

Mandates of the Special Rapporteur on minority issues; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

26 October 2022

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 51/15, 43/8, 49/5, 43/22, 44/4, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the practice of forced conversions and marriages affecting women and girls from religious minorities, with particular reference to the cases of [REDACTED], [REDACTED], Ms. **Mehwish Patras**, [REDACTED], Ms. **Chashman Kanwal**, Ms. **Zarvia Pervaiz**, and Ms. **Saba Nadeem**, members of the Christian and Hindu communities in Pakistan ranging in age from 13 to 20 at the time of their abductions, who have reportedly been forcibly converted to Islam and married against their will. In six out of seven of these cases, the victim was reportedly underage at the time of their forced marriage, and the consent of their legal guardians was not provided. These individual cases are not exceptions, but are indicative of a wider phenomenon throughout the country.

According to the information received:

The practice of abducting young women and girls who belong to religious minorities and forcing them to marry and convert to Islam against their will is reportedly widespread in Pakistan, particularly impacting the Hindu and Christian minorities. Victims are allegedly taken from their cities or provinces of origin, and deprived of contact with their families. They are then allegedly raped and/or forcibly married and forced to convert to Islam, sometimes under the threat of violence and with the direct involvement of religious clerics. These women and girls are then reportedly forced by their abductors to appear before courts and give testimony and/or sign official documents which attest to their being of age and having married and converted to Islam of their own free will. This coercion reportedly takes place under the threat of violence against

them or their families.

Perpetrators of these offenses are alleged to enjoy a significant degree of impunity, enabled in part by the actions of the security forces and the justice system. Family members of victims report that their complaints are not taken seriously by police at the first instance of reporting; on the contrary, police in some instances have reportedly convinced family members to sign documents that attest to their children being of age through fraudulent practices such as allowing illiterate people to sign written documents, or having complainants sign a blank piece of paper that is subsequently filled in by the police with information indicating that the victim in question was of age. In other instances, police have reportedly informed families that they have no jurisdiction to intervene, describing the abductees' relationship with their abductors as "love marriages" and providing the families with documentation from the girls' abductors which attests to their voluntary marriage and conversion.

When victims or their families finally succeed in lodging complaints and bringing cases of abduction, early and forced marriage, and forced conversion before courts, their cases are often eventually dismissed due to alleged interference by the defendants. Defendants reportedly produce certificates of marriage and conversion and written or videotaped statements from the victims that attest to the victims' being of age and having married and converted of their own free will; however, these documents are often prepared without the victim's knowledge or consent, or the victim's participation is secured only through coercion and under duress, as is reportedly the case with victims' written and videotaped statements of consent to conversion and marriage. Abductors appeal to the religiosity of the police and judiciary by emphasizing they have converted a non-believer to Islam.

It is reported that courts often fail to undertake critical examination of such documents submitted by abductors and their families to determine or statements made by the victims do determine whether they were falsified or produced under duress, but rather accept these documents at face value. This is allegedly true even in instances where documents from other sources, such as the victims' schools, religious institutions, families, or the Government's National Database and Registration Authority contradict the documents submitted by abductors and their families with regard to the victim's age. Courts reportedly issue orders on the basis of these fraudulent documents that order victims to remain with their abductors and in some instances, to refrain from contact with their families. Even when they may be convinced

Case of [REDACTED]

On 27 January 2019, [REDACTED], a Christian girl then aged 14 years old, was abducted from Faisalabad. On 20 February 2019, her abductors took her to a mosque and demanded she convert to Islam and marry a man [REDACTED]; upon her refusal, she was physically abused and the marriage was performed against her will. She was physically forced to put her thumbprint on

certificates of conversion and marriage, which listed her age as 20 years. On 21 February 2019, she was forced to appear before the local court and the police to present those documents and an affidavit of free will.

██████████ filed a First Information Report (No. 119/19) with the Thikriwala police station in Faisalabad on 14 February 2019. Police followed up to investigate the case, interviewing the clerics involved and seeking an interview with ██████████. However, ██████████ and his family fled, leaving ██████████ behind and locked in a room, from whence she was eventually rescued by neighbours who heard her cries. She was then able to contact her parents and return home.

On 9 April 2019, police took ██████████ to the Lahore High Court, where on 10 April 2019, she gave a statement attesting to the fact that she was illiterate, had been kidnapped, had not married or converted of her free will, and wished to live with her parents. The presiding judge remanded ██████████ into her parents' custody. On 20 April 2019, she made another statement to this effect before a Judicial Magistrate.

██████████ abductors were eventually arrested; however, they were released on bail. ██████████ family decided not to press further charges, and the authorities reportedly failed to carry out any *ex-officio* criminal investigation into or prosecution of the perpetrators.

Case of ██████████

On 17 August 2020, ██████████, a Hindu girl whom her family describe as suffering from intellectual disabilities and aged 15 years old at the time, went missing on the way home from her aunt and uncle's house in Mirpur Mathelo, Ghotki District in the province of Sindh, where she had been staying while her mother and brothers attended a funeral. Her brother, ██████████, went to search for her in the neighbourhood and when unable to find her, sought to lodge a report with the local police station; however, the police refused to register this complaint.

After attempting to report ██████████ disappearance to the police, ██████████ was contacted the following day by a Mr. ██████████, whose father, ██████████, was well-known for orchestrating the forced abduction and conversion of girls from religious minorities, and had also reportedly orchestrated a previous attempt to seize the lands of a Hindu temple in Raherki, Ghotki district, and when those attempts failed, had accused two of ██████████ cousins of blasphemy, leading to the murder of one and serious injury of another by vigilantes. One of those vigilantes was reportedly ██████████ cousin. ██████████ requested a meeting with ██████████, which ██████████ refused, only to be contacted by ██████████, who asked ██████████ to meet him at the police station. Mr. Kumar refused again, and was then contacted by ██████████, Senior Superintendent of Police, who requested him to come to the police station.

██████████ went to the police station on National Highway Road in the city of Mirpur, where he was informed that ██████████ had been taken to Bharchundi Mosque where she had been converted to Islam and married on 17 August and shown video footage of her marriage and conversion produced by ██████████. This video footage was taken as evidence by the police that ██████████ conversion and marriage had been consensual, although ██████████ describes ██████████ as appearing unhappy and distressed in the footage. ██████████ purported spouse, ██████████, was 31 years old at the time, while ██████████ was 15 years old in August 2020, when she was subjected to forced marriage.

██████████ submitted multiple petitions variously seeking ██████████ return, seeking visitation and communication with her, seeking to take her to seek medical care, and to obtain the right for ██████████ to testify in private, preventing her from being influenced by her abductors in court, to various courts including the Court of Sessions, the Court of Additional Sessions, the Court of Third Additional Sessions, the High Court of Sindh in Karachi, and the High Court of Sindh Bench in Sukkur. ██████████, also submitted a petition to the Sindh Human Rights Commission. ██████████ also wrote to the One-Man Commission on Minorities at the Supreme Court of Pakistan.

██████████ appeals to the court system had limited result. An initial application to the High Court of Sindh was rejected on the basis of there being no First Information Report, as was an application to the Court of Third Additional Sessions. The Sindh Human Rights Commission eventually lodged an application in the Court of Additional Sessions resulting in a court order wherein ██████████ was to be allowed to meet with her family twice a month. However, her family reports that such contact is severely constrained by ██████████. Applications to the High Court of Sindh Bench at Sukkur and to the Court of Sessions (later transferred to the Court of Additional Sessions) resulted in ██████████ being obliged to appear in court, but on both occasions, she purported that she had been willingly married, despite ██████████ assertions to the court that ██████████ was under pressure from her abductors. On these occasions, ██████████ was only allowed to meet with her family for a few minutes.

Further, ██████████ is suffering from a number of health conditions, including repeated miscarriages, and is being denied access medical treatment by ██████████ family has also received reports that ██████████ family verbally and physically abuse ██████████ on a regular basis, due to her Hindu background.

Case of Ms. Mehwish Patras

On 18 February 2021, Ms. Mehwish Patras, a Christian girl then aged 19 years old, was abducted from her college in Gujranwala, forcibly married to a ██████████ and forced to convert to Islam, and taken to Okara, more than 200 kilometres from her home. Certificates of conversion and marriage were

registered, and Ms. Patras recorded a statement asserting she had converted and married of her own free will.

Ms. Patras' father, Mr. Patras Masih, registered a First Information Report (No. 147/21) on 25 February 2021 with the police in Gujranwala, and subsequently filed a petition with the courts in Gujranwala to recover his daughter. He also filed a petition with the Lahore High Court on 15 April 2021 in this regard. However, these petitions were dismissed on the basis of Ms. Patras' statements before the court in which she stated she had consented to the marriage and conversion.

On 11 November 2021, Ms. Patras managed to escape her abductors and recorded a statement before the court in Bahawalpur, in which she stated she had been abducted by and forced to marry [REDACTED]. She attested that she had only made her previous statement professing to have married and converted to Islam of her own free will under duress, as [REDACTED] had threatened to kill her and her family if she did not make such a statement. On 13 November 2021, Ms. Patras filed for dissolution of her marriage in the Family Court of Bahawalpur.

On 15 November 2021, the home where Ms. Patras had been staying in Bahawalpur was raided by the Station House Officer of the Bahawalpur police station, who ordered her to return to [REDACTED] or face criminal charges. On 17 November 2021, Ms. Patras filed a petition under the Constitution with the Lahore High Court, seeking to prevent the Station House Officer of the Bahawalpur police station from forcing her to return to [REDACTED] or pursuing criminal charges against her. On 18 November 2021, the Lahore High Court issued an order in Ms. Patras' favor, directing the police stations involved to refrain from harassing Ms. Patras or otherwise pressuring her to withdraw her suit.

Case of [REDACTED]

On 18 March 2021, [REDACTED], a Christian girl then aged 15 years old, was abducted from Gujranwala and forced to convert and marry a [REDACTED]. On 27 March 2021, statements of marriage and conversion for [REDACTED] were issued, which stated that [REDACTED] had married and converted to Islam of her own free will, and showed her age at 19 years old. [REDACTED]'s abductors were reportedly able to convince the National Database and Registration Authority to issue a family registration certificate and national identity card for [REDACTED] which attested to her being 19 years old.

[REDACTED]'s mother filed a First Information Report (No. 388/21) on 26 March 2021 in Gujranwala which reported that the perpetrators had kidnapped and forcibly married her daughter. She also filed an application with the Federal Investigation Agency on 14 April 2021 against the National Database and Registration Authority for tampering with [REDACTED]'s family records and abetting the criminal acts of [REDACTED]'s abductors. On 3 May 2021,

██████████' mother filed a petition with the court in Gujranwala seeking the return of her daughter. However, this petition was dismissed on 5 May 2021 on the basis of ██████████ statements of majority, voluntary marriage and conversion to the police. ██████████' mother also filed a petition in the Lahore High Court seeking her daughter's recovery; however, this was dismissed again on the basis of ██████████' previous statements of voluntary conversion and marriage.

Case of Ms. Chashman Kanwal

Ms. Chashman Kanwal, a girl from a Roman Catholic family, was 13 years old on 27 July 2021, when she was abducted from the city of Faisalabad forced to convert to Islam, and married to a Muslim man named ██████████. On 28 July 2021, Ms. Kanwal's father, Mr. Gulzar Masih, lodged a First Information Report (No. 622/21) with the under Section 365-B of the Pakistan Penal Code, which criminalizes kidnapping, abduction, or coercion of a woman to compel her to marry against her will. When the complaint was lodged, Ms. Kanwal's age was initially recorded as 17 years old, allegedly due to the police compelling Mr. Masih, who is reportedly illiterate, to sign a blank piece of paper on which Ms. Kanwal's age was later falsified. Mr. Masih later corrected this record in a recorded statement on 3 August 2021, and through submitting Ms. Kanwal's original birth certificate which attests to her birthday being 13 September 2007, her school certificate, and her B-Form/Child Registration Certificate from the National Database and Registration Authority which attested to her status as a minor to the Investigation Officer on 5 August 2021. On 16 August 2021, a medical officer at the District Headquarter Hospital in Faisalabad examined Ms. Kanwal and declared her to be 13 years old.

Ms. Kanwal was eventually found by police in the city of Sahiwal, over 80 kilometres from Faisalabad; however, police refused to remand her into her family's custody, pointing to certificates of marriage and conversion produced by Ms. Kanwal's abductors and issued by the Islamist political party Sunni Tehreek which claimed that Ms. Kanwal had embraced Islam and married of her own free will. The certificate of marriage listed Ms. Kanwal's age as 19 years old. Ms. Kanwal appeared before the court in Faisalabad on 9 August 2021, where she refuted the idea that she had been abducted and claimed she was an adult, aged 19 years old, who had embraced Islam and married ██████████ of her own free will.

Seeking to recover Ms. Kanwal, Mr. Masih initially approached a local court in Faisalabad; however, this court dismissed his application. Mr. Masih subsequently filed a Constitutional Petition with the Lahore High Court under the Constitution of Pakistan seeking to compel the return of his daughter; however, the Lahore High Court eventually dismissed this petition as well. The Lahore High Court determined that there was no basis for the claim that Ms. Kanwal was too young to convert to Islam of her own free will, with the presiding judge determining that according to Sharia, the decision to convert to Islam could be undertaken at any age after puberty provided the person

converting had sufficient mental capacity. The Lahore High Court also rejected the claim that Ms. Kanwal was underage at the time of her marriage, citing Mr. Mazih's initial report to the police which put Ms. Kanwal's age at 17 years old, and the statement given by Ms. Kanwal before the court of Faisalabad on 9 August, wherein she had stated she was 19 years old and had converted and married of her own free will.

Case of Ms. Zarvia Pervaiz

Ms. Zarvia Pervaiz, a girl from a Christian family, was 13 years old on 30 April 2022 when she was abducted from Rawalpindi, forcibly converted to Islam and married to [REDACTED]. Ms. Pervaiz's family had permitted Mr. Shahzad, his wife [REDACTED], and their three children to stay in their home while [REDACTED] family was going through financial hardships. Ms. Pervaiz's parents reportedly witnessed [REDACTED] physically abusing his wife and intervened on several occasions to stop the abuse; however, when this pattern of behaviour continued, Ms. Pervaiz's parents asked Mr. Shahzad's family to leave their home.

On 30 April 2022, [REDACTED] returned to the Pervaiz family home, and asked Ms. Pervaiz to go shopping with her. Ms. Pervaiz never returned home that evening, and her family began searching for her and attempting to contact [REDACTED] [REDACTED] relatives. That evening, Ms. Pervaiz's mother received a phone call from [REDACTED] informing her that he had taken Ms. Pervaiz and would not return her to her family.

Ms. Pervaiz's parents lodged a First Information Report (No. 1189/22) under Section 365 B of the Pakistan Penal Code with the Sadiqabad Police Station in Rawalpindi. On 13 May 2022, the police arrested [REDACTED], his wife, and a third person who had assisted in the abduction and recovered Ms. Pervaiz in the city of Faisalabad, 300 kms from her home. Ms. Pervaiz was forced to spend the night in the same cell as [REDACTED], one of her abductors. On 14 May 2022, Ms. Pervaiz appeared before the court of the Judicial Magistrate and gave a statement that she was 14 years old (below the minimum age for marriage), did not wish to undergo a medical exam, and had converted and married of her own free will. The Magistrate dismissed the case and freed Ms. Pervaiz's abductors, despite the fact that Ms. Pervaiz stated in court that she was underage.

Ms. Pervaiz's mother filed a petition seeking Ms. Pervaiz's return from her abductors; however, this was dismissed on 13 July 2022 by the Additional Session Judge at the Rawalpindi bench of the Lahore High Court due to Ms. Pervaiz's previous statement. Ms. Pervaiz subsequently filed a constitutional petition under Article 199 of the Constitution of Pakistan, and submitted to the court Ms. Pervaiz's birth registration certificate and transcribed statements from Ms. Pervaiz attesting to the fact that she was abducted and forcibly married and converted. However, this petition was dismissed by the judge in question, on the basis of Ms. Pervaiz's previous statement to the court and allegedly fraudulent marriage and conversion

certificates presented to the court by her abductors. She remains under the captivity of her abductors.

Case of Ms. Saba Nadeem

Ms. Saba Nadeem, a girl from a Christian family, was 15 years old on 20 May 2022 when she was raped, abducted, forcibly converted to Islam and married to a Muslim man named [REDACTED]. On 20 May 2022, Ms. Nadeem was on her way to work with her sister when Mr. Hussain pulled up in a rickshaw beside them, grabbed Ms. Nadeem, and put a drugged handkerchief over her face, rendering her unconscious, and kidnapped her.

Ms. Nadeem's family filed a First Information Report (No. 877/22) under Section 365-B the same day at Madina Town Police Station in Faisalabad against [REDACTED] and three accomplices. Ms. Nadeem's abductors produced a marriage certificate dated 26 May 2022 which showed her age as over 18 years old, and a conversion certificate dated 27 May 2022 which listed Ms. Nadeem's older sister's birthdate instead of hers.

On 30 May 2022, Ms. Nadeem was left at a park near the Madina Town Police Station and returned to her family. She appeared before the Magistrate of Faisalabad on 6 June 2022 and gave a statement saying she had been abducted and taken to Gujrat, over 200kms away from Faisalabad. The police added rape charges under Section 376 of the Pakistan Penal Code to the initial charges in the First Information Report. [REDACTED] application for bail was denied by the Additional District and Session Judge, due to Ms. Nadeem being underage and the marriage being illegal under the Child Marriage Restraint Act of 1929. On 30 September 2022, Ms. Nadeem filed a petition for dissolution of her marriage in Family Court on the grounds that she had been abducted, raped, and forcibly married while underage.

Although Ms. Nadeem was able to return to her family, the perpetrators and their abettors remain at large and have not been brought to justice.

Without making any judgment as to the accuracy of the information made available to us, we would like to express our grave concern regarding these reports of abduction of and trafficking in women and children, forced and early marriage, violence including rape and sexual violence against women and girls, persecution of religious minorities, and disregard for the right to freedom of religion and belief of victims. We are also disturbed by reports of the inaction and complicity of security forces and the judiciary in the face of these abuses.

If the above allegations prove to be accurate, they would be in contravention of victims' rights to liberty and security of person, to freedom from slavery and servitude, freedom from torture and other forms of inhuman treatment, protection against trafficking for purposes of forced marriage, domestic servitude and sexual exploitation, freedom to enter marriage only on the basis of their free and full consent, to freedom of thought, conscience and religion, to equal protection of the law without any discrimination, to freedom from arbitrary interference with their privacy, family,

home or correspondence, and in the case of underage victims, additionally to education.

We are concerned regarding the apparent non-application of relevant provisions of the Pakistan Penal Code, including Section 498B (prohibition of forced marriage), Sections 375 and 376 (definition of and punishment for rape, including the categorization of sexual intercourse with a girl under sixteen years of age, with or without consent, as rape), Section 365B (criminalization of kidnapping, abducting, or inducing a woman to compel marriage under duress), Section 361 (criminalization of kidnapping a minor – a person aged under sixteen years of age if female - from their legal guardian), and Section 364A (criminalizing the kidnapping of a minor under fourteen to subject them to slavery or sexual abuse). In many of the cases described above, only a subset of the relevant provisions to the case were applied and in other cases, no criminal charges were filed at all despite multiple violations of the Pakistan Penal Code evident in the case history. Several of the above cases also violate the Child Marriage Restraint Act which sets the minimum age of marriage at 16 for girls and the Sindh Child Marriage Restraint Act which sets the minimum age of marriage as 18 for both males and females.

We deeply regret the failure of the Parliament of Pakistan to adopt further legislation that would specifically address the issue of forced conversion and marriage impacting minority women and girls. This includes the Protection of the Rights of Religious Minorities Bill (2020), which would have provided protection and assistance to victims of forced conversions, increased prison sentences for the crime of kidnapping and forcibly converting underage minority girls, and defining marriage between a Muslim man and a minor of another religion as forced marriage, and therefore null and void. This bill was rejected by the Senate Standing Committee on Religious Affairs and Interfaith Harmony in September 2020, with some members of the Committee arguing that minorities in Pakistan already enjoyed sufficient rights while others reasoned that forced conversions of minorities in Pakistan was less of an issue in comparison to the treatment of minorities in India.

Subsequently, the Parliamentary Committee to Protect Minorities from Forced Conversions, with assistance from the Federal Ministry of Human Rights drafted the Prohibition of Forced Conversions Bill (2021). However, this bill was effectively shelved by the intervention of the Ministry of Religious Affairs and Interfaith Harmony and the Council of Islamic Ideology, who deemed the bill social divisive, un-Islamic and contrary to Sharia, citing *inter alia* the Bill's establishment of a minimum age of 18 years old for conversion, the need to make a statement of conversion before a judge, and the need for a mandatory waiting period before conversion.

We also note our concern regarding the low rates of birth registration in Pakistan, where only 42 per cent of children under five have their births registered. According to UNICEF, Pakistan accounts for 9 per cent of all unregistered children globally. There are significant disparities in birth registration within Pakistan, with the poorest households, those who do not speak Urdu or Punjabi, and rural communities facing worse registration outcomes. Marginalized groups including minorities, refugees, and children with disabilities face additional challenges in registering their

births. Such challenges include discriminatory policies targeting these minorities, restrictions on their movement, lack of resources, and lack of trust in Government authorities. This lack of registration complicates efforts to definitively establish the age of underage victims in cases of abduction, early and forced marriage, limiting the possibility of holding perpetrators accountable.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on the whereabouts and well-being of Ms. Kanwal, [REDACTED], and Ms. Pervaiz, who remain separated from their families, and provide details on any efforts by the Government to evaluate and ensure their safety and well-being
3. Please provide details on measures taken or envisaged to investigate allegations of forced and early marriage, rape, forced conversion, child sexual abuse, and abduction in the above cases, and hold perpetrators, including clerics and security forces and Judges complicit in these acts, accountable in the above cases
4. Please provide information on measures taken or envisaged to ensure the rights of women and girls from religious minorities to liberty and security of person, to freedom from slavery and servitude, to enter marriage only on the basis of their free and full consent, to equal protection of the law without any discrimination, and to freedom from arbitrary interference with their privacy, family, home or correspondence, and how these measures are compatible with Pakistan's international human rights obligations
5. Please provide information on concrete measures taken or envisaged to ensure that Pakistanis belonging to religious minorities are able to enjoy their right to freedom of religion or belief, including the freedom from coercion which would impair the right to have or adopt a religion or belief, and how those measures are compatible with Pakistan's international human rights obligations
6. Please provide information on measures taken or envisaged to ensure the rights of Pakistani children, particular girls and minority children, in line with Pakistan's international human rights obligations, in

particular the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution, and child pornography

7. Please provide information on measures taken or envisaged to prevent harmful practices such as child and forced marriage as well as to protect the right to marry with free and full consent, in line with Pakistan's international human rights obligations, in particular, the Convention on the Elimination of All Forms of Discrimination Against Women.
8. Please provide information on measures envisaged to expand protection of minority girls from forced marriage and conversion, including re-examination of the Prohibition of Forced Conversions Bill (2021) and improving enforcement of existing provisions of the Pakistan Penal Code pertaining to cases of forced and early marriage
9. Please provide information on measures taken or envisaged to sanction members of the security forces who refuse to register reported cases of early and forced marriage and abduction or otherwise contribute to or enable forced disappearances and other human rights violations. Please also provide information on any measures envisaged to address this through capacity-building or sensitization efforts.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Tomoya Obokata
Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Fernand de Varennes
Special Rapporteur on minority issues

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Mama Fatima Singhaté
Special Rapporteur on the sale and sexual exploitation of children, including child
prostitution, child pornography and other child sexual abuse material

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Dorothy Estrada-Tanck
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to the Slavery Convention signed at Geneva on 25 September 1926 and amended by the Protocol which Pakistan acceded to as amended on 30 September 1955, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery which Pakistan ratified on 20 March 1958. Article 1 of the Supplementary Convention commits States Parties to take all practicable and necessary measures to end servile and early marriage, including any institution or practice wherein a woman is given in marriage without the right to refuse or a child under the age of 18 years is delivered to another person with a view to exploitation of the child. Article 2 obliges States Parties to prescribe suitable minimum ages of marriage, and encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed in the presence of a competent authority.

Recognizing that the allegations raised pertain to persons belonging to religious minorities in Pakistan, we would like to bring to your Excellency's Government's attention the provisions of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1 of the Declaration requires States to protect the existence and identity of national or ethnic, cultural, religious and linguistic minorities within their territories and to "adopt appropriate legislative and other measures to achieve those ends". Additionally, Article 4.1 notes the obligation of States to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law.

We would like to refer to article 2 of the Convention on the Elimination of all Forms of Discrimination against women ratified by Pakistan in 1996 requesting States to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. We would also like to refer to article 5 of the CEDAW Convention which requires States to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. Article 16 requires the adoption of all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations including vis-à-vis the rights and responsibilities as parents. Further, the CEDAW Committee, in its General Recommendation No. 21 (1994) on equality in marriage and family relations, specified that 'the minimum age for marriage should be 18 years for both man and woman.

Child and forced marriages undermine a number of rights and principles guaranteed under the Convention on the Rights of the Child (CRC), ratified by Pakistan on 12 November 1990, which includes non-discrimination (Article 2); the best interests of the child (Article 3); the right not to be separated from their parents

against their will (Article 9); the right of the child to be heard and ex-press his or her views (Article 12), the right to the enjoyment of the highest attainable standard of health, where States must ‘take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children’ (Article 24(3)); and the rights to protection from all forms of physical and mental violence , injury or abuse, including sexual abuse, while in the care of parents or legal guardians (Article 19); sexual exploitation (Article 34); sale of children (Article 35) and exploitation (Article 36).

In their Joint General Recommendation No. 31/ General Comment No. 18 on harmful practices, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child on harmful practices recommended that the legislation adequately addresses, including by providing the basis for the adoption of temporary special measures, the root causes of harmful practices, including discrimination on the basis of sex, gender, age and other intersecting factors, focuses on the human rights and needs of the victims and fully takes into account the best interests of children and women; It also recommended that a minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years.

In her report to the Human Rights Council (A/HRC/49/51, para 43), the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, urged all States to repeal any law that allows for the marriage of a child in any form, by raising the age of marriage to 18 years of age for both girls and boys without exception, and to take steps to change the discriminatory attitudes that fuel child marriages. The Report highlighted (para 27) that in many cases, child marriage amounts to a form of sale of children, as covered by the Optional Protocol, namely “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration” (art. 2 (a)). The Committee on the Rights of the Child has listed the sale of children for sexual purposes and forced marriage as a manifestation of child sexual abuse and exploitation. Furthermore, the Report recommended (para 92) for strong community involvement to develop viable alternatives for affected children and families. To ensure long-term solutions that directly involve girls and women, boys and men in moving towards sustainable change, it would be important to enhance knowledge of the real societal costs of child marriage and the sale and trafficking of children for sexual exploitation, and on the lasting benefits of education and life-skills trainings to combat the challenges.

In its reports to the Human Rights Council, the Working Group has demonstrated the persistence of a global discriminatory cultural construction of gender, often tied to religion, and the continued reliance of States on cultural justifications for adopting discriminatory laws or for failing to respect international human rights law and standards. It has particularly emphasized that failure to ensure the equality of women and girls within the family undermines any attempt to ensure their equality in all areas of society. While the Working Group is committed to the principle of upholding freedom of religion or belief as human rights to be protected, it regrets the increasing challenges to gender equality in the name of religion. It joins other international human rights expert mechanisms in reiterating that freedom of

religion or belief should never be used to justify discrimination against women (see A/HRC/29/40 and A/HRC/38/46).

In its report on deprivation of liberty (A/HRC/41/33) stressed that stereotyped notions about women's roles within the family also underlie a number of cultural practices that lead to the deprivation of liberty. They include removing girls from school and confining them to the home to perform domestic labour and subjecting them to child, early and forced marriages, where they are often confined to the marital home. The abduction of girls may even be condoned by communities when followed by betrothal or marriage. In this regard, the Working Group has recommended States to promulgate and implement laws prohibiting harmful traditional, cultural, social or religious practices that lead to the confinement of women and girls, including child and forced marriages and eliminate laws and practices that perpetuate discrimination within the family and the community, and institute and intensify efforts to ensure the awareness and accountability of family and community members, including traditional and religious leaders.

In its report on discrimination in the family and cultural life (A/HRC/29/40), when referring to forced marriages, has called for the non-recognition of those forms that discriminate against women and/or fail to ensure equality and justice for women, whatever the legal system, religion, custom or tradition and elimination in law and in practice all forms of marriage that restrict and/or deny women and girls' rights, well-being and dignity, including early and/or forced marriage, polygamous marriage and temporary marriage.

We would like to remind your Excellency's Government that forced conversions undermine a core component of the right to freedom of religion or belief, in particular the right to retain one's religion or belief as entailed in the right to "have or adopt a religion "of one's choice enshrined in art. 18 of the ICCPR. In this sense, the right not to be forced to convert falls within the ambit of the forum internum of the right to freedom of thought, conscience, religion or belief, which has the status of absolute and unconditional protection and does not permit any limitations (see Human Rights Committee, General Comment n. 22 – paragraph 3, CCPR/C/21/Rev.1/Add.4). As reiterated by the Special Rapporteur on freedom of religion or belief, States also "have the responsibility to ensure that forced conversions do not occur in the context of marriage The obligation to guarantee effective protection, especially for women and minors, in this sensitive field follows from the right to freedom of religion or belief as well as from the duty of States to combat all forms of violence and discrimination against women" (see A/67/303 paragraph 25).

We would also like to make reference to Art. 18 (2) of the ICCPR, according to which: "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice." According to the Human Rights Committee, "Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert".

We would like to highlight the obligation to prevent trafficking in persons, as set out in Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women, and the Concluding Observations of the Committee on the Elimination of All Forms of Discrimination against Women, which recommended that the State:

“Continue to raise awareness about the criminal nature and risks of trafficking in women and girls, provide training to the judiciary, law enforcement officers and border police on the early identification of women and girls who are victims of trafficking, and ensure that victims are referred to appropriate services”.

We would also like to make reference to the Convention on the Rights of the Child, and the Concluding Observations of the Committee on the Rights of the Child, (CRC/C/PAK/CO/5) which expressed concern in relation to domestic servitude, bonded labour and sexual exploitation and forced marriages abroad and in Pakistan, and called on the State, “to end abuse, exploitation, trafficking and all forms of violence against and torture of children, [...] to take all necessary measures to protect children from being trafficked or sold either within Pakistan or abroad by addressing the root causes of the sale and trafficking, including gender-based discrimination, poverty, early marriage and a lack of access to education and vocational training.” (para 76)

We recall Principle 10 on the special rights and needs of children, as stated in the OHCHR Principles and Guidelines on Human Rights and Human Trafficking.

We would like to reiterate that we stand ready to assist your Excellency’s Government in relation to any efforts towards strengthening implementation of existing domestic legislation which would address the issue of forced conversion and marriage of minority women and girls, as well as any efforts towards bringing the legislative framework and legal process of Pakistan into line with international standards and its obligations under international human rights instruments which it has ratified or acceded to.

We are issuing this appeal in order to safeguard the rights of victims of forced conversion and marriages, particularly those who have not been reunited with their families despite their wishes and those who remain underage, from irreparable harm and without prejudicing any eventual legal determination against their abductors. It is relief *pendente lite*.¹

¹ Article 41 ICJ Statute ‘Interim Protection’: Part III, Section D (Incidental Proceedings), Subsection 1