legislation:

On October 13, 2021, in the 12th meeting of the Parliamentary Committee to Protect Minorities from Forced Conversion, Senator Liaqat Khan Tarakai, the chairperson, unilaterally announced that the draft of The Prohibition of Forced Conversions Act 2021 (the Bill) was “dismissed”. He did so without hearing the arguments of religious minority parliamentarians. Earlier in September, The Ministry of Religious Affairs and Interfaith Harmony (MoRA&IH) raised several objections to this bill drafted by the Federal Ministry of Human Rights (MoHR). “After a discussion with notorious Mian Mithoo, Council of Islamic Ideology and Ministry of Religious Affairs object over the bill to stop forced conversions”, tweeted Lal Chand Malhi, a member of the Committee from the ruling party. Mian Abdul Haq aka Mian Mithoo is basking in popularity brought on by forced conversions and marriages of minor Hindu girls in Sindh he arranges.

The MoRA&IH mainly has raised objections to the following provisions in the bill; 1) The draft bill provides that any non-Muslim, who is not a child and is able and willing to convert to another religion will apply for a conversion certificate from an additional sessions judge of the area. The application would have to include the name of the non-Muslim, age and gender, CNIC number, details of parents, siblings, children and spouse (if any), current religion and the reason to convert to the new religion; 2) The additional sessions judge would set a date for interview within seven days of receipt of an application, and on the given date the judge will ensure that the conversion is not under any duress and not due to any deceit or fraudulent misrepresentation; 3) The judge may award a period of 90 days to the non-Muslim to undertake a comparative study of the religions and return to the office of the additional sessions judge. If satisfied, the judge would offer the certificate for a change of religion. Evidently, objections to these points embody antipathy for minorities.

Nevertheless, the concerns regarding forced conversion are not a new phenomenon for this region. The All India Muslim League adopted a Resolution in December 1927 at Calcutta which addressed the issue of forced conversion. Historian Ghulam Ali Allana’s book Pakistan Movement: Historic Documents describes the League’s demand as follows, “Every individual or group is at liberty to convert or re-convert another by argument or persuasion, but that no individual or group shall attempt to do so or prevent its being done by force, fraud or other unfair means, such as the offering of material inducement. Persons under eighteen years of age should not be converted unless it be along with their parents or guardians”.

So, almost a century ago the All India Muslim League chalked out the rules for conversion. The MoRA&IH should consult history to seek the answers to their objections.

What Does the Law Say?

A discrepancy endures between the legal safeguards enshrined under the Constitution, the human rights instruments ratified by Pakistan and the criminal justice system practices on the ground. Pakistan has endorsed the Universal Declaration of Human Rights which states that the right to freedom of religion includes the right to change one’s religion, but no one shall be subject to a compulsion to change their religion. In the case of Pakistan, once the girls convert, there is no going back, as estrangement would mean a death sentence. In many cases, girls are also told that their families are ‘kafirs’ and they cannot meet them. It curbs their access to justice as they remain in the control of men who converted them. No one hears from these girls directly after they ‘abscond’ or get kidnapped.

Since 2010, Pakistan is a party to the International Covenant on Civil and Political rights where Article 18(4) respects the right of parents to determine their child’s religion up to the age of maturity in conformity with their convictions. Pakistan ratified the United Nations Convention on the Rights of the Child in 1990 where Article 14 (2) describes, “States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right to freedom of religion in a manner consistent with the evolving capacities of the child.” The Constitution of Pakistan (Art. 20) gives the right to profess, practice and propagate religion to every citizen. However, the major concern in the debate is the forceful conversion and marriage of minors.

Furthermore, the Criminal Law (Amendment) Act 2017 (IV) prohibits forced marriages, making a marriage of a minor and a non-Muslim woman an offence punishable with no less than five years of imprisonment. However, this legal safeguard remains largely unimplemented, primarily because the government has failed to take ownership of the law. In cases of forced conversion, there is hardly any will from the government to effectively implement the child marriage restraint laws in place.

Nonetheless, there is no law specifically dedicated to curtailing the relentless surge of forced conversions. Efforts to introduce a comprehensive law on curtailing the tide of forced conversions faced resistance in the past as well. Two bills, tabled in 2016 and then 2019, were shot down. On September 24, 2020, the Standing Committee on Religious Affairs and Interfaith Harmony rejected The Protection of Rights of Minorities Bill, 2020 which also covered the subject of forced conversion. These bills recommended an age limit of 18 years upon conversions, enabling greater due process and a jail term for anyone guilty of coercion in faith conversion.

There is no dearth of cases, yet a response from the government has been missing, visibly owing to a lack of consensus among ministries and excessive involvement of the clergy and religious groups. The nation is confronted with basic questions as to how many more minors will have to bear the sufferings of kidnapping and forced conversion? What will be sufficient for lawmakers to be able to define what a forced conversion is? How long will it take to accept independent verification for the age of minors? What rights are we affording to those who are marginalized, economically dependent and underage? And, is rape against minors under claims of religious conversions going to be acceptable?

Ironically, each time a case of forceful conversion is reported, the state reiterates its promise of enacting laws on such conversions. However, federal and provincial governments both share the responsibility for the gross negligence that accompanies the lack of legislation on forced conversions.

The Attitude of Law Enforcing Institutions:

The upsurge in incidents of forced conversion is caused by growing lawlessness that increases the probability of crimes against weaker sections of society. The relative ease and impunity with which minority women are kidnapped, forcibly converted to Islam and unlawfully married to Muslim men, is attributable to a number of systemic factors. The dilemma of each forced conversion case is that no medical examinations are conducted to determine the age of the minor by the authorities independently. The neglectful, complicit and even hostile attitudes of the police and judicial officers put the aggrieved party in a disadvantaged position. It is a ground reality that victims and their families remain too scared or too reluctant to report the case.

Moreover, an overwhelming majority of the functionaries of the justice system identify themselves with the majority faith and maybe potentially under the influence of subjective beliefs associated with the divine reward for siding with the individual responsible for converting someone’s faith to their religion. Both the lower courts and the higher courts of the country have displayed bias and a lack of conviction to enable proper procedures in cases that involve indictment of forced conversion and forced marriage. On August 4, 2020, at Lahore High Court, the honourable Judge Raja Muhammad Shahid Abbasi remarked on Maira Shehbaz’s bogus marriage document, “our grandparents or parents tied the knot at a time when no marriage certificates were issued, but their marriages were considered valid”. Lahore High Court then decided in the favour of Muhammad Nakash, the abductor, ruling that the girl had embraced Islam. Conversions coupled with discriminatory laws and societal prejudices make life miserable for religious minorities in the country.

The Way Forward

A comprehensive set of legal, policy and administrative measures is required at the federal and provincial levels to prevent and eliminate forced conversions.

First, a comprehensive law is needed that protects the potential victims of forced conversion. The Ministry of Human Rights should set up a group of experts to address the concerns of stakeholders on anti-forced conversion bill so that the bill can be presented in the House as a joint draft of the Treasury and the Opposition. Second, state and government personnel (judges, police, medical officers etc.) involved during the reporting, investigation and prosecution of forced conversion cases should use the existing protections in the law to provide justice. They should be sensitized and held accountable for the issue.

Third, special safeguards are needed for victims. Their protection, privacy, confidentiality, restitution, trauma healing, rehabilitation and fair legal participation is required. There must be pro bono legal facilities and expedited procedures before, during and post-trial. Fourth, personal laws for minorities to govern private matters including marriage, divorce, custody, maintenance and inheritance should be updated. Last, to keep up with advances on the legislative front, an awareness campaign must be launched to educate minority citizens about their fundamental rights and freedoms. The general public should be aware of the punitive laws pertaining to forced faith conversions and related crimes. Educating the masses should also be a priority because it is the responsibility of all citizens to speak against injustice.

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