

# CONVERSION WITHOUT CONSENT

A report on the abductions,  
forced conversions, and  
forced marriages of Christian  
girls and women in Pakistan

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**PREPARED BY**

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**IN COLLABORATION  
WITH**

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# FOREWORD

There is no shortage of human rights atrocities taking place across the world at *this very minute*, from the military coup in Myanmar, to the slaughter of Christian communities in Nigeria, to the internment of millions of Uyghur Muslims in China. While we wish it was possible to be on the ground in every one of these places and contexts offering legal and humanitarian assistance and speaking to admirably resilient faith-based communities, we recognize that we must work within our geographic and personnel constraints. Therefore, we remain appreciative and uplifted by the crucial work of our partners across the globe who are doing the Lord's work for the persecuted and fulfilling our collective mandate to perform "God's handiwork", for we are "created in Christ Jesus to do good works, which God prepared in advance for us to do." (Ephesians 2:10)

Voice for Justice has worked tirelessly to expose the ever-increasing thousands of cases in which young girls from the Christian community in Pakistan are abducted from their workplaces, their educational institutions, and even from the refuge of their own home, at which point they are forcibly married to men twenty and thirty years their elder and converted to Islam against their will. Meanwhile, these girls' families are largely left helpless as the very state actors – police officers, courts of law, judges, religious leaders, and the like – who are tasked with protecting the nation's people and advancing their interests instead aid and abet perpetrators, breeding a culture of impunity under which these horrific crimes can persist unmitigated.

Voice for Justice faithfully works against these seemingly insurmountable obstacles to collect and analyze legal documentation and case information and present findings about the confluence of intersecting vulnerabilities of minority girls and their families, exploitable legal loopholes, and irreconcilable court verdicts that make it so difficult for susceptible faith minority communities to protect themselves and seek justice against the atrocity of kidnapping and child marriage.



For years we have found this trend to be an undeniable disgrace. Now, we welcome Voice for Justice's present report which will serve as a vital tool to further galvanize global action to eradicate forced conversions and child marriages in Pakistan and advance children's rights worldwide.

A handwritten signature in blue ink, appearing to read 'Annigje Buwalda'.

**Annigje Buwalda, Esq.**

Executive Director, Jubilee Campaign



# ABBREVIATIONS AND DEFINITIONS

**ICCPR**

International Covenant on Civil and Political Rights

**CMC**

A **case management conference**, when both sides, the lawyers (if any), and the judge convene to discuss how to handle the case

**FIR**

A **First Information Report** is a written document prepared by the police when they receive information about the commission of a cognizable offense

**LHC**

Lahore High Court

**NADRA**

National Database and Registration Authority, Pakistan

**NCHR**

National Commission for Human Rights, Pakistan

**suo moto**

An action taken by a court of its own accord without any requests by the involved parties

**D/O ; d/o**

Daughter of

**habeas corpus**

An writ requiring an arrested or imprisoned person to be brought before a court of law to determine the legality of their detention

**khula**

The process by which a Muslim woman initiates divorce proceedings from her husband in exchange for her returning the dowry (mahr)

**SHO**

A **station house officer** is the officer presiding over a specific police station

**sui juris**

Of age or competence to exercise one's legal rights and/or capacities

**Dar-ul-Aman**

A woman's shelter home as established by Punjab's Social Welfare Department

**madrasah**

An Islamic religious school; a seminary

**NGO**

A **Non-Governmental Organization** is a nonprofit entity operating independently from the government and working towards a cause, typically political or social

# Summary & Introduction

Pakistan ratified the International Covenant on Civil and Political Rights on 23 June 2010. While Pakistan entered reservations to eight of the 27 substantive articles of the ICCPR (Articles 3, 6, 7, 12, 13, 18, 19, 25, as well as article 40), the Vienna Convention on the Law of Treaties (Article 19) allows a reservation only if it is compatible with “the object and purpose of the treaty.” The Human Rights Committee has further clarified that “the normal consequence of an unacceptable reservation is not that the Covenant will not be in effect at all for the reserving party. Rather, such a reservation will generally be severable, in the sense that the Covenant will be operative for the reserving party without the benefit of the reservation.” [General Comment 24, para. 18].

## I. Background

International human rights law guarantees individuals the right to adopt, change, or retain a religion of one's choice. While the right to religious freedom, in principle, comprises the right to peaceful attempts to convert other people and evangelize, including through teaching, this right does not protect “improper proselytism”, such as the offering of material or social advantage or the

application of improper pressure with a view to gaining new adherents.[1] However, the right to not be forced to convert is implied in the right to religious conversion, which must necessarily mean voluntary or “non-coerced” conversion.[2]

Pakistan is a country with a state religion, Islam, which serves as a source for devising policies, drafting laws, and issuing judgments. The country has a predominantly 200.36 million Muslim population, making up more than 96.47% of the total population (i.e., 207.684 million) while religious minorities comprise around 3.52% (i.e., 7.32 million). The Christian population represent nearly 1.27% of the total population; more specifically, an estimated 2.64 million Christians reside in the country, with 2.06 million living in Punjab province alone.[3]

The Supreme Court in the Jilani judgment[4] reaffirmed that Article 20 of the 1973 Constitution of Pakistan, which guarantees the right to religious freedom to all citizens irrespective of their religious identities, must be interpreted in the light of the religious conviction that the person or community in question holds, and should not be construed to encroach upon the religious freedom of minorities. The judgment also stated that religious freedom must be understood as a right to freedom from forced conversions and imposition of beliefs.

Faith conversion is legally permissible in Pakistan; however, in practice, the National Database and Registration Authority (NADRA) puts a restriction on conversion away from the majority religion Islam. According to its

policy, the modification 'from other religions to Islam' in the religion column for citizens' national identity cards is permissible,[5] but it is absolutely prohibited to change the religion of citizens 'from Islam to other religions', after applicants have submitted a declaration stating them as Muslims and professing their religion as Islam at the time of registration with NADRA.[6] This policy appears to be inspired by the notion of state religion, as conversion from Islam to other religions is not socially accepted as there is fear it would be considered "apostasy", which is punishable by death according to some interpretations of Islamic law.

Many cases are reported in Pakistan in which predominantly juvenile girls from religious minority communities are kidnapped, forcibly converted to Islam, and married off to Muslim men, usually the very same perpetrators of their abductions. While "forced conversion" is not an offense in Pakistan, abduction and forced marriage are both criminal offenses. There is a strong correlation between reports of forced conversion and child marriage; however, the legal framework of the Child Marriage Restraint Act varies in different administrative units of Pakistan. In Sindh province, the legal age for marriage is 18 years for both men and women. In the rest of the country, the minimum legal age for marriage is 16 years for girls and 18 years for boys. According to law, it is a criminal offense to solemnize the marriage of children, for adults to marry children, for parents or guardians to facilitate such marriages, and for officials to formalize child marriages; however, the law fails to expressly state that child marriages are considered null and void.

The perpetrators mostly manipulate the law and justice system to get away with their crimes due to the absence of legislation which deals with forced faith conversions, and the lack of enforcement of existing domestic law; this remains a key impediment in preventing such harmful and inhumane practices. Reports reveal that forced conversions and child marriages of minority girls are not only facilitated by religious clerics and police, but also validated by the courts. Although forced conversion constitutes an egregious violation of human rights and severely restricts the right to religious freedom, Pakistani authorities deny the existence of such practices and claim all conversions to Islam to be willful.

Frequent reports of forced conversion are linked with the state's abject failure to implement and enforce existing laws which aim to stymie abduction, child marriage, and forced marriage, especially where the victims are from religious minority communities. Regrettably, however, there are no official statistics regarding the number of forced conversions to Islam of girls hailing from religious minority communities.

## II. Methodology

This report examines the cases involving abduction, forced faith conversion, and forced marriage of girls and women belonging to the Christian minority community across Pakistan between January 2019 and October 2022.

The following methodology was used to identify trends and patterns, as well as assess actors and factors that helped to draft the conclusions and recommendations at the end of the report.

This report relies on primary sources including First Information Reports (FIRs) and court documents, and includes both quantitative and qualitative analysis.

The data is collected about the numbers of abductions and forced conversions of Christian women and girls in the whole of Pakistan with the help of lawyers, journalists, and activists following up the proceedings of cases in courts, and NGOs providing legal aid. The cases of forced conversions mostly go unreported; however, digital and social media has exposed many cases. It is unfortunate that not all families had access to and could report their cases to the police, and therefore it should be noted that the accurate number of abductions and forced conversions of women and girls could be much higher than that discussed in this report. It should also be noted that access to FIRs is limited depending on the resources and diligence of the police stations in the regions discussed.

Finally, it must be stated that although this data focuses specifically on Christian minorities, there are similar concerns raised among other minority communities, including Hindus and Dalits (i.e., Scheduled Caste) and Sikhs. Another study discusses the trends of abductions and forced conversions of women and girls among religious minorities, according to which 78 cases involving 39 Hindu, 38 Christian, and one Sikh girls/women were reported in the year 2021 alone, exhibiting an upsurge of 80% as compared to 2020 and 50% as compared to 2019.[7]

Below is our information collection and analysis process:

- i The cases of forced conversions reported on mainstream, digital, and social media between January 2019 and October 2022 were verified from FIRs, school documents, birth certificates, marriage certificates, certificates of conversion presented in the courts as evidence, as well as court verdicts.
- ii Laws applied for the registration and investigation of cases by police and government authorities, as well as the reasoning used in court verdicts, were assessed.
- iii Efforts made by members of the legislative assemblies for introducing bills against forced conversions and child marriages were assessed.
- iv Critical input of human rights activists and lawyers engaged in follow-up of the cases was recorded.

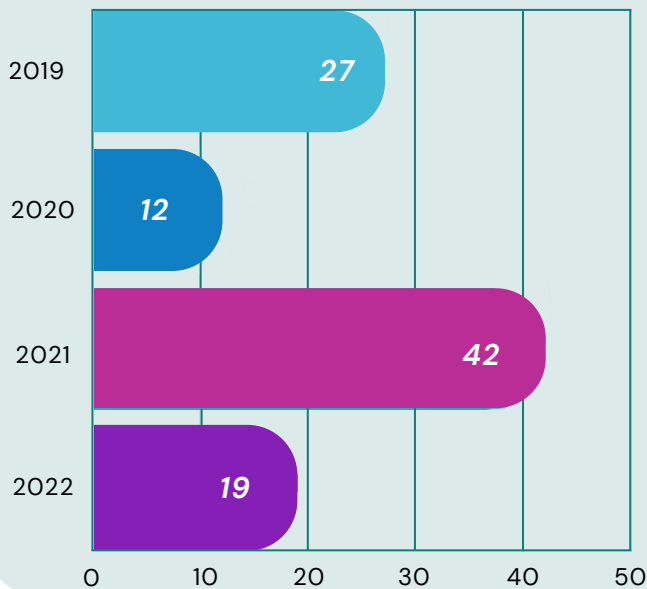
This report discusses the issues arising from Pakistani authorities' failure to address forced conversions and child marriages of minority girls and women, and makes recommendations to state institutions to respect, protect, and fulfill human rights irrespective of any discrimination.

country between January 2019 and October 2022. The year 2021 recorded 42 cases (42%) and exhibited an increase in the number of cases formally reported in 2019 (27 cases; 27%), 2020 (12 cases; 12%), and between January and October 2022 (19 cases; 19%)

### III. Key Findings & Data Analysis

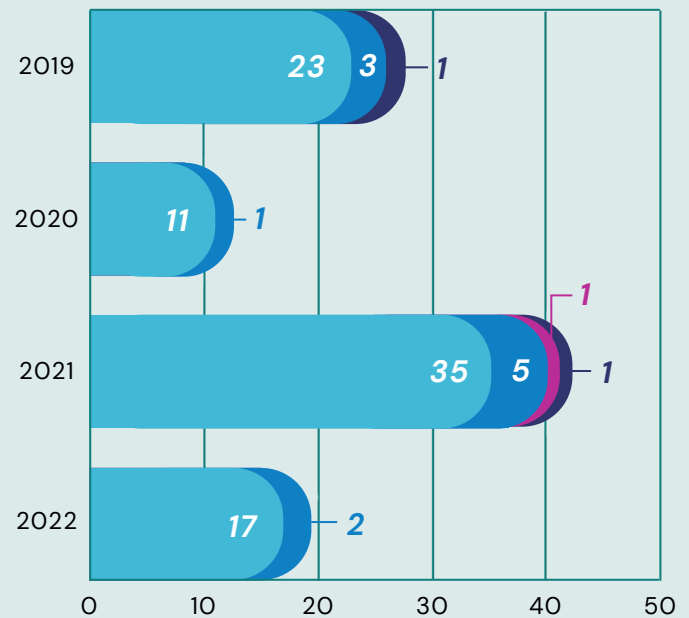
#### A. Quantitative Data

**Figure 1. Forced Conversions by Year**



A total of 100 cases related to abduction, forced conversion, and forced marriages of Christian girls were reported across the

**Figure 2. Forced Conversions by Province**



**Punjab**

2019: 23 case(s)  
 2020: 11 case(s)  
 2021: 35 case(s)  
 2022: 17 case(s)

**Sindh**

2019: 3 case(s)  
 2020: 1 case(s)  
 2021: 5 case(s)  
 2022: 2 case(s)

**Khyber  
 Pakhtunkhwa**

2019: 0 case(s)  
 2020: 0 case(s)  
 2021: 1 case(s)  
 2022: 0 case(s)

**Islamabad**

2019: 1 case(s)  
 2020: 0 case(s)  
 2021: 1 case(s)  
 2022: 0 case(s)

**Balochistan**

No cases were recorded in Balochistan



The province-wide frequency of formally reported cases [involving accusations of abduction, forced conversion, and forced marriages of Christian girls in Pakistan] shows that 86% of cases were reported in Punjab province alone, followed by 11% in Sindh, 2% in Islamabad, and 1% in Khyber Pakhtunkhwa during the period from January 2019 to October 2022. The data reveals that the highest number of total cases (86) were reported in Punjab province, which includes 23 cases in 2019, 11 in 2020, 35 in 2021, and 17 in 2022.

The province of Sindh recorded three (3) cases of abduction, conversion, and marriage of Christian girls in 2019, five (5) cases in 2021, one (1) case in 2020, and two (2) cases in 2022. The data shows that Khyber Pakhtunkhwa recorded only one case in 2021, and Islamabad recorded one case each in 2019 and 2021, whereas no cases were reported in Balochistan.

### **Case Study 1: NCHR Questions the Police Investigation in Child Marriage Case**

**Zarvia Parvaiz** is a 13-year-old schoolgirl belonging to a Christian family of five persons. She was abducted from Rawalpindi on 30 April 2022, forcibly converted, and married off to Imran Shahzad. The First Information Report (FIR) was lodged on 1 May 2022 at Sadiqabad Police Station in Rawalpindi (No. 1189/22 under section 365-B[8] of the Pakistan Penal Code) against Shahzad, his wife Adiba, and their abettor Liaquat.

Zarvia's mother filed a *habeas corpus* petition under section 491 of the Criminal Procedure Code and a constitutional petition under Article 199 of the Constitution of Pakistan seeking recovery of Zarvia Parvaiz from the illegal confinement of Shahzad and Adiba. These petitions were dismissed vide orders dated 13 July 2022 and 18 August 2022 issued by the honourable Additional Session Judge at the Rawalpindi Bench of the Lahore High Court, on the basis of her prior statement, discussed below.

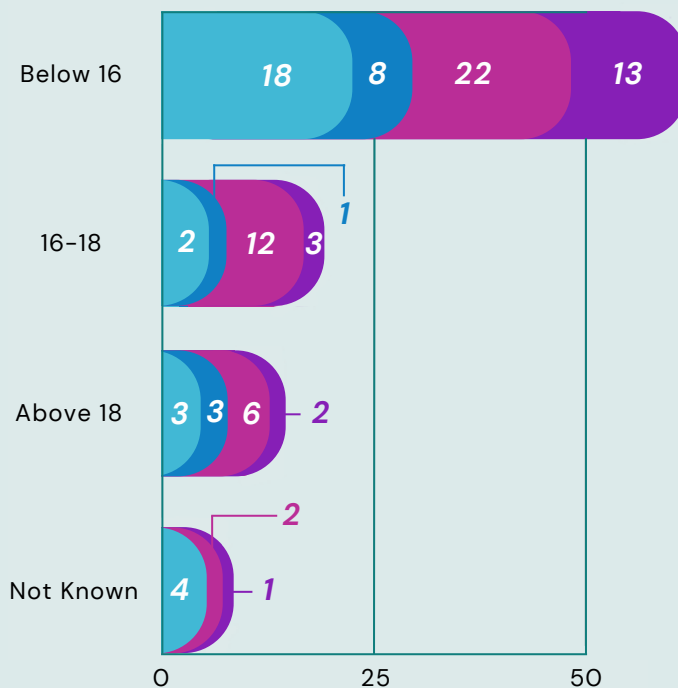
The honourable judge relied upon Zarvia's statement in court, which was given under duress, along with fraudulent marriage and conversion certificates presented to the court by the perpetrators, and the judge issued an order to dismiss the petition. The honourable judge ignored crucial evidence presented before the court, particularly the transcription of the recorded phone calls of Zarvia to her family prior to her trial wherein she unequivocally stated that she was "abducted, forcibly married off, and converted. She did not want to stay with her captors, and wanted to reunite with her parents." Zarvia's abductors threatened to kill her brothers if she made a statement against them before the court, and she was therefore compelled to testify before the magistrate in favor of the perpetrators.

NCHR took a *suo moto* notice of the case, and held a hearing on 11 October 2022 during which they examined the evidence. NCHR commissioners found that the offences listed under Sections 4, 5, & 6 of the Punjab Child Marriage Restraint Act 2015, as well as other

sections of Pakistan’s Penal Code had been committed, and that Zarvia was under threat of physical harm by her perpetrators. NCHR commissioners recommended that the Central Police Office (CPO) of Rawalpindi order a re-investigation of the case.

In late November 2022, Zarvia was rescued from the abductor's home and provided statements regarding the horrific treatment she was subjected to. She reported that she had been heavily drugged in order to be abducted smoothly, and that when she emerged from her drugged haze she was alone in an empty room. Zarvia reported that from the very first day of her captivity, Shahzad repeatedly physically beat, raped, and sodomized her. The perpetrators additionally starved her and forced her to engage in strenuous brick kiln labor and childcare. Zarvia was brave enough to attempt escaping multiple times, but each time Shahzad or Adiba would catch her and torture her as punishment, such as forcing her to ingest large quantities of alcohol, burning her with cigarettes, beating her with sticks and hammers, and even electrocuting her hands and feet with wires. Zarvia suffered so much physical, sexual, and mental abuse that she had attempted to commit suicide by slitting her wrist. Zarvia's personal story of tremendous suffering and astonishing resilience is a testament to the inhumane treatment to which abducted girls and women are subjected. Kidnapping, forced religious conversion, and child marriage are just the tip of the iceberg of the many multi-dimensional human rights violations committed upon these victims.

**Figure 3. Victims by Age**



<b>2019</b>	<b>2020</b>
Below 16: 18 case(s)	Below 16: 8 case(s)
16 to 18: 2 case(s)	16 to 18: 1 case(s)
Above 18: 3 case(s)	Above 18: 3 case(s)
Not known: 4 case(s)	Not known: 0 case(s)
<b>2021</b>	<b>2022</b>
Below 16: 22 case(s)	Below 16: 13 case(s)
16 to 18: 12 case(s)	16 to 18: 3 case(s)
Above 18: 6 case(s)	Above 18: 2 case(s)
Not known: 2 case(s)	Not known: 1 case(s)

The figure illustrates the ages of Christian girls who became victims of abduction, forcible conversion, and forced marriages during the reporting period. The data reveals that between January 2019 and October 2022, 61% of Christian girls were targeted before reaching 16 years of age, while 18% of girls became victims between the ages of 16

and 18 years, and 14% became victims above 18 years of age; the ages of 7% of victims were not ascertained.

In **2019**, 27 Christian girls – which include eighteen (18) girls below 16 years of age, two (2) girls between 16 and 18 years of age, three (3) girls above 18 years of age, and four (4) girls of unspecified ages – were targeted across Pakistan.

In **2020**, 12 Christian girls – which include eight (8) girls below 16 years of age faced forced conversion and forced marriage. Additionally, one (1) girl between 16 and 18 years of age and three (3) girls above 18 years of age were subjected to abduction, religious conversion, and forced marriages.

In **2021**, 42 Christian girls – which include 22 girls below 16 years of age, twelve (12) girls between 16 and 18 years of age, and six (6) girls above 18 years of age were targeted, while the ages of two (2) girl victims were not determined.

In **2022**, 19 Christian girls – which include thirteen (13) girls below 16 years of age, three (3) girls between 16 and 18 years of age, and two (2) victims above 18 years of age were kidnapped, converted, and forcibly married; one (1) victim's age was unreported.

### ***Case Study 2: A Survivor of Forced Conversion Vows to Seek Justice***

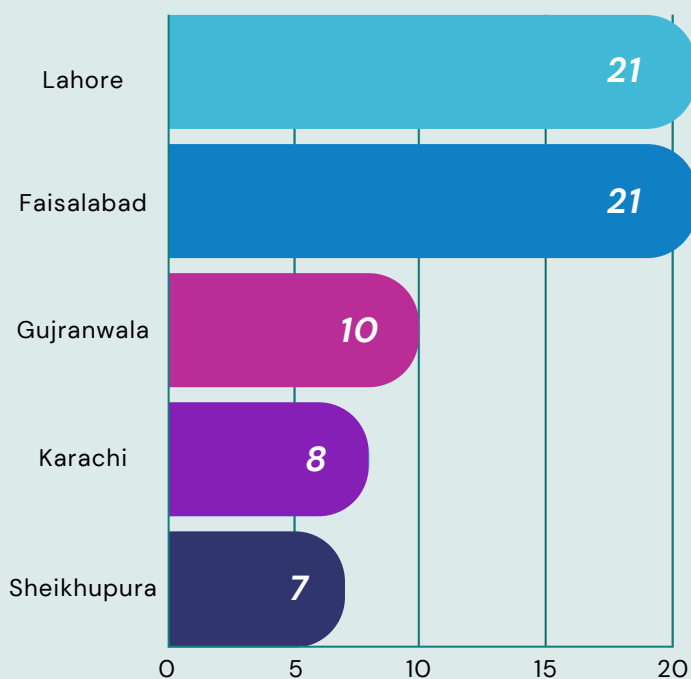
**Saba Nadeem** is a 15-year-old girl belonging to a poor Christian family of

eight persons in Faisalabad. On 20 May 2022, Saba was accompanied by her elder sister Muqadas outside of their home when a man named Yasir Hussain pushed aside Muqadas and pulled Saba inside the rickshaw. He placed a handkerchief soaked with intoxicating chemicals on her face, rendering her unconscious.

The First Information Report (FIR) was lodged on 20 May 2022 at Madina Town Police Station in Faisalabad (No. 877/22 under section 365-B of the Pakistan Penal Code) against Yasir Hussain, Muhammad Riaz Latif, and two unknown persons.

On 30 May, ten days after her abduction, Saba managed to reunite with her family. On 6 June, Saba appeared before the magistrate in Faisalabad, where she was able to record her statement under Section 164 of the Criminal Procedure Code. Saba testified that “she was abducted from Faisalabad and taken to Gujrat (206 kilometers away from her home), where she was raped for several days”. The police added charges under Section 376[9] of the Penal Code and Section 365-B in the FIR, and arrested Hussain; the court rejected his bail application and sent him to prison. On 30 September, Saba filed a petition for dissolution of marriage against Hussain in the Family Court in Faisalabad, wherein she stated that “she is a minor girl, and was abducted and raped. The perpetrator took her thumb impression on the certificate of marriage and conversion against her free will and consent, and threatened her with dire consequences if she revealed the assault to anyone.”

**Figure 4. Forced Conversions by District, 2019–2022**



The above data reveals that Lahore, Faisalabad, Gujranwala, and Sheikhupura from Punjab Province, and Karachi from Sindh Province are the major districts which exhibit a high rate of cases of abductions, religious conversions, and forced marriages of underage minority girls. According to the compiled data, 67% of the cases were reported in the above-mentioned five districts during the reporting period.

In **2019**, out of 27 cases, six (6) Christian girls in Lahore, six (6) in Faisalabad, one (1) in Gujranwala, two (2) in Karachi, and four (4) in Sheikhupura were forcibly converted to Islam and married off to Muslim men. In 2020, out of 12 cases, four (4) Christian girls in Faisalabad, three (3) victims in Lahore, and a victim each in Gujranwala and Karachi

encountered religious conversion and underage marriage without their free consent.

In **2021**, out of 42 cases, nine (9) cases were reported in Lahore, seven (7) in Gujranwala, four (4) in Faisalabad, three (3) in Karachi, and two (2) in Sheikhupura of Christian girls who faced violations of their right to freedom of religion and right to marry according to their own free will. From January to October **2022**, 19 cases were recorded overall; yet, thirteen (13) cases were recorded in the above five districts, three (3) of which occurred in Lahore, seven (7) in Faisalabad, two (2) in Karachi, one (1) in Sheikhupura, and one (1) in Gujranwala.

### **Case Study 3: Girl Survivor Seeks Divorce to End Unhappy Marriage**

**Mehwish Patras** is a 20-year-old woman from a Christian family of seven persons. She was abducted on 18 February 2021 from Government Degree College in Gujranwala, and was forcibly converted and married to Sabir Ali; afterwards, she was taken to Okara city. Mehwish's father Patras registered an FIR dated February 25, 2021 at a police station in Gujranwala (No. 147/21 under Section 365-B, kidnapping, abducting or inducing a woman to compel for marriage, etc.) against the perpetrators. Patras additionally filed a petition under Section 491 of the Criminal Procedure Code before the learned Additional Session Judge of Gujranwala, and a constitutional petition under Article 199 of the Constitution of Pakistan before the Lahore

High Court. Both of these petitions sought recovery of his daughter from the illegal confinement of Ali, and, reprehensibly, both were dismissed by the honourable courts.

On November 11, 2021, Mehwish managed to escape her abductor/purported husband nine months after her abduction had occurred. She recorded her statement before the court in Bahawalpur, testifying that she was abducted by Ali who had forcefully contracted a marriage with her against her free will. Mehwish was threatened to record a statement under Section 164 of the Criminal Procedure Code in favour of Ali, otherwise she along with her family members would be killed; this threat similarly became the basis for the cancellation of the FIR lodged by her father against Ali. The abductor had tried to kill Mehwish but she was able to survive. On November 13, 2021, Mehwish filed a petition for dissolution of marriage against Ali in the Family Court in Bahawalpur, and this remains under process.



## B. Qualitative Data

**Figure 5. Age Difference Between Victims and Perpetrators**

Victim Name	Victim Age	Perpetrator Name	Perpetrator Age	Age Difference
Neha Pervaiz	15	Muhammad Imran	45	30 Years
Farzana Sohail	12	Arif Ashan	45	33 Years
Arzoo Raja	13	Ali Azhar	44	31 Years
Mehwish Haroon	13	Sajjid Ali	39	26 Years
Alesha Nadeem	9	Babar	45	36 Years
Samina Anwer	18	Muhammad Ramzan	43	25 Years
Mahnoor Ashraf	14	Muhammad Ali Khan Ghouri	45	31 Years
Farah Shaheen	12	Khizar Hayat	45	33 Years
Zarvia Parvaiz	13	Imran Shahzad	37	24 Years
Saba Nadeem	15	Muhammad Yasir Hussain	45	30 Years

**Average Age Difference 29.9 Years**

A key driver for forced conversions is the perceived link between religion and the state. For many of the perpetrators or supporters of forced conversions the strength and purity of the nation depends upon the singular religious identity of its citizens.<sup>[10]</sup>

Respondents made the following observations:

**i** Many girls between the ages of 12 and 16 years are abducted, “forcibly converted” to Islam, and then

**ii** The child brides from minority communities are at higher risk of facing violence and abuse, which poses a serious threat to their right to

education, health, work, and religious freedom.

iii The child brides have a greater likelihood of school dropout, health-related complications, lower labour force participation and earnings, and little decision-making power within the family. The abduction of schoolgirls hinders their access to opportunities such as education, skill development, and employment, all of which are essential for leading a dignified and self-sufficient life.

iv Pregnancy at a young age affects the health and well-being of girls, minimizes the chances of their return to their family, and leaves them with no other choice except to bear the brunt of discrimination and marginalization for a lifetime. In sum, the abducted girls from minority communities are never accepted by their in-laws as their daughter-in-laws; rather, they are treated as de facto domestic servants.

v The girl survivors of forced conversion struggle to make interactions with their own family members, and they are not accepted by their communities. Many girl survivors face post-traumatic stress disorder (PTSD), including flashbacks, nightmares, severe anxiety, and uncontrollable thoughts. Depression and detachment have been found to be the most common long-term

symptoms among the survivors, as they lack interest in activities previously enjoyed, they face difficulty in concentrating on studies or work, and they do not feel present in everyday situations.

#### ***Case Study 4: Perpetrator Enjoys Immunity though Girl Survivor Rejoins Family***

**Charlotte Javed** is a school dropout and belongs to a poor Christian family consisting of nine persons. On January 27, 2019, Charlotte was abducted by a Muslim neighbour Zafar Iqbal and was forcibly converted and married off to him. Fortunately, however, she managed to escape her purported husband and reunite with her family two months after her abduction.

Charlotte's father Javed Masih registered an FIR against the perpetrators dated February 14, 2019 at a police station in Thikriwala, Faisalabad District (No. 119/19 under section 365-B, Kidnapping, abducting or inducing woman to compel for marriage etc.). Prior to her escape, on February 20, 2019, Charlotte was taken to a mosque where three clerics presented an offer to convert her to Islam which she declined, to which they slapped her. Charlotte also refused to marry Iqbal; however, they solemnized a marriage against her will and forcibly took her thumb impression on the faith conversion and marriage certificates, according to

which her name was changed to Ayesha and her age was increased to 20 years.

Police officers met with the clerics involved in the marriage and conversion for investigation. They additionally summoned Iqbal to meet authorities in a nearby mosque, but he and his family members managed to flee, leaving Charlotte behind in a locked room. Charlotte cried for help and neighbors responded by breaking the lock and rescuing her from the room to which she was confined for a couple of months. With the help of these neighbors, she contacted her father and tearfully informed him about what she had suffered.

The authorities transported Charlotte to Lahore High Court (LHC) the following day on April 9, 2019, where she testified that “she is illiterate, and she did not marry or convert with free will in the court of District & Session Judge. She wants to live with her parents, and she was kidnapped, forcibly converted, and married off against her will”. After hearing the testimony, Justice Tariq Saleem Shaikh issued an order to hand over the custody of Charlotte Javed to her parents. On April 20, 2019, she appeared and recorded her statement under Section 164 of the Criminal Procedure Code before the court of Judicial Magistrate Justice Faiza Riaz that “she has neither accepted Islam, nor married off to Zafar Iqbal with her own free will. Instead, Zafar Iqbal kidnapped her.”

The culprits were arrested, though they were released on bail. Moreover, the formal charge sheet has not been presented since

the LHC issued an order regarding Charlotte’s custody. The petition was disposed of as the complainant parties decided not to press this petition. Charlotte filed an application for the dissolution of marriage on 1 September 2021, and the family court in Lahore issued an order dated 22 October 2021 that dissolved the marriage on the basis of Khula.





**Figure 6. Certificates of Marriage and Conversion**

<i>Victim's Real Name</i>	<i>Victim's Real Age</i>	<i>Victim's Fabricated Age on Marriage Certificates</i>	<i>Victim's New Name</i>
Huma Younas	14	18	Mehak
Charolotte Javed	13	20	Ayesha
Neha Pervaiz	15	19	Fatima
Myra Shehbaz	14	18	Maria
Saneha Kinza	15	20	Sobia Fatima
Arzoo Raja	13	18	Arzoo Fatima
Mehwish Haroon	13	18	Ayesha
Mehwish Patras	14	20	Mehwish Fatima
Kiran Bashir	16	18	Ayesha
Sunaina James	14	19	Amna
Chashman Kanwal Gulzar	14	19	Ayesha
Riya Kayanat	15	18	Fatima

The respondents observed the following dubious facts regarding the certificates of marriage and conversions which perpetrators present as evidence before the courts:

**i** Although the majority of the girl victims of forced faith conversions and child marriage are minors, the fabricated age of all victims is deliberately altered to 18 years or above by perpetrators on certificates of marriage to avoid

criminal conviction under the 1929 Child Marriage Restraint Act according to which marriage to underage children is illegal and punishable by imprisonment.

**ii** All minor girls are presented as adults and economically independent, and their marriages are executed in the absence of a lawyer or consent of a legal guardian (parents).

- iii The important conditions mentioned in the marriage certificates are left blank to avoid accountability, and all purported husbands to the victim brides are presented as bachelors on the marriage certificates. This is done in order to conceal information regarding the grooms' pre-existing marriages, wives and children, as permission of the first wife and approval of a union council are both compulsory to enter into secondary marriages.
- iv Many religious institutions, local mosques, and seminaries routinely issue certificates of conversion; however, political parties and social welfare NGOs are also found to be involved in issuing these fraudulent certificates beyond the scope of any law or their mandate as witnessed in the case of Chashman Kanwal and Nisha. (See Annex 6.2)
- v All girl victims are made to change their identity by changing their names. (See above: Figure 6)

### ***Case Study 5: Police Provide Legal Safeguards against Child Marriage and Sexual Violence***

**Chashman Kanwal**, d/o Gulzar Masih, is a 14-year-old Christian girl belonging to a poor Christian family of four, and is a 6th grade student. She was abducted from

Faisalabad on July 27, 2021, and was converted and married to Muhammad Usman S/O Zafar Iqbal.

The First Information Report (FIR) was submitted on July 28, 2021 at a police station in Samanabad District, Faisalabad (No. 622/21 under Section 365-B of Pakistan Penal Code), against unknown culprits. Chashman's illiterate father Gulzar Masih was asked to sign a blank paper wherein the police deceitfully listed Chashman's age as 17 years. Masih appeared before the investigation officer on August 3, 2021 and recorded a statement under Section 161 of the Criminal Procedure Code revealing that his daughter was a minor; he also submitted an application for a change of her false age in the FIR from 17 years of age to the accurate 14 years of age. Masih also produced on August 5, 2021 Chashman's original birth certificate, school certificate, and B-Form<sup>[11]</sup> issued by the NADRA authorities, all of which verified her underaged status.

Authorities recovered Chashman from Sahiwal (80 kilometers away from her home) and produced her before a court in Faisalabad on August 9, 2021, where she recorded a false testimony [likely under threats from her abductor] under Section 164 of the Criminal Procedure Code stating that "no one has abducted me, and I have embraced Islam with my free will, and I am an adult (19 years old), and I have contracted marriage with Muhammad Usman according to the Muslim Family Law".

Masih filed a constitutional petition under Article 199 of the 1973 Constitution of Pakistan in the Lahore High Court, seeking orders that the Station House Officer (SHO) and sub-inspector recover Chashman from the illegal detention of Muhammad Usman, and produce her before the court for her case to be heard in accordance with the law. The Lahore High Court dismissed Masih's petition, citing that when an individual attains puberty he or she can be lawfully married, and even underage children with satisfactory mental capacity can convert to Islam and therefore be married.[\(See Annex 6.2\)](#)

Chashman was examined by a medical officer at District Headquarter Hospital in Faisalabad on August 16, 2021, and it was confirmed that she was 13 years of age. In October 2021, the police removed the charges against Usman under Section 365-B[\[12\]](#) of Pakistan's Penal Code, and added charges under Sections 4/5[\[13\]](#) of the Punjab Child Marriage Restraint (amendment) Act of 2015 in the FIR (as per documented proof that alleged girl victim was found minor). Pursuant to these charges, authorities arrested the accused. On November 20, 2021, Chashman's father Masih filed an application to Faisalabad police authorities for the re-investigation of the case by an honest and competent police officer, and this request was approved by a district standing board. The Senior Superintendent of Police (SSP) issued an order dated January 22, 2022 for a new investigation of Chashman's case. More recently, in June 2022, the police

added charges under Section 493-A[\[14\]](#) of the Pakistan Penal Code in the FIR and arrested the accused again; however, he was released on bail soon afterwards.

### ***Reasoning in Court Verdicts***

Both the lower courts and the higher courts of Pakistan have displayed bias and a lack of adherence to proper procedures in cases that involve accusations of forced marriage and forced conversions.[\[15\]](#)

The courts continue to issue conflicting verdicts, most of which are in favour of perpetrators and cite reasoning inspired by Islamic creed and jurisprudence; contrastingly, relatively few courts rely on sound legal grounds and rule in favor of the victims:

- i In February 2022, the Islamabad High Court[\[16\]](#) declared that the marriage of children under the age of 18 is unlawful, even if contracted according to their own free will.[\[17\]](#)
- ii In August 2019, the Lahore High Court held[\[18\]](#) that "Pumy Muskan is barely 14 years old. As she is not *sui juris*, she lacks the legal capacity to change religion on her own. However, the question of faith being a matter of heart and one's conviction, no Court can declare her conversion invalid or void. It can

only refuse to recognize or give effect to it for certain legal purposes. The Petitioner being the lawful guardian of Pummy Muskan is entitled to her custody. There is no reason to deprive her of that right.”

iii

In July 2020 in the Mehak Kumari case<sup>[19]</sup> the Sindh High Court held that there is no prohibition under the Islamic law or the law of the land for a converted Muslim woman to reside with her non-Muslim parents, which prevents the separation of children and parents after the alleged faith conversions.<sup>[20]</sup>

iv

In December 2021, the Sindh High Court ordered an investigation of abductor Ali Azhar (aged 44 years), accused of committing the offence of rape and child marriage of 13-year-old girl Arzoo Raja.<sup>[21]</sup> The court further presented Arzoo with the choice to either reside at a shelter home to contemplate over her will until she reaches 18 years of age, or re-join her parents at any time. One year after she started staying in a shelter home, the court issued another order, reuniting Arzoo Raja with her parents rather than her fraudulent husband and directing Arzoo’s parents to let her practice Islam if she so chooses.<sup>[22]</sup>

v

In July 2021, the Lahore High Court held that “undeniably, neither any verse in the Holy Quran nor specific Hadith of the Prophet (PBUH)

expressly stipulates minimum age for conversion to Islam. Hazrat Ali, (R.A.) was only 10 years old when he accepted it. However, Muslim Jurists regard mental capacity of a child as of crucial importance when considering the question of his conversion. Age of discernment is generally reckoned as the age when one attains puberty.”

### **Minorities' Access to Justice**

The respondents made the following observations:

i

Many cases involving abduction, followed by child/forced marriage and forced conversions of minority girls are not reported to the police due to the stigma attached to the abduction followed by rape, and the alternative dispute resolution mechanism at community level wherein the committee comprising community leaders engages both parties and convinces them to mutually settle the matter out of court.

ii

The minorities lack access to justice due to financial constraints as exercising the right to fair trial involves a lot of financial resources, time, and efforts.

iii

The minorities face intimidation, harassment and threats from the

Muslims that prevent them from following-up the cases in courts of law. Several girls reunited with families after they faced abduction, forced marriage and forced conversion; however, minorities are not likely to file petitions in court to bring perpetrators to justice due to the influence of the actors involved in conversion.

iv

Minorities get frustrated from the investigation of cases, as the police (1) favour the influential Muslim parties over minorities, (2) use delaying tactics to avoid registering FIR against Muslims involved in abduction of minority girls for conversion, and (3) avoid applying all relevant sections in FIRs while they register complaints about commission of crimes. The police officers (4) do not investigate the complaints impartially and fairly. Instead, they (5) present the child marriages of minority girls as their love affairs with older Muslim men – many of whom already have wives and children – and (6) present certificates to the family of girl victims in order to discourage them from following-up the cases involving conversion of minority girls to Islam and their alleged marriage according to Muslim family laws.

v

Minorities are discouraged by the verdicts of the judiciary in cases involving forced conversion of minority girls, as the courts do not

impartially interpret the laws of the land dealing with child and forced marriage. Instead, the honourable judges validate the marriages and conversions of minor minority girls relying on the reasoning from the Islamic injunctions regarding the age of marriage (i.e. onset of puberty) and age of conversion (i.e. a person of any age). Resultantly, perpetrators get away with their crimes, and minority girls are ordered to stay with their captors/purported husbands.

### ***Application of Laws by Police***

Whilst all citizens in Pakistan face obstacles in access to justice, minority religious groups face even greater difficulties in the pursuit of justice. The police often turn a blind eye to reports of abduction and forced conversions, thereby creating impunity for perpetrators. The police forces, which are overwhelmingly Muslim, generally sympathize with the goal of converting religious minorities to Islam. In limited instances of police intervention, local leaders exert considerable pressure to prevent any action.<sup>[23]</sup>

The respondents made the following observations:

i

The police appear to be biased and reluctant to even register cases and investigate allegations of forced conversion. Problems also occur

with how the case is registered, the recording of the victim's statements, and incorrect charge sheets.

- ii Police face public pressure from society, specifically conservative right wing parties and their followers, which makes it difficult for the police to function even if they wished to. The role played by the police fosters an environment of insecurity and presumed impunity for perpetrators and results in further emboldenment.
- iii Usually, the girl victim's family files a criminal complaint for abduction or rape with the police. At the same time, the abductor, reportedly on behalf on the victim, will file a counter-complaint, attesting that the girl in question converted and married of her free will, and accusing the victim's family of harassment.
- iv The girl victim is then asked to testify in court whether she married and converted of her own free will or was abducted. In most cases, the girl remains with the alleged abductor while judicial proceedings are ongoing; as a result, she is often subjected to further threats, intimidation and coercion and, therefore, testifies in favour of the abductor, which leaves the girl victims and their families with no effective remedy.
- v The police officers lack knowledge

about the amendments introduced in the laws dealing with offenses relating to child marriage, forced marriage, abduction, etc. in recent years. Therefore, they tend to apply section 365-B of Pakistan's Penal Code on nearly all FIRs they lodge, and are found less likely to apply provisions of relevant laws such as sections 4/5 of the Child Marriage Restraint Act.

- vi The federal government in 2017 passed the Criminal Laws (Amendment) Act which revised Section 498(b) to criminalize forced marriage of non-Muslim girls/women. However, this provision is neither cited nor applied by police while lodging FIRs and investigating cases involving accusations of forced conversions and marriages of minority girls.

### ***Case Study 6: NADRA Facilitates the Child Marriage***

**Sunaina James Masih** is a 15-year-old girl and a school dropout belonging to a poor Christian family of five persons. She was abducted from Gujranwala on March 18, 2021, and was forcibly converted to Islam and married to Muhammad Frasat Ali S/O Muhammad Shahbaz Jutt.

Sunaina's mother Nazia registered an FIR dated March 26, 2021 at a police station in Aroop, Gujranwala, (No. 388/21 under

section 365-B, Kidnapping, abducting or inducing woman to compel for marriage etc.) against the perpetrators. Sunaina's family registration certificate and National Identity Card presented to authorities were both issued by NADRA under the influence of the perpetrators. These fraudulent documents tampered with Sunaina's true family and age data to falsely present her as an adult without requiring the presence and consent of her parents to enter a marriage. According to the official documents, her falsified date of birth is listed as 1 January 2002, almost two years prior to her parents' marriage which was solemnized on 7 December 2003.

Nazia submitted an application dated April 14, 2021 to the Federal Investigation Agency against NADRA for tampering with the family records and supporting the criminal activities of the perpetrators. On May 3, 2021, Nazia additionally filed a petition under Section 491 of the Criminal Procedure Code in a Gujranwala court seeking the recovery of Sunaina from Ali's illegal confinement. On May 5, 2021, the court dismissed the petition on the basis of Sunaina's coerced testimony before the police and the area magistrate, as well as the report prepared by police for cancellation of the case. Nazia subsequently filed a petition in the Lahore High Court, once again seeking her daughter's rescue, which was dismissed on the basis of Sunaina's statement in favour of her fraudulent husband.

## ***Attempts to Introduce Legislation***

In 2016, the Sindh Assembly passed the **Criminal Law (Protection of Minorities) Bill** outlawing forced conversions and conversions before the age of majority; however, Governor Saeed-uz-Zaman Siddiqui refused to give his assent to the bill on the objections raised by a religio-political party. In 2019, another bill was presented, however, it was rejected due to a similar reaction by the religious groups.

Three private member's bills were tabled in the parliament during its current tenure, namely by minority legislators; Naveed Aamir Jeeva[24] and Ramesh Kumar Vankwani[25] presented separate bills in the National Assembly, while Senator Muhammad Javed Abbasi[26] presented a bill in the Senate. Unfortunately, these bills prohibiting forced conversions were disposed of after the Standing Committees of the National Assembly and the Senate[27] had opposed them.

In 2021, the Muslim members of the Parliamentary Committee to Protect Minorities from Forced Conversions refused to consider the "Prohibition of Forced Conversions Bill 2021" for vetting by the parliament, due to opposition to the bill led by the Ministry of Religious Affairs and the Council of Islamic Ideology. They claimed that the bill was fundamentally against the principles of Sharia, and designated it an attempt to limit Muslims' right to religious freedom to convert non-Muslims to Islam.

## IV. Recommendations

Voice for Justice and Jubilee Campaign make the following recommendations to the Pakistani authorities:

1

Affirmative action must be taken for the protection, promotion, and fulfillment of minority rights, particularly in the context of reforming the existing civil and criminal justice system to render it more sensitive to the needs of victims of forced conversions and their families.

2

The authorities must ensure that the observance of a national religion neither impairs the enjoyment of any human rights or any minority religion, nor results in discrimination in law, policy, and jurisprudence against those who profess a faith or set of beliefs contrary to the national religion.

3

Ensure that an independent committee of experts comprised of jurists, human rights activists, and religious minorities are constituted to prepare a draft bill introducing safeguards against forced faith conversions in conformity with international human rights standards, including, in particular, respect to religious freedom, as well

4

Ensure that research is conducted to assess the prevalence and scale of forced conversions in Pakistan and the comprehensive data of all cases involving abductions, forced conversions, and forced marriages of religious minority girls and women. Similarly, ensure that findings are presented in the parliament for discussion and further action, which should guide the law and policy on the issue of forced conversions.

5

Ensure that police officers, judicial officers, and other relevant state actors are trained in domestic statutes, international human rights norms and laws, and in dealing comprehensively with cases of abductions, forced conversions, and forced marriages.

6

Ensure that faith conversions are regulated and testified by a competent court, and that the statement of minor girls who have allegedly converted is recorded not in open court but in the chamber of the judge in order to mitigate coercive efforts by abductors.

7

Ensure that certificates of conversions are issued by authorized entities and registered with the government, and prohibit the issuance of such certificates by schools, NGOs, political parties, or



other entities.

8

Ensure that bills criminalizing forced conversions and strengthening safeguards against child marriages, and violations of the age verification process, are tabled in the national and provincial legislative assemblies and vetted by the Standing Committees of the parliament on Human Rights and the Ministry of Law and Justice, rather than the Ministry or Standing Committee on Religious Affairs.

9

Ensure that educational measures using print, electronic, and social media are undertaken to strengthen public opinion in favor of the bill against forced conversions, to protect religious minorities from forced faith conversions.

10

Ensure that bills amending the Child Marriage Restraint Act are moved in the national and provincial legislative assemblies to ensure that the minimum marriageable age is set at 18 years for both boys and girls, and that marriage of underaged children is declared legally impermissible. As an interim measure, a suspension should be placed on the validation of any marriages associated with faith conversions by the magistrates.

11

Ensure that the marriage registrars are obligated to perform marriage rites and certification in the

presence of a legal guardian of girls, and after verifying the age of girls through official documents. Moreover, marriage registrars must ensure that all columns of the marriage certificate are properly filled with relevant information prior to solemnizing the marital union.

12

The court must consider official documents, including: birth registrations issued by the union council, baptismal certificates issued by churches, school certificates, family registration certificates, and national identity cards, as proof to verify the ages of the victims; additionally, when such documents are unavailable, the court must consider the results of non-invasive ossification tests which ascertain the age of the alleged victim by examining bones.

13

The court should issue verdicts relying on domestic and secular laws and rescind verdicts conforming with Islamic jurisprudence that consider the marriage of minor girls legal. Moreover, the court must ensure that the proceedings guarantee the right to a fair trial for all, and that victims have the right of access to justice and to an effective remedy.

14

Ensure not only that police apply provision 365-B of the Penal Code relating to the offense of abduction while registering the FIR, but also

that perpetrators are apprehended and brought to justice to prevent the miscarriage of justice by using all relevant existing legal safeguards under sections 498-B[28] and 364-A[29] of the Penal Code.

15

Ensure that cases involving allegations of forced child marriage, forced conversions, and sexual violence of girls and women from religious minority communities are independently, impartially, and promptly investigated and prosecuted with a view to all conditions of coercion or threat under which such marriages are contracted and alleged religious conversions are made.

16

Ensure that abducted girls are timely and safely recovered from the captivity of their abductors, and that they are able to provide uncoerced testimonies of their circumstances without fear of retaliation from their perpetrators.

17

Ensure that the newly converted minor girls are recovered, and are provided some form of temporary accommodation in a shelter home during the trial. Additionally, ensure that they are not forced to engage in religious instruction during their residence, and the abductors or abettors are prohibited from visiting the victims.

18

Legislative and educational measures should be taken to ensure that girls and women are free from physical abuse, domestic and sexual violence, or being subjected to any medical procedure without informed consent, and deprivation of reproductive autonomy and rights.

## V. Annexes

### *Annex 1: Description of Notable Cases*

**Myra Shehbaz**, a 14-year-old Christian girl, was abducted in Faisalabad on April 1, 2020 by Muhammad Naqash, who forcibly converted her to Islam and married her off against her free will. Fortunately, Myra managed to flee and reunite with her family on August 4, 2020. She appeared before the court that and testified that she was abducted, threatened, filmed whilst being raped, and forced to engage in prostitution. Although the court ordered the return of custody of Myra to her parents, the perpetrators were not brought to justice.

**Farah Shaheen** d/o Asif, a 12-year-old Christian girl, was abducted on June 25, 2020 by Khizar Hayat and Ahmed Ali from Faisalabad and was taken to Hafizabad district 110 kilometers away. A First Information Report (FIR) was filed at the Sargodha Road police station in September 2020, four months after the incident. When the police recovered Farah, she was shackled and there were marks of physical violence on her body. While recording her statement in court, she explained that the abductor used her to take care of cattle and also repeatedly subjected her to violence. The court reverted custody of Farah to her natural guardians, however, the perpetrators were not prosecuted.

**Arzoo Raja**, a 13-year-old girl, was abducted from Karachi on October 13, 2020 by Azhar Ali, aged 44, who forced her to embrace Islam and married her off against her free will. An FIR was lodged at a Karachi police station against the perpetrators. On 9 November 2020, the court ordered her to stay at a shelter home until she attains the age of majority, however, on 22 December 2021, the court permitted her to rejoin her parents and directed her parents to allow her to practice Islam if she so wished.

**Sania Lateef**, a Christian girl, was kidnaped by two Muslim men Muhammad Naveed and Muhammad Pervaiz from Faisalabad. Her parents attempted to file a complaint with the police, however, the officials refused to register the First Information Report.

**Huma Younas**, a 14-year-old girl, was abducted on 10 October 2019 from Karachi by three Muslim men who took her to Dera Ghazi Khan district in Punjab province. An FIR was registered under section 365-B of the Penal Code. The family submitted a writ petition to the court and claimed that the girl was a minor, thus, the act of conversion and marriage would be illegal according to the law of the land. Huma's parents have produced a birth certificate issued by the National Database and Registration Authority (NADRA) – a competent authority. Despite the valid evidence of Huma's underage status, on 3rd February 2020, the court dismissed the petition in favor of the abductors, and allowed the perpetrators to maintain custody of Huma.

**Malaika Sabir** d/o Pastor Sabir Masih, a 13-year-old Christian student of grade 5, was sexually harassed on 4th April 2019 in Raiwind by a local Muslim named Raissat s/o Sona, who forcefully entered her home. An FIR was submitted against Riassat Ali in a local police station, however, authorities did not investigate. Local community pressure forced the police department to arrest the perpetrator and produce him before a court of law. The court issued an order for judicial remand of the perpetrator.

**Beenish Imran Masih**, a 14-year-old Christian girl, was abducted from Lahore on 2 July 2019 by Muslim man Waheed Ahmed, who forced her to convert to Islam and forcibly married her. An FIR was filed in a local police station. The perpetrator produced fraudulent certificates of religious conversion and marriage that alleged Beenish to be 19 years old. The district magistrate did not accept the family's claim of Beenish's status as a minor despite their providing documentary proof, thus preventing the return of custody of the abductee to her natural guardians.

**Faiza Mukhtar Masih**, a 15-year-old Christian minor, was kidnapped by her Muslim school principal Saleema Bibi and transported to a Muslim seminary to convert to Islam in Sheikhpura. Faiza's parents reported their daughter's disappearance to the local police station, and when the family and police officers contacted the local school administration, they were informed that Faiza had willfully joined a seminary to learn Islamic teachings. Nevertheless, the police rescued Faiza and produced her before the court which ordered to temporarily stay at the Faiza at Dar-ul-Aman, a women's shelter home.

**Sobia Bibi** and her four-year-old Christian daughter Mahum were pressured to convert to Islam by Bibi's in-laws who had already embraced Islam. Sobia refused to do so, and her in-laws subsequently detained her four-year daughter as a tool to compel her, forcibly placing her thumb impression on a certificate of religious conversion.

**Sara Aslam Masih**, a 17-year-old Christian girl, was abducted from Sheikhpura on May 15, 2019 by Muslim man Ali Raza who later made her convert to Islam and marry him against her will. An FIR was registered at a local police station but authorities did not take action. Fortunately, local pressure and the interest of religious leaders in the matter made the police department apprehend the perpetrator.

**Saima Naveed Iqbal**, a 35-year-old Christian mother of three children, was taken from Islamabad by a Muslim man named Muhammad Khalid Sati, who converted her to Islam and forcibly married her. An FIR was registered at a local police station. Authorities rescued Saima after ten days, yet the perpetrators produced fraudulent certificates of religious conversion and marriage and thus claimed custody of Saima. The complainant appealed to the (then) Prime Minister of Pakistan and Chief Justice of Pakistan for effective remedy.

**Neha**, a 14-year-old Christian girl, was forcibly converted to Islam and married to a 45-year-old Muslim man who was already married with children. An FIR was submitted and authorities arrested the culprit. The perpetrator was convicted under charges of rape and underage marriage and is now serving time in prison.

**Shazia Bibi**, a Christian girl of 19 years, was forcibly converted and married to a Muslim man in Gujranwala. She previously was a domestic worker at her abductor's house, who later made her embrace Islam and marry him. The local police station recorded an FIR and subsequently rescued Shazia and produced her in court. Fortunately, the court permitted Shazia to return to her family.

**Sadaf Masih**, age 13, was abducted in Bahawalpur by a man named Maqbool Hussain and two others. The family contacted two of the abductors' relatives who promised to return Sadaf in a few days. Instead of returning Sadaf, the abductors revealed that the girl had reportedly embraced Islam and married one of the abductors. The perpetrators produced false certificates of religious conversion and marriage that alleged that Sadaf was 18 years old.

**Samra Munir**, a 14-year-old, was abducted in Faisalabad by a Muslim man named Muhammad Ramiz who forcibly converted her to Islam and married her against her will. The local police station registered the incident after two days, yet did not take any action to recover the abductee. The outraged local community and church clergy convinced authorities to initiate an investigation and take action to recover Samra.

**Sadaf Amir Khan**, age 13, was abducted from Bhawalpur on February 6, 2019 by three Muslim men named Mubashir Abbas, Azhar Hussain, and Maqbool Khan, who forced her to convert to Islam; additionally a fraudulent marriage was contracted between Sadaf and one of her abductors. A local police station filed an FIR on 15 February 2019, citing (a) Section 22-A of the Criminal Procedure Code (Cr. P.C.), (b) Section 365-B and 380 of Pakistan's Penal Code (PPC), and (c) Sections 4 and 5 of the 1929 Child Marriage Restraint Act. On February 9, 2019, the abductors filed a petition in a court against the Station House Officer (SHO) alleging that Sadaf willfully converted to Islam and married according to her own wishes and that police officers were harassing them regarding the case. The court ruled in favor of Sadaf on February 15, 2019.

**Saima Sardar**, a 30-year-old, was killed on 19 July 2019 in Faisalabad after she refused to convert to Islam and enter marriage with a Muslim man named Muhammad Waseem. The local authorities recorded an FIR.

**Rimsha Javed**, a 15-year-old girl, was abducted in March 2019 by a Muslim man named Khalid Shah who forced her to embrace Islam and contract a marriage with him. An FIR was lodged on 27 September 2019 at the local police station.

**Saneha Kinza Iqbal** d/o Pastor Morris Massih, a 15-year-old Christian girl, was kidnapped on July 21, 2020 by a Muslim man named Saeed Amanat, who was already married and had four children. On 22 July 2020 local police filed an FIR. The abductor produced false certificates of religious conversion and marriage that mischaracterized Saneha as 18 years. Saneha's family filed a petition to the High Court Lahore to recover her; however, the court did not accept the family's claim regarding Saneha's age and abduction and allowed the perpetrator to maintain custody of Saneha.

**Saima Javed**, 13 years old, was abducted on March 1, 2020 by two Muslim men Shan Shera and Nazir Shera who forced her to convert to Islam and marry one of the perpetrators. On March 26, 2020 a sessions court ordered that Saima be reunited with her family.

**Sheeza Maqsood**, 16, was converted to Islam at gunpoint; additionally, under threat of death to her family, she married one of the kidnappers who subsequently raped her for one month and a half. Sheeza was rescued and she currently lives with her family who have repeatedly received death threats from the kidnapper's family.

**Farzana Sohail**, a 12-year-old Christian minor, was abducted in June 2020 by a Muslim man named Arif Ahsan, who converted her to Islam and contracted marriage with her. An FIR was registered on September 19, 2020, three months after the incident. The abductors produced false marriage and religious conversion certificates which listed Farzana's age as 17 years. Resultantly, the authorities affirmed and upheld the custody of the minor by the abductor. However, increasing community agitation and sit-ins in front of the police station forced authorities to take action to rescue Farzana and send her to Dar-ul-Aman.

On September 8, **Mehwish Hidayat**, a 22-year-old Christian, was reunited with her family after spending three months in captivity. In June, Khurram Shehzad, a Muslim, abducted Hidayat while she traveled to her job at a garment factory in Lahore. According to Hidayat, Shehzad and several other armed men abducted her while she was waiting for the bus on June 3. For the next three months, Shehzad kept Hidayat in his custody. To justify this captivity, Shehzad fraudulently claimed that Hidayat had converted to Islam and married him. For three months Shehzad repeatedly shifted Mehwish from one city to another and consistently sexually assaulted her.

**Mashal Rafique Masih**, a 17-year-old Christian teenage girl, was kidnapped on January 5, 2021 from Rawalpindi by two unidentified individuals. The local police station filed an FIR to rescue Mashal.

**Shakaina Johnson**, a 13-year-old Christian, disappeared in Lahore on February 19, 2021. She was working as a domestic helper alongside her mother Samina, and both Samina and Shakaina's father Johnson believed their daughter was kidnapped after leaving the home of a family she served as a domestic worker. Samina and Johnson filed an FIR two days later on 21 February 2021; the following month, they received news that Shakaina had allegedly converted to Islam and reportedly married an older Muslim man named Ali Bashir who provided authorities with counterfeit Islamic marriage certificates.

**Beenish Javaid**, a Christian teenager, was abducted on March 23, 2021 in Lahore by Muhammad Ramzan along with two accomplices. The perpetrators forcibly converted Beenish to Islam and one of the men illegally married her. Local police filed an FIR. The police department rescued Beenish on March 29, 2021, permitted her parents custody, and arrested the perpetrators.

**Kiran Bashir**, age 17, was abducted by a Muslim man who converted her to Islam and married her against her will, after which an FIR was lodged at the local police station. Regrettably, the court permitted the abductor to maintain custody of Kiran.

**Misbah Imdad**, a 17-year-old Christian girl, was threatened and harassed in Faisalabad by Muslim man Muhammad Saqib who made the family shift shelters. Saqib forcibly converted Misbah and married her against her will. After an FIR was filed at the local police station, authorities successfully arrested the culprits who are currently imprisoned for their crimes.

**Sawera Khalid**, a 13-year-old Christian girl, was kidnapped on February 17, 2021 in Lahore by a Muslim man who forced her to convert to Islam. Authorities registered an FIR against the perpetrator and subsequently rescued Sawera, after which they produced her before the court. Court orders dictated the return of Sawera to her natural guardians.

**Abroo Majeed**, age 18, was kidnapped on July 26, 2021 in Gujranwala by a Muslim man who forcibly converted her to Islam and married her. Local authorities filed an FIR and rescued Abroo from her captor, after which she was safely returned to her family.

**Neha Rifaqat Masih**, a Christian girl, was kidnapped in Islamabad on April 4, 2021, raped, and forcefully converted to Islam by Muhammad Tayyab. Local authorities registered an FIR to detain the perpetrators. Unfortunately, instead of returning custody of Neha to her parents, the court ordered to send Neha to Dar-ul-Aman.

**Merab Abbas**, a 12-year-old Christian girl, was abducted in Sahiwal on November 2, 2021 by a Muslim man named Muhammad Daud who subsequently forced her to convert to Islam and marry him. Local authorities filed an FIR, after which they arrested two suspects for further investigation.

**Samina Anwar**, an 18-year-old girl, was abducted on July 18, 2021 in Nankana Sahib by Muhammad Ramzan who forcibly converted Samina to Islam and married her. An FIR was submitted at the local police station.

**Simran Iqbal Masih**, a 15-year-old Christian girl from Nankana Sahib, was kidnapped at gunpoint by Muslim man Ali Raza in Faisalabad. An FIR was filed at the local police station.



**Aleesha Nadeem Masih**, age 9, was abducted, raped, and forcibly married to a 45-year-old Muslim man named Babar in Hyderabad. An FIR was lodged against the perpetrator at the local police station.

**Princy Francis**, age 14, was abducted by Muslim man Akhtar Shah for the purpose of forcible religious conversion and marriage. Nine days after the incident, authorities filed an FIR, rescued Princy, and produced her before the court which sent the girl to Dar-ul-Aman and convicted the perpetrators.

**Reena Nazir**, a 17-year-old girl, was abducted in Faisalabad by Muhammad Waqas and two accomplices. Local officers filed an FIR and rescued Reena.

**Muqadas Nadeem**, age 16, was abducted on August 12, 2021 by Muslim man Muhammad Azeem who forcibly converted her to Islam and contracted marriage with her. The local police station registered an FIR against the perpetrator. Azeem produced counterfeit faith conversion and marriage certificates and falsely claimed that Muqadas was an adult.

**Shiza Ghafoor**, age 15, was abducted at gunpoint in Faisalabad by two Muslim men Ali Raza and Lali Iqbal. Authorities registered a case against the kidnappers but no arrest was made. Regrettably, we have received no further updates of Shiza's circumstances.

**Shamim Bibi**, a mother of five children, was abducted on July 5, 2021 by Muslim man Muhammad Akbar who converted her to Islam and forced her to marry him. Instead of registering the complaint of the victim's family, authorities filed the claim of the abductor that Shamim had willfully embraced Islam and contracted marriage with him. Contrarily, Shamim refused to accept this false claim.

**Shabana Bibi**, age 21, was abducted in Lahore by Muhammad Asif who forced her to embrace Islam and contract a marriage with him. Asif threatened to kill Shabana in order to coerce her to sign false documents of conversion and marriage. After some time, Shabana managed to escape captivity and reunite with her family.

**Aleeza Naeem**, a 19-year-old student, was kidnapped from Faisalabad on 13 March 2022 by a Muslim man named Muhammad Rashid while she was on her way to an educational centre. Rashid was assisted in the abduction by two accomplices, Muhammad Hassan and Muhammad Sarwar.

**Meerab Palous**, a 15-year-old girl, was at home on 22 June 2022, with her parents upstairs, when a family friend and neighbor drugged her and kidnapped her with the assistance of a half-brother. Other neighbors who had witnessed the perpetrators loading the unconscious Meerab into a car informed her parents the next morning of what had transpired. The kidnapper's family soon informed Meerab's parents that she must convert to Islam and marry him.

**Persicla Dilawar**, a 15-year-old Christian girl, was abducted from her home in Sumundhari, Faisalabad. Persicla's father Dilawar reported he and his wife were asleep when Muslim man Muhammad Qasim broke into their home and kidnapped their daughter. Qasim reportedly threatened them with death if they reported the incident. Consequently, Qasim forcibly married Persicla.

## Annex 2: List of List of Christian Girl Victims/Survivors of Forced Conversions

#	Date	Victim Name	Victim Age	District	Province
1	January '19	Christine Jalil	13	Faisalabad	Punjab
2	February '19	Saima Iqbal	35	Islamabad	Islamabad
3	February '19	Saadaf Khan	13	Bahawalpur	Punjab
4	February '19	Sheeza Riasat	15	Gujranwala	Punjab
5	February '19	Shazia Bibi	35	?	Punjab
6	March '19	Rimsha Javed	15	Lahore	Punjab
7	March '19	Nida	11	Hyderabad	Sindh
8	April '19	Areesha	14	Lahore	Punjab
9	April '19	Neha Pervaiz	14	Karachi	Sindh
10	April '19	Malaika Sabir	13	Lahore	Punjab

#	Date	Victim Name	Victim Age	District	Province
11	April '19	Sadaf Emmanuel	12	Lahore	Punjab
12	May '19	Sara Aslam	17	Sheikhupura	Punjab
13	May '19	Sania Lateef	15	Faisalabad	Punjab
14	May '19	Sheetal Asgher	17	Sheikhupura	Punjab
15	June '19	Neha Khawar	?	Lahore	Punjab
16	June '19	Beenish	?	Sheikhupura	Punjab
17	June '19	Saima Riaz	14-15	Faisalabad	Punjab
18	July '19	Pumy Muskan	14	Sargodha	Punjab
19	July '19	Saima Sardar	30	Faisalabad	Punjab
20	July '19	Beenish Imran	14	Lahore	Punjab
21	August '19	Kanwel	?	Lala Musa	Punjab
22	September '19	Sobia	?	Kasur	Punjab
23	September '19	Faiza Mukhtar	15	Sheikhupura	Punjab
24	September '19	Samara Munir	14	Faisalabad	Punjab
25	October '19	Mahek Bashir	14	Faisalabad	Punjab
26	October '19	Charlotte Javed	13	Faisalabad	Punjab
27	October '19	Huma Younas	14	Karachi	Sindh
28	March '20	Komal Patras Saleem	18	Lahore	Punjab
29	March '20	Saima Javed	12	Faisalabad	Punjab
30	April '20	Myra Shehbaz	14	Faisalabad	Punjab
31	June '20	Mehwish Hadayat	22	Youhanabad, Lahore	Punjab
32	June '20	Farah Shaheen	12	Faisalabad	Punjab
33	June '20	Farzana Sohail	12	?	Punjab

#	Date	Victim Name	Victim Age	District	Province
34	June '20	Saneha Kinza	15	Faisalabad	Punjab
35	September '20	Sheeza Maqsood	16	Faisalabad	Punjab
36	October '20	Shama	25	Gujranwala	Punjab
37	October '20	Mehwish Haroon	13	Lahore	Punjab
38	October '20	Arzoo Raja	13	Karachi	Sindh
39	December '20	Sanam Munir	13	Okara	Punjab
40	January '21	Mashal Rafique	17	Rawalpindi	Punjab
41	January '21	Neha Munawer	13	Muzaffargarh	Punjab
42	February '21	Sawera Khalid	13	Lahore	Punjab
43	February '21	Mishal Adnan Naveed	15	Karachi	Sindh
44	February '21	Shabana Bibi	21	Lahore	Punjab
45	February '21	Mehwish Patras	14	Gujranwala	Punjab
46	February '21	Shakaina Johnson	13	Lahore	Punjab
47	March '21	Kiran Bashir (Ayesha)	16	Lahore	Punjab
48	March '21	Beenish Javaid	15	Lahore	Punjab
49	March '21	Sunaina James	14	Gujranwala	Punjab
50	March '21	Muskan Sabir	19	Sialkot	Punjab
51	April '21	Maham Niaz	7	Lahore	Punjab
52	April '21	Neha Razaqat	?	Islamabad	Islamabad
53	April '21	Amsaal Haroon	16	Gujranwala	Punjab
54	May '21	Shanza	14	Sukker	Sindh
55	May '21	Nayab Shahid Gill	14	Gujranwala	Punjab

#	Date	Victim Name	Victim Age	District	Province
56	June '21	Abroo Majeed	18	Gujranwala	Punjab
57	June '21	Sandhia	14	Gujranwala	Punjab
58	June '21	Shama Baboo Masih	14	Karachi	Sindh
59	July '21	Shamim Bibi	?	Sheikhupura	Punjab
60	July '21	Alesha Nadeem Masih	9	Hyderabad	Sindh
61	July '21	Samina Anwer	16	Nankana Sahib	Punjab
62	July '21	Kainat	16	Lahore	Punjab
63	July '21	Saira Waris	17	Gujranwala	Punjab
64	July '21	Chashman Kanwal Gulzar	14	Faisalabad	Punjab
65	July '21	Reena Nazir	17	Faisalabad	Punjab
66	August '21	Princy Francis	14	Haripur	Khyber Pakhtunkhwa
67	August '21	Muqadas Nadeem	16	Shorkot	Punjab
68	August '21	Simran Iqbal	16	Nankana Sahib	Punjab
69	August '21	Shiza Ghafoor	15	Nankana Sahib	Punjab
70	August '21	Mumtaz Bibi	38	Faisalabad	Punjab
71	August '21	Beenish	20	Lahore	Punjab
72	August '21	Anita Emmanuel	18	Bahawalpur	Punjab
73	September '21	Liza Younas	8	Karachi	Sindh
74	September '21	Nisha Sattar	17	Sheikhupura	Punjab
75	September '21	Aster Saddique	15	Lahore	Punjab
76	October '21	Misbah Imdad	17	Faisalabad	Punjab
77	October '21	Maryam Anwer	13	Lodhran	Punjab
78	November '21	Saba Bibi	15	Bahawalpur	Punjab

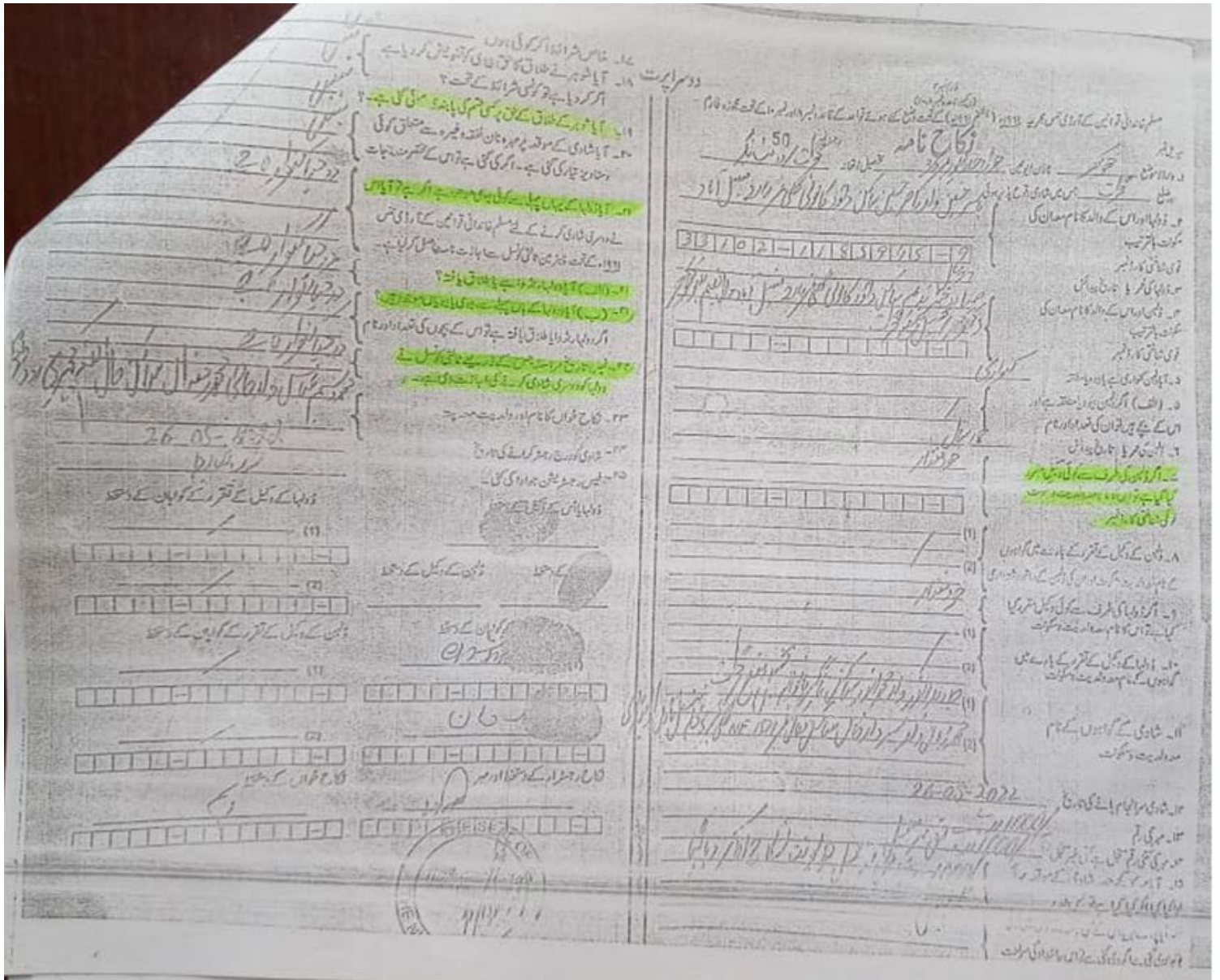
#	Date	Victim Name	Victim Age	District	Province
79	November '21	Merab Abbas	12	Sahiwal	Punjab
80	December '21	Zarish	17	Kasur	Punjab
81	December '21	Angel	15	Kasur	Punjab
82	January '22	Mahnoor Ashraf	14	Lahore	Punjab
83	January '22	Naima/Haleema Javed	15	Lahore	Punjab
84	February '22	Hina Mukhtar Masih	22	Sheikhupura	Punjab
85	February '22	Mariam Ashraf	14	Sahiwal	Punjab
86	March '22	Parsicla Dilwar	15	Faisalabad	Punjab
87	March '22	Aliza Naeem Akhter Masih	20	Faisalabad	Punjab
88	March '22	Neha Tufail Masih	15	Gujranwala	Punjab
89	March '22	Mariam David	15	Karachi	Sindh
90	March '22	Merab Mohsin	16	Karachi	Sindh
91	April '22	Zarvia Parvaiz	12	Rawalpindi	Punjab
92	May '22	Saba Nadeem Masih	15	Faisalabad	Punjab
93	May '22	Fiza Irfan	12	Toba Tek Singh	Punjab
94	June '22	Meerab Polous	15	Faisalabad	Punjab
95	July '22	Muni Kanwal Yousif Masih	16	Okara	Punjab
96	July '22	Maha Asif	12	Lahore	Punjab
97	July '22	Merry Afzal	17	Sahiwal	Punjab
98	August '22	Muqadas Anwar	22	Faisalabad	Punjab
99	September '22	Muskan Ashiq	14	Faisalabad	Punjab
100	September '22	Riya Kayanat	15	Faisalabad	Punjab

# Annex 3: Certificates of Marriage

3.1 Marriage certificate of a minor girl, **Nayab Shahid Gill**, Gujranwala, which obtained validation by the courts in Pakistan, despite that it was not properly filled, was without names of witnesses, and falsely showed her as adult & self-sufficient



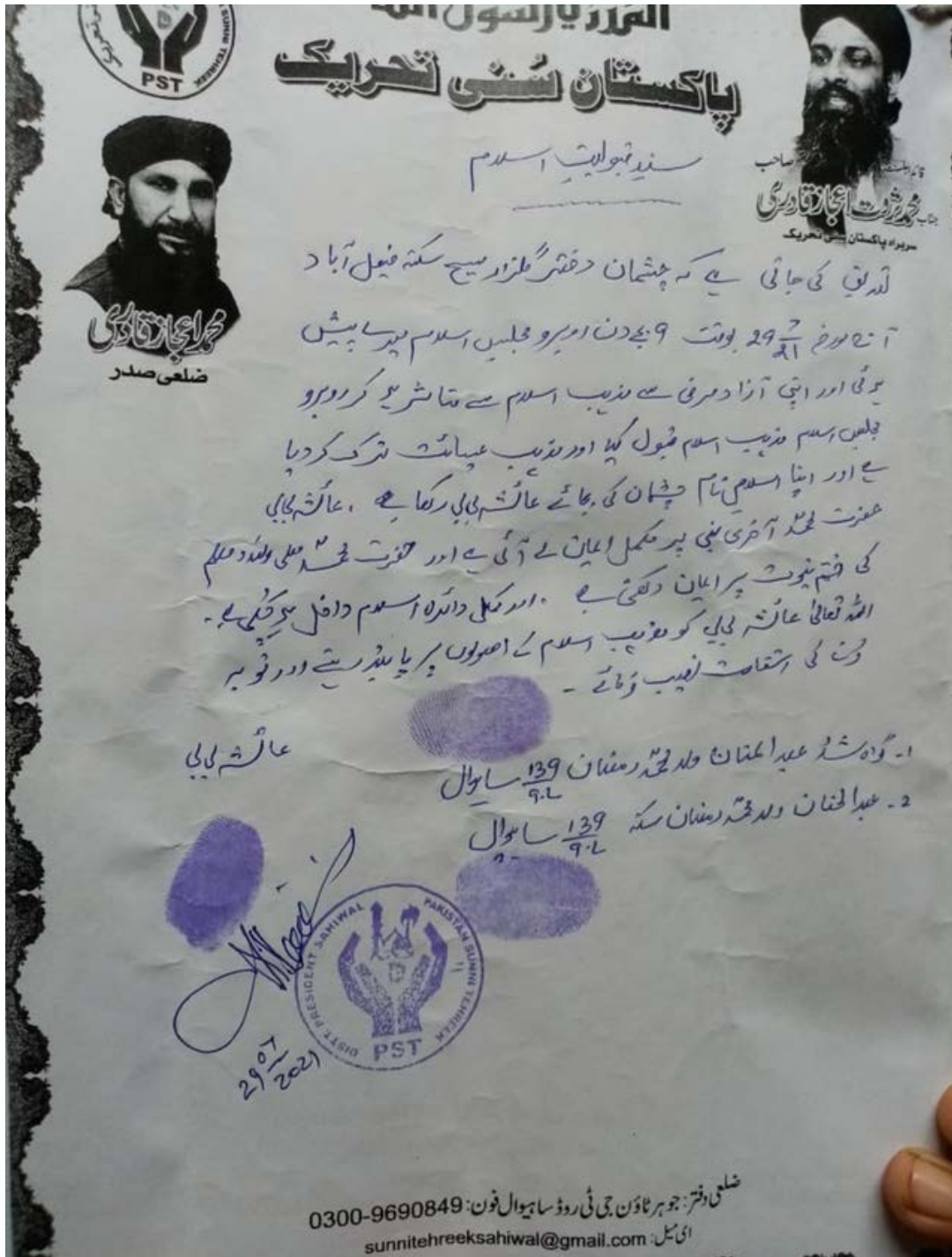
**3.2 Marriage certificate of a minor girl, Saba Nadeem, which misrepresents her as adult & self-sufficient, and her purposed husband as bachelor, despite that he is already married with children**






## Annex 4: Certificates of Conversion

4.1 A political party issued the following certificate of conversion for a minor girl, **Chashman Kanwal**



4.2 An NGO issued the certificate of conversion below for a minor girl, **Nisha Sattar**

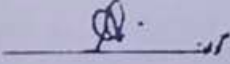
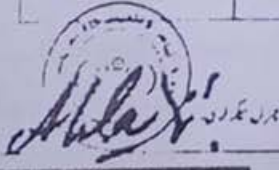
  
**حقوق الناس و يلفينر فاؤنڈيشن**  
**سند قبول اسلام**

سابقہ نام: شادی کی اسلامی نام: اسماء ولد اشوبہ ستار  
 ایڈریس: محلہ سینہ بازار درویشی کے مدرسہ شیخوادیہ  
 تاریخ پیدائش: 2005ء 11 مارچ 11: 21-22-06-08

میں کوئی دین اور دینی ہوں کہ اللہ ایک ہے اسے سوا کوئی مہات کے لائق نہیں  
 اور میں کوئی دین اور دینی ہوں کہ محمد اللہ کے بندے اور اسے رسول ہے  
 محمد اللہ کے آخری رسول ہیں اب قیامت تک کوئی نیا نبی یا رسول نہیں ہوگا  
 میں ایمان لایا لاتی ہوں اللہ کے فرشتوں پر  
 اور تمام انبیاء اور رسولوں پر  
 تمام آسمانی کتابوں پر  
 انہی بری ہتھیروں پر

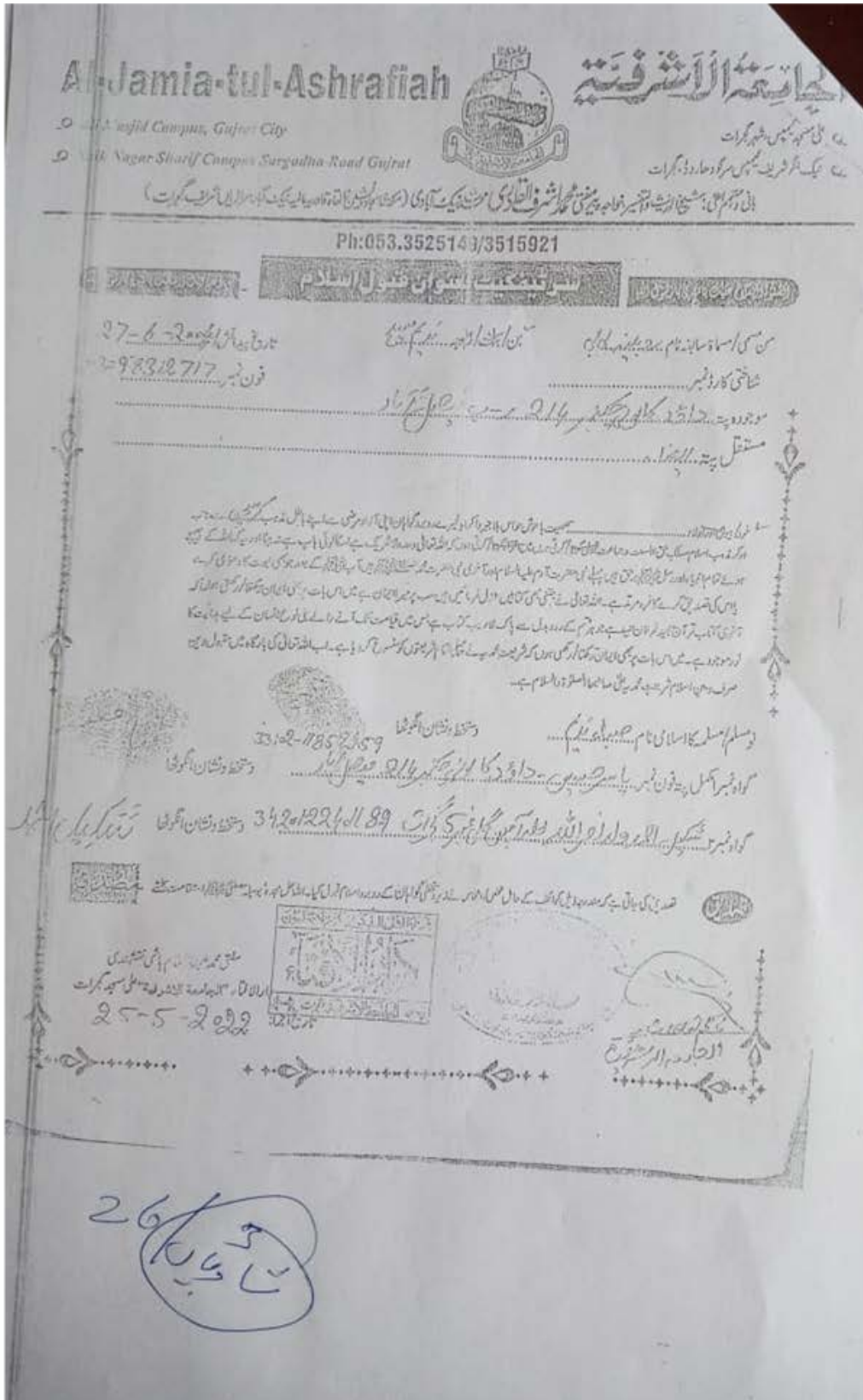
میرے خاندان کے درج ذیل افراد نے بھی میرے ساتھ اسلام قبول کیا ہے:

نمبر	سابقہ نام	ولدیت	ر	اسلامی نام	میرے خاندان کے ہیں
1					
2					
3					
4					
5					
6					

 **Nisha** مسلمہ  
 **Ahsan**

Scanned by TapScanner

4.3 A madrassah (seminary) issued this certificate of conversion for a minor girl, **Saba Nadeem**





## 5.2 FIR in the case of Zarvia Parvaiz

سبریل نمبر: RWP-SDB-010216

پولیس فارم نمبر 24-5 (1)

ابتدائی اطلاقی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ نوعداری

نمبر: 1189/22 قتانہ: صادق آباد ضلع: راولپنڈی ای لیک نمبر: Sadiqabad-5/1/2022-6766 تاریخ و وقت وقوع: 30-04-2022 12:00 PM

1 تاریخ و وقت رپورٹ	6 قتانہ سے روانگی کی تاریخ و وقت	بذریعہ ڈاک
2 نام و سکونت اطلاع دہندہ مستفیث	3 مختصر کیفیت جرم (محدود دفعہ) و مال اگر کچھ گنومیا ہے	بجرم: 365B
4 جائے وقوعہ و فاصلہ قتانہ سے اور سمت	5 کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہوا ہو تو اس کی وجہ بیان کی جاوے	بند رقمہ بلال کالونی نزد ہارون چوک بقاسلہ قریب 2 کلو میٹر جانب مغرب از قتانہ
بیت نمبر: 1 خرم کالونی، مسلم ٹاؤن، ہارون چوک، بہاری کالونی، صادق آباد چوک تاکری روڈ		
حسب آمد درخواست مقدمہ درج رجسٹر ہوا		

دستخط: ہارون یوسف

بیلٹ نمبر: TASI عہدہ: TASI

مبلی فون نمبر: 03335875003

(ابتدائی اطلاع نیچے درج کریں)

بخدمت جناب SHO صاحب قتانہ صادق آباد راولپنڈی جناب عالی گزارش ہے کہ میں اصل سکونتی ناروال کا ہوں شکرپال میں کرایہ کے مکان میں رہائش پذیر ہوں۔ بلدیہ کارپوریشن راولپنڈی میں ملازمت کرتا ہوں۔ شادی شدہ ہوں 3 بچے ہیں۔ ایک بیٹی بھر قریب 13 سال مسماہ زروبیہ پرویز آج تقریباً 12 بچے میرے بیٹے کسی ابراہیم پرویز کے دوست عمران شہزاد کی بیوی مسماہ عدیبہ کے ساتھ گھر سے باہر نکلی جو کافی دیر تک واپس نہ آئی تو میں نے اور میری بیوی نے تلاش کرنا شروع کر دیا جو نہ ملی ہے۔ کہ اب میری بیوی مسماہ یاسمین پرویز کے موبائل فون نمبری 03145595342 پر کسی عمران شہزاد کا واٹس میج آیا کہ زروبیہ پرویز میرے پاس ہے۔ جسکو میں واپس نہ کروں گا۔ عدیبہ نے عمران شہزاد اور لیاقت کے ساتھ مل کر میری بیٹی کو زناہ حرام کاری کے لیے اغواء کر کے سخت زیادتی کی ہے۔ عمران شہزاد و عدیبہ کے خلاف قانونی کارروائی کر کے میری بیٹی کو بازیاب کر کے میری داد رسی کی جائے۔ العارض دستخط بحروف اردو پرویز ولد برکت مسیح سکند ڈاکخانہ خاص چاندیاں والی تحصیل و ضلع ناروال حال گلی نمبر 5 مکان نمبر BC-209 بلال کالونی ہارون چوک صادق آباد شناختی کارڈ نمبر 3740504609719 فون نمبر 03201574407/03175217664 کارروائی پولیس: ساکس درج بالا نے بمقامی قتانہ تحریری درخواست پیش کی جو کہ حرف بحرف درج بالا ہوئی مضمون درخواست و حالات واقعات سے سردست صورت جرم 365B پ پائی جا کر رپورٹ ابتدائی اطلاقی ہذا جرم مذکور مرتب ہوئی۔ اصل درخواست مع نقل FIR مراہ لیکر میں مصروف تفتیش ہوتا ہوں۔ محرر بعد تکمیل دیگر ریکارڈ دیگر فتول ہائے FIR جا بجا افسران مجاری خدمت میں ارسال کرے۔

ہارون یوسف TASI  
01-05-2022

## Annex 6: Court Case Verdict Excerpts

### 6.1 Pummy Muskan Case

Stereo. HCJDA 38

### JUDGMENT SHEET IN THE LAHORE HIGH COURT, LAHORE

JUDICIAL DEPARTMENT

**W.P. No.45156 of 2019**  
(Nasira v. Judicial Magistrate and 5 others)

### **JUDGMENT**

<b>Date of hearing</b>	<b>02.08.2019</b>
<b>Petitioner by:</b>	<b>Malik Zeeshan Ahmad, Advocate</b>
<b>Respondents by:</b>	<ul style="list-style-type: none"><li>• <b>Malik Naveed Akram, Assistant Advocate General</b></li><li>• <b>Mr. Shaukat Ali Mirza, Advocate for Respondents No.5 &amp; 6</b></li></ul>
<b><i>Amicus curiae</i></b>	<b>Mr. Sheraz Zaka, Advocate</b>
<b><i>Research Officers:</i></b>	<ul style="list-style-type: none"><li>• <b>Mr. Muhammad Sher Abbas</b></li><li>• <b>Mr. Shafqat Abbas Mighiana</b></li><li>• <b>Mr. Muhammad Shafique</b></li><li>• <b>Mr. Fakhar Bashir Sial</b> (Lahore High Court Research Centre)</li></ul>

Petitioner: Pummy Muskan's mother Nasira

Respondents: Pummy's employers

**TARIO SALEEM SHEIKH, J.-** The Petitioner, Nasira, has filed this petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 (the "Constitution"), praying that her minor daughter Pummy Muskan be recovered from the alleged illegal custody of Respondent No.5 & 6 and dealt with in accordance with law.

14-year-old Pummy was employed as a domestic worker by two Muslim individuals. When Pummy's mother visited her daughter, her employers claimed Pummy had converted to Islam and did not want to continue having a relationship with her mother.

2. Brief facts giving rise to this petition are that the Petitioner is a Christian by faith and her husband is confined in jail serving sentence in a criminal case. She is supporting a large family all by herself working in different houses. Respondent No.5 & 6 employed her 14-year-old daughter Pummy Muskan for household chores promising not only to pay for her needs but also provide education. After a few months when the Petitioner went to meet Pummy Muskan Respondents No.5 & 6 told her that she was with the sister of Respondent No.5 in another city and having embraced Islam did not want to see her any more. The Petitioner protested but they turned her out of their house. She approached the Respondent SHO but he did not help. The local Christian leader, Ch. Mushtaq Gill, then intervened and informed the Respondent SHO that the incident had hagridden his community and urged him to recover the girl. The police officer was initially reluctant but eventually agreed to produce her before the Judicial Magistrate, Sargodha, on 5.7.2019. Respondents No.5 & 6 also entered appearance before the Magistrate that day. During the proceedings the Respondent SHO confirmed that Pummy Muskan had embraced Islam but, in view of her tender age, requested that she should either be handed over to the Petitioner or sent to *Dar-ul-Aman* (shelter home). The Magistrate recorded Pummy Muskan's statement who expressly stated that she did not want to go with the Petitioner. Accordingly, he lodged her in *Dar-ul-Aman*.

3. According to the Petitioner, she requested the Superintendent Dar-ul-Aman to allow her to see Pummy Muskan but he refused. On 8.7.2019, she learnt that the Magistrate had ordered her release and the Superintendent had once again handed her over to Respondents No.5 & 6. Consequent thereupon she filed the instant petition before this Court.

4. This Court directed the Respondent SHO to recover Pummy Muskan who has produced her today.

When interviewed by the Magistrate, Pummy insisted that, to the contrary, she did not want to return to her employer. The Magistrate later returned Pummy to her employers against her wishes, causing her mother to file this case in question.

Pumy's mother's legal counsel argued that Pumy's status as a minor made her vulnerable to coercion by her employers to convert to Islam. The legal counsel also argued that even if such a conversion was legitimate, it does not dictate that Pumy's mother should lose custody of her daughter.

5. The learned counsel for the Petitioner contended that Pumy Muskan was a minor and Respondents No.5 & 6 had converted her to Islam through inducement and undue influence. The girl being of tender age could not make an informed decision to change her religion and even if she had consented to it the same was of no legal consequence. He further contended that even if Pumy Muskan's conversion was recognized and declared valid, the Petitioner being her mother could not be deprived of her custody. He argued that in their enthusiasm to support the conversion of a female of tender age Respondents No.1 to 4 had not only ignored the Injunctions of Islam but also the law of the land. The learned counsel prayed that the custody of Pumy Muskan with Respondents No.5 & 6 be declared illegal and she may be returned to the Petitioner.

6. The learned Assistant Advocate General adopted the arguments of the learned counsel for the Petitioner and supported this petition.

7. On the other hand, the learned counsel for Respondents No.5 & 6 vehemently opposed this petition. He contended that Pumy Muskan had converted to Islam with her own choice being impressed with its teachings. This was evident from the fact that she had learnt by heart a number of *Surahs* from the Holy Qur'an within a short span of time. He further contended that this Court would put her life and security at great risk if it gave her to the Petitioner. He prayed for dismissal of this petition.

Pumy's employer claimed that she converted to Islam on her own volition after hearing his religious teachings.



8. Mr. Sheraz Zaka, Advocate, the learned *amicus curiae*, submitted that employment of Pummy Muskan with Respondents No.5 & 6 was violative of Section 3 of the Punjab Domestic Workers Act, 2019, which prohibited engagement of a child below the age of 15 years for any household work. Although there was no evidence to show that it was a forced conversion, it was doubtful that the girl could make an intelligent decision about changing her religion at the age of 14. He added that even if it was assumed that she had done so freely and voluntarily, the Petitioner could not be deprived of her right of custody.

29. Islam teaches that everyone is Muslim at birth but the parents or society cause one to deviate from the straight path. Therefore, when someone accepts Islam he is considered to revert to his original condition. Nevertheless, Islam prohibits use of force against anybody to get him converted. The following verses of the Holy Qur'an are very instructive:

Surah 2 Verse 256:

لَا إِكْرَاهَ فِي الدِّينِ ۚ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ۚ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِنْ  
بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ لَا انفِصَامَ لَهَا ۗ وَاللَّهُ سَمِيعٌ عَلِيمٌ

*[There is no compulsion in religion. The right direction is henceforth distinct from error. And he who rejecteth false deities and believeth in Allah hath grasped a firm handhold which will never break. Allah is Hearer, Knower.]*

Surah 10 Verse 99:

وَلَوْ شَاءَ رَبُّكَ لَأَمَنَّ الْمَنَ فِي الْأَرْضِ ۗ كُلُّهُمْ جَمِيعًا ۗ أَفَأَنْتَ تُكْرِهُ النَّاسَ حَتَّىٰ  
يَكُونُوا مُؤْمِنِينَ

*[And if thy Lord willed, all who are in the earth would have believed together. Wouldst thou (Muhammad) compel men until they are believers?]*

Lahore High Court cites Qur'an verses which state that there exists no coercion in religious matters.

Lahore High Court iterates its position that Pummy, as a minor and due to power imbalances with her employer, could not consent to a conversion of faith. The Court also finds that Pummy's mother's consent of such conversion was likely only done with hopes of regaining custody of Pummy.

40. Pummy Muskan being a minor lacked legal capacity to abjure her religion without the consent of her parents or guardian. I have noted that in paragraph-4 of her application before the Judicial Magistrate (a copy whereof is appended with the present petition at page-19) the Petitioner stated that she had no objection to Pummy Muskan's conversion to Islam. I am not inclined to attach much importance to the said statement and take it as a parental consent for change of religion because, in my opinion, she made it in anxiety under a misguided belief that this would help her get custody of her daughter.

43. The question as to whether Pummy Muskan's conversion is forced or otherwise has lost significance in view of my holding that she lacked the legal capacity to make such decision. Nevertheless, I would like to make a few observations.

44. Conversion from one religion to another has far reaching consequences. It affects succession, marital status and also the right to seek elective office. Divorce can be granted on the ground that the spouse has changed the religion. Upon conversion a person may be governed by a different personal law. The right to contest elections from a constituency reserved for minorities may be lost. Thus, the event of conversion is of critical importance from the point of view of rights and disabilities of a convert.

60. The Petitioner being the lawful guardian of Pummy Muskan is entitled to her custody and exercise control over her. The girl cannot be lodged in Dar-ul-Aman against her will.

The Court states that Pummy's mother is entitled to custody rather than Pummy's employers.

The Court finds that Pummy cannot be returned to her employers because (1) her mother does not consent, and (2) she would be engaged in child labor.

61. The prayer of Respondents No.5 & 6 that they may be permitted to retain Pummy Muskan cannot be accepted for a number of reasons. Firstly, the Petitioner, her guardian, is against it. Secondly, Respondent No.6 is not related to her in the prohibited degree. Thirdly, Section 3 of the Punjab Domestic Workers Act, 2019, prohibits engagement of a child below the age of 15 years for any household work. Since Pummy Muskan has not attained that age, her employment with Respondents No.5 & 6 was unlawful from the inception and this Court would be perpetuating that illegality if it allows them to continue with her services.

### **Conclusion**

62. Pummy Muskan is barely 14 years old. As she is not sui juris she lacks legal capacity to change religion on her own. However, the question of faith being a matter of heart and one's conviction, no Court can declare her conversion invalid or void. It can only refuse to recognize or give effect to it for certain legal purposes. The Petitioner being the lawful guardian of Pummy Muskan is entitled to her custody. There is no reason to deprive her of that right.

The Court dictates that it does not have the authority to rule on Pummy's conversion but that custody is returned to Pummy's mother.

## 6.2 Chashman Kanwal Case

Through the instant writ petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner has prayed as under:-

“In the light of aforementioned circumstances, it is most respectfully prayed that the petition in hand be accepted and the respondent No.3 and 4 be directed to recover the detenué i.e. minor daughter of the petitioner namely “Chashman Kanwal” from the illegal detention of the respondent No.5 and produce her in this Honourable Court to be dealt with in accordance with law and the custody of the minor detenué may kindly be handed over to the petitioner i.e. lawful and natural guardian of the minor.”

Petitioner:  
Chashman  
Kanwal's father  
Gulzar Masih

14-year-old Chashman Kanwal's father Gulzar Masih petitioned to regain custody of his daughter on the basis of his status as her legal guardian.

2. The facts gleaned out from this writ petition are that the petitioner is a Christian by faith and a rickshaw driver by profession, who dropped Chashman Kanwal, aged about 14 years in Govt. Secondary School, Samanabad, Faisalabad on 27-07-2021 but later on she did not return from school, whereupon he got lodged a FIR No.622 dated 28-07-2021, under section 365-B

Masih had dropped off his daughter Chashman at Govt. Secondary School, but became suspicious when she did not return later in the day. Approximately a week later, Masih learned that Chashman had allegedly converted from Christianity to Islam and had married a Muslim man by the name of Muhammad Usman.

PPC, at Police Station Samanabad, District Faisalabad against unknown accused persons. On 09-08-2021, he came to know that respondents No.3 and 4 had recovered his daughter and detaining her in Police Station Samanabad in illegal custody at the behest of respondent No.5. The petitioner approached respondents No.3 and 4 and requested for custody of his daughter but they refused to hand over her custody to him on saying that she had converted from Christianity to Islam and married with respondent No.5 Muhammad Usman. Thereafter, the petitioner filed application under section 491 Cr.P.C. for the recovery of his daughter but the same was dismissed vide order dated 10-08-2021, which for convenience reproduced as under:-

4. There is no exact definition of religion. It is a matter of faith and belief in God is not essential to constitute religion. The apex Court of the Country in suo moto case No.1 of 2014 (PLD 2014 699) held that Article 20 grants rights to the citizens to propagate their faith but this right does not extend so as to allow anyone to convert a person to another religion by coercion or inducement. Forced conversion or imposing beliefs on others rather constitutes infringement of the right to freedom of religion. Undeniable, neither any verse in the Holy Quran nor specific Hadith of the Prophet (PBUH) expressly stipulates minimum age for conversion to Islam. Hazrat Ali, (R.A) was only 10 years old when he accepted it. However, Muslim Jurists regard mental capacity of a child as of crucial importance when considering the question of his conversion. Age of discernment is generally reckoned as the age when one attains puberty. The High Court cannot undertake factual inquiry while exercising jurisdiction under Article 199 of the Constitution. Inasmuch as the question as to whether a conversion is tainted or otherwise cannot be determined without recording evidence. Reliance is placed upon the case titled as

The Lahore High Court dismissed Masih's **petition (following page)**, citing that when an individual attains puberty he or she can be lawfully married, and even underage children with satisfactory mental capacity can convert to Islam and therefore be married.

To the right is the petition Masih filed for recovery of Chashman.

CONSTITUTIONAL PETITION U/A 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 SEEKING DIRECTION TO RESPONDENTS TO PRODUCE THE DETENU MINOR CHILD AGED 13 YEARS AND 10 MONTHS NAMED MST. CHASHMAN KANWAL DAUGHTER OF THE PETITIONER BEFORE THIS HONORABLE COURT TO BE DEALT WITH IN ACCORDANCE WITH LAW WHICH DETENU MINOR DAUGHTER OF THE PETITIONER ABDUCTED BY RESPONDENT NO. 5 AND ILLEGALLY AND UNISLAMICALLY FORCIBLY CONVERTED TO ISLAM FROM CHRISTIANITY AND BEING SUBJECT TO ALLEGED CHILD MARRIAGE AND RAPE BY RESPONDENT NO. 5, DETAINED AT

station illegally. The respondent no. 3 & 4 refused to hand over the custody of the minor detenu daughter of the petitioner on the score that the minor detenu had converted from Christianity to Islam and married to respondent no. 5. The respondent no. 3 and 4 also handed over to the petitioner two photocopies including a certificate of conversion of religion by political party Pakistan Sunni Tehrik. (Copy is annexed as "D"). The other photocopy is a *Nikah Nama* of one Ayesha Bibi resident of Junejo Colony, Sahiwal attributed by respondent no. 3 & 4 to the minor detenu. The said *nikah nama* bears name of respondent no. 5 as groom whose age is mentioned by a strange irregular figure "2000-2005". (Copy of the alleged *nikah nama* is annexed as "E").

Masih demanded the return of his daughter but was refused on the basis that she had converted and married and therefore Masih no longer holds custody. The perpetrators additionally produced fraudulent documentation of Chashman's age, conversion, and marriage.

When Masih urged the release of his daughter on account that the conversion was likely coerced and that child marriage is illegal, he was forced out of the police station.

5. That the petitioner raised hue and cry that neither the laws of the land allow any forced conversion of religion of a minor and that too in illegal detention nor marriage of a minor girl but the respondents no. 3 & 4 pushed the petitioner out of the police station on the score that if they hand over the minor detenu to the petitioner, religious activists would set the police station ablaze. Aggrieved of the illegality of

c. That the organs of the State who had been under Constitutional Obligation to safeguard and protect life, person, honor, belief, faith and future of the minor daughter of the petitioner have altogether ignored that the victims are members of minority community and due regard shall be given to their liberty, faith and security.

e. That the respondents no. 1 to 5 in their enthusiasm to support the alleged conversion of the minor daughter of petitioner to Islam from her ancestral Christian religion have not only ignored the principles of Islam but also law of the land that prohibit forced conversion from one religion to another. Conversion in Islam is only allowed voluntarily after conscious acceptance of Islamic beliefs with due diligence. The Caliphs of Islam especially Farooq e Azam Hazrat Umer Bin Khatab (RA) had forbidden the people of territories conquered by Islamic Army on the mere score of their being impressed by the power and behavior of the Islamic forces. (Reference: "Umer Farooq Azam" by Muhammad Hussain Hackle published in Egypt.)

Masih raises that authorities made a huge miscarriage of justice by accepting visibly fraudulent documentation.

o. That the illegality and non genuineness of the claim of marriage which even otherwise is nullity in the eyes of law is exposed by photocopy of the alleged *nikah nama* on face of it is a fake document which could not be verified from any relevant office. The entries on the alleged photocopy of the *nikah nama* provided by respondent no 3 & 4 are also ambiguous.

9. That the detinue i.e. daughter of the petitioner is in illegal detention of the respondent no. 5 and facing severe threats to life, person, honor and belief.

10. That the petitioner has no other speedy and equally efficacious remedy than invoking the Constitutional Jurisdiction of this Honorable Court. Hence, this constitutional petition.

PRAYER:

In the light of aforementioned circumstances, it is most respectfully prayed that the petition in hand be accepted and the respondent no. 3 and 4 be directed to recover the detinue i.e. minor daughter of the petitioner namely "Chashman Kanwal" from the illegal detention of the respondent no.5 and produce her in this Honorable Court to be dealt with in accordance with law and the custody of the minor detinue may kindly be handed over to the petitioner i.e. lawful and natural guardian of the minor.

Masih highlighted that Chashman's captivity posed threats to her life, faith, and honor. He also noted that the only effective remedy for this case would be to invoke a constitutional petition, as other means had been exhausted without success.

### 6.3 Arzoo Raja Case

**ORDER SHEET**  
IN THE HIGH COURT OF SINDH, AT KARACHI.

**C.P. No.D-5364 of 2020.**

Date	Order with signature of Judge
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1. For hearing of Misc. No.32091/2021.
2. For order as to non-prosecution of Misc. No.6273/2021.

**22.12.2021.**

Mr. Muhammad Nizar Tanoli, Advocate for the petitioner.  
Mr. Jibran Nasir, Advocate for Respondent No.6.  
Ms. Shehnaz Sehar, advocate for Panah Shelter Home.  
Syed Hussain Shah, A.A.G.

This matter concerns the freewill marriage between Mst. Arzoo Fatima and her alleged husband Ali Azhar. It was found by this Court vide order dated 23.11.2020 that Mst. Arzoo Fatima was only 13 to 14 years of age and as such she cannot go with her alleged husband since the marriage was in violation of the Sindh Child Marriage Restraint Act, 2013. On 23.11.2020 the petitioner was asked whether she wanted to go with her parents to which she declined. On the directions of this Court she was taken to Panah Shelter Home where on account of her tender age, Secretary Home Department, Government of Sindh was directed to appoint a designated female representative from the Social Welfare Department who shall visit the petitioner in the Panah Shelter Home at least once a week for at least one hour to ensure her welfare in terms of physical and mental wellbeing, health, schooling and any other matter of concern. During this period in Panah Shelter Home the petitioner was given an opportunity to ponder over her life choices. The matter was disposed of in the above terms.

Originally after being rescued from the captivity of forced marriage, it was determined that Arzoo was between 13 and 14 years old and therefore the perpetrator Ali Azhar had contracted an illegal marriage with a child.

Arzoo initially declined that she wanted to return to her parents, so she was provided care at Panah Shelter Home.



The petitioner then made an application dated 21.12.2021 being CMA No.32091/2021 seeking permission of this Court to leave the Panah Shelter Home and go with her parents after a year of pondering her life choices.

Today, when this matter came up for hearing, learned counsel for the petitioner Mr. Muhammad Nizar Tanoli stated that since Mst. Arzoo Fatima had converted to Islam she cannot be returned to her parents as they are Christians. This plea was refuted on behalf of learned counsel appearing on behalf of parents of Mst. Arzoo Fatima.

Be that as it may, when we asked the petitioner Mst. Arzoo Fatima who was present in Court whether she had converted to Islam or not of her own freewill she replied in the affirmative. We also asked Mst. Arzoo Fatima whether she wanted to return to the home of her parents who are both Christians she replied in affirmative. The parents of Mst. Arzoo Fatima who are also present in Court have stated that they welcome the return of their daughter back to their home and undertook that they will not pressurize her to change her religion from Islam and would allow her to practice her religion freely and adopt her own life choices in this respect. They have also stated that they love their daughter and have undertaken that they would not cause any harm (either physical or mental) to their daughter for converting to Islam and for initially deciding to reside in the Panah Shelter Home away from them and that they would take good care of their daughter. In respect of these undertakings the parents of Mst. Arzoo Fatima shall file P.R. Bond in the amount of Rs.25,000/-.

Arzoo later testified that she had willfully converted to Islam but that she *did* want to return to and reside with her Christian parents. Arzoo's parents consented that they would not force Arzoo to return to Christianity.

In the light of the above, we hereby direct that Mst. Arzoo Fatima be returned from Panah Shelter Home to her parents' home where she will reside and be looked after by them. The parents of Mst. Arzoo shall after every 03 months until she reaches the age of 18 years produce her before the concerned SHO in the jurisdiction in which she resides who shall certify whether or not she is being well treated by her parents in terms of the order of this Court and put up such report before the MIT of this Court. <sup>and</sup> If the certificate of the SHO is negative this matter shall be put up before this Court.

Mst. Arzoo Fatima shall not meet her alleged husband Ali Azhar who is apparently facing criminal trial under the Sindh Child Marriage Restraint Act, 2013 and for the offence of zina.

The CMA No.32091/2021 is disposed of in the above terms.

The Court ruled that Arzoo could return to her parents and ordered that she shall be presented before an officer every three months until reaching the age of 18 to testify whether her parents are treating her well.

Meanwhile, Ali Azhar is facing charges of *zina*, or illicit sexual relations.

## 6.4 Mehik Kumari Case

Mrs. Kanta Kumari, mother of minor girl Mehik Kumari, petitioned to regain custody of her daughter after Mehik had allegedly willfully converted to Islam and married a man by the name of Ali Raza Solangi.

Precise facts leading to these petitions are that Ms. Mehik Kumari @ Naniki Kumari, who was Hindu by religion had voluntarily embraced Islam and change her name from Ms. Mehik Kumari @ Naniki Kumari to Ms. Aleezah; after embracing Islam, she contracted marriage with Ali Raza Solangi; due to this un-ceremonial marriage, her parents got annoyed and initiated criminal litigation against Ali Raza Solangi in the shape of FIR bearing No.7 of 2020 registered under Section 365-B/450/392/34, PPC at police station Civil Line District Jacobabad and the said FIR was disposed of in 'C' class. However, another FIR being No.14 of 2020 was registered on behalf of State against Ali Raza Solangi under Section 3-4 of Child Marriage Restraint Act, 2013, which has been challaned before the concerned Court; during pendency of said litigation and in Proceeding No.1 of 2020 under Section 552, Cr.P.C., learned IInd Additional Sessions Judge, Jacobabad while disposing of the said proceeding passed order that Ms. Mehik Kumari @ Naniki Kumari now Aleezah is a victim child and below the age of eighteen (18) years and then directed the Incharge Darul Aman to shift the custody of said victim child to nearest Child Institution and then she was shifted to Panah Shelter Home at Karachi.

3. On perusal of record, it reveals that the question which requires consideration of this Court is that whether the petitioner in C.P. No.D-3104 of 2020 being real mother, Hindu by religion, is entitled to the custody of her daughter Ms. Mehik Kumari @ Naniki Kumari, now named as Aleezah irrespective of the fact that she had embraced Islam?

Meanwhile, another FIR was registered by the Pakistani government against Solangi for violating the 2013 Child Marriage Restraint Act by contracting a marriage with a minor.

The court set out to determine whether Mehik's alleged conversion to Islam nullified the custody of her original natural guardians who are Hindu, including Mrs. Kumari

5. In order to resolve the controversy in hand, this Court had called Ms. Mehik Kumari @ Naniki Kumari, now named as Aleezah, from "Panah Shelter Home, Karachi" for recording her statement. On her arrival in Court, her statement was recorded in open Court with regard to ascertain the real facts and to reach at correct conclusion. For the sake of convenience, it would be proper to reproduce the statement of Mst. Mehik Kumari @ Naniki Kumari, now named as Aleezah herein below:-

**"STATEMENT OF PETITIONER**

Name : Mehik Kumari @ Naniki Kumari, now Aleezah  
Father Name : Vijay Kumar  
Age : 15-16 years  
Address : Jacobabad.

**To Court.**

I have been produced by the Incharge Panah Shelter Home, Karachi. I am in Panah Shelter Home for the last six (6) months. I have been sent to Panah Shelter Home by the order of IInd Additional Sessions Judge, Jacobabad and I am in detention since then. On 17.01.2020, I was married with Ali Raza Solangi after embracing Islam and Nikah was performed at Dargah Imrot Sharif. After marriage, I remained three (3) days with Ali Raza Solangi. As per Medical Certificate, my age is 15-16 years. I understand all facts and consequences as I am sui-juris. Presently, I want to go/join with my mother namely, Mst. Kanta. Ali Raza Solangi spoiled my life. I don't want to live in Panah Shelter Home, Karachi. This is my statement.

Note: This statement is recorded in open Court and parties present in Court have acknowledged the same.

Karachi.  
Dated: 09.07.2020"

According to her own testimony, Mehik reported having converted to Islam and married Solangi, after which she lived for three days with him. Mehik states that though she is a minor, she is legally competent. She further concludes that Solangi "spoiled" her life and that she wants to live with her Hindu mother, Mrs. Kumari.

Perusal of record reflects that in Nikahnama, which has not been denied by any of the party, her age is mentioned as eighteen (18) years, whereas, she has been medically examined and report of medical board on record showing her age as 15 to 16 years, meaning thereby, she has attained the age of puberty.

The court rejects the claim of Solangi's attorney that, as a new Muslim, Mehik's "life would be in danger" should she return to her Hindu mother.

7. Learned Counsel for petitioner in C.P. No.D-3105 of 2020 contended that since Mst. Aleezah has embraced Islam, therefore, her custody could not be handed over to her mother, who is Hindu by religion and if custody is handed over to her, her life would be in danger. This contention is totally fallacious for the reasons that there is no prohibition under Islamic Law as well as Law of Land to allow a Muslim Girl/Women to live/join/reside with her parents, who are Hindu by religion. Besides, Article 4, 9, 15 and 20 of the Constitution of Islamic Republic of Pakistan, 1973, which is the supreme law of the land, categorically state that no person shall be deprived from his/her life and liberty save in accordance with law and so also opt his/her religion, meaning thereby, no one can be forced to live his/her life against his/her whims and wishes.

9. In the case in hand, it has been admitted by Ms. Aleezah (newly Muslim Girl) that she had contracted marriage with Ali Raza Solangi after embracing Islam; however, now she wants to go with her mother, who is present in Court, in this scenario, and under the change circumstances, we have no option except to hold that she is set at liberty to go where ever she wants. Since she wants to go with her mother, who is present in Court; therefore, Incharge Panah Shelter Home Karachi is directed to hand over the custody of Ms. Aleezah to her mother namely Mst. Kanta Kumari subject to her furnishing P.R. bond in the sum of Rs.200,000/- [Rupees Two Hundred Thousand only] before the Nazir of this Court for safety of Ms. Aleezah as well as for ensuring her future appearance before any Court of law as and when required. Incharge Panah Shelter, Home, Karachi, is directed that after furnishing requisite P.R. bond by the mother of Ms. Aleezah, handed over the custody of Ms. Aleezah to her mother Mst. Kanta Kumari after fulfillment of all legal formalities.

The court iterated that there is no legislation which prohibits a Muslim girl or woman to live with her family members of contrasting faith. Therefore, the court decided that, in accordance with Mehik's wishes, Incharge Panah Shelter Home in Karachi return custody of Mehik to her natural guardian, Mrs. Kumari.

10. So far as, the question that Ms. Aleezah was induced/threatened to embrace Islam and contracted marriage with Ali Raza Solangi or she contracted marriage with her own will or wish are those questions which could only be decided by the competent Court having jurisdiction and for that purpose, both parties are at liberty to approach proper forum for redressal of their grievances, if any, so advised.

11. Needless to say that in these petitions, certain disputed questions of facts have also been agitated by the parties and in our opinion, these disputed questions of facts could not be resolved under constitutional jurisdiction of this Court. As observed above, these disputed questions could be agitated before the competent Court(s) having jurisdiction and such Court(s) shall decide the same as per law without influence of this judgment.

In closing, the Court stated that it does not have the jurisdiction to rule regarding whether Mehik's marriage to Solangi was coerced or consensual and, therefore, Mehik alleges any injustices, it is her responsibility to initiate a separate case on that matter.

## VI. References

[1] Council of Europe: European Court of Human Rights, [\*Larissis et al v. Greece\*](#), 24 February 1998.

[2] United Nations Office of the High Commissioner for Human Rights (OHCHR), [\*Statement by the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, during the 67th session of the General Assembly in New York\*](#), 25 October 2012.

[3] Punjab Population Census 2017, Punjab Bureau of Statistics, [\*Table 9 - Population by Sex, Religion and Rural/Urban\*](#).

[4] Supreme Court Judgement regarding Minorities' Rights (*SMC No. 1/2014 etc.*).

[5] Government of Pakistan National Database and Registration Authority, [\*Undertaking for Religion Correction\*](#), 8 July 2019.

[6] National Database and Registration Authority International Operations Department, [\*NICOP SOP for Overseas Pakistanis \(Version 2.0.2\) 2nd Revision\*](#).

[7] Centre for Social Justice Pakistan, [\*Human Rights Observer 2022: A factsheet on the rights of religious minorities in Pakistan\*](#).

[8] **Section 365B of PPC. Kidnapping, abducting or inducing woman to compel for marriage etc.**– Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced, or seduced to illicit intercourse, or

knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for life, and shall also be liable to fine; and whoever by means of criminal intimidation as defined in this Code, or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

[9] **Section 376 of PPC:** Whoever commits rape shall be punished with death or imprisonment of either description for a term which shall not be less than ten years or more, than twenty-five years and shall also be liable to fine.

[10] Reuben Ackerman, [\*Forced Conversions across the Commonwealth: An Introductory Note\*](#), Commonwealth Initiative for Freedom of Religion or Belief, The University of Birmingham, 2018.

[11] B-Form or Child Registration Certificate is a registration document used to register children under the age of 18 years. B-Form and National Identity Cards are issued by NADRA.

[12] **Section 365-B PPC Kidnapping, abducting or inducing woman to compel for marriage etc.**– Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced, or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for life, and shall also be liable to fine; and whoever by means

of criminal intimidation as defined in this Code, or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

**[13] Section 4, Child Marriage Restraint Act, Punishment for marrying a child:** If a person, not being a minor, contracts child marriage, he shall be liable to punishment of simple imprisonment which may extend to six months and fine of fifty thousand rupees." ; **Section 5, Child Marriage Restraint Act, Punishment for solemnising a child marriage:** Whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment which may extend to six months and fine of fifty thousand rupees], unless he proves that he has reason to believe that the marriage was not a child marriage.

**[14] Section 493-A PPC. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage:** Every man who deceitfully causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief, shall be punished with rigorous imprisonment for a term which may extend to twenty-five years and shall also be liable to fine.

**[15]** Reuben Ackerman, *Forced Conversions & Forced Marriages in Sindh, Pakistan*, Commonwealth Initiative for Freedom of Religion or Belief, The University of Birmingham, 2018.

**[16]** Islamabad High Court, Islamabad Judicial Department, *Writ Petition No. 4227 of 2021*.

**[17]** The Express Tribune, "[IHC declares marriages under 18 'unlawful'](#)", 1 March 2022.

**[18]** Lahore High Court, *Writ Petition No. 45156 of 2019*.

**[19]** Sindh High Court, *Constitution Petition No. D-3104 of 2020*. ; *Constitution Petition No. D-3105 of 2020*.

**[20]** Jamal Khurshid, "[Muslim children can live with non-Muslim parents, says SHC](#)", *The News*, 10 July 2020.

**[21]** Sindh High Court, *Constitution Petition No. D-5364 of 2020* (Annex 6.3). ; Dawn, "[SHC orders social welfare official to look after Arzoo at shelter home](#)", 24 November 2020.

**[22]** Ishaq Tanoli, "[Underage marriage: SHC allows Arzoo to leave shelter home, return to her parents](#)", *Dawn*, 22 December 2021.

**[23]** *Supra note 15*.

**[24]** Pakistan National Assembly, [Proposed Bill] *Prohibition of Forced Religious Conversion Act, 2019*, Tabled April 2019.

**[25]** Pakistan National Assembly [Proposed Bill], *Protection of Persons against Forced Religious Conversion Bill, 2019*, Tabled May 2019.

**[26]** Pakistan Senate, [Proposed Bill] *Protection of the Rights of Religious Minorities Act, 2020*, Tabled August 2020.

**[27]** The Express Tribune, "[Senate panel rejects bill for minorities](#)", 25 September 2020.

**[28] Section 498B of PPC. Prohibition of forced marriage:** Whoever coerces or in any manner whatsoever compels a woman to enter into marriage shall be punished with imprisonment of either description for a term, which may extend to seven years or for a term which shall not be less than three years and shall also be liable to fine of five



hundred thousand rupees, and in case of a female child or a non-Muslim woman, imprisonment up to ten years and not less than five years and fine up to one million rupees. [\*The Criminal Laws \(Amendment\) Act, 2017 \(Act No. IV of 2017\)\*](#)

**[29] Section 364A of PPC. Kidnapping or abducting a person under the age of fourteen:** Whoever kidnaps or abducts any person under the age of fourteen in order that such person may be murdered or subjected to grievous hurt, or slavery, or to the lust of any person or may be so disposed of as to be put in danger of being murdered or subjected to grievous hurt, or slavery, or to the lust of any person shall be punished with death or with imprisonment for life or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years.