

**Mandates of the Working Group on the issue of discrimination against women in law and in practice;
the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on minority issues;
and the Special Rapporteur on violence against women, its causes and consequences**

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Excellency,

We have the honour to address you in our capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Special Rapporteur on freedom of religion or belief; Special Rapporteur on minority issues; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 23/7, 22/20, 25/5, and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **cases of abduction, child marriage and forced conversion to Islam in Pakistan.**

According to the information received:

On 21 October 2014, Ms. [REDACTED], a 12 year old Hindu girl, was allegedly abducted by two known adult male suspects from her house in Udero Lal town, Sindh province, Pakistan, where she lived with her mother, Ms. [REDACTED], her father, Mr. [REDACTED], and three brothers. Her abduction took place at three o'clock in the morning in the presence of her two younger brothers. Her parents and her older brother were not at home at the time. The perpetrators entered the house, took her by force and left the house. The men were armed with weapons, which they used to threaten her.

The abduction was witnessed by Ms. [REDACTED]'s uncle, who was nearby. He did not dare to oppose the abduction because the perpetrators were armed. However, he shouted for help. Ms. [REDACTED] was forced into a white Suzuki Bolan vehicle and taken away before other relatives and neighbors could reach the scene. The parents were informed promptly and went straight to the police station to lodge an

official First Investigation Report (FIR). However police seemed to have refused to cooperate.

Later in the same day, the parents were summoned to the local court where they were informed that their daughter had been converted from Hinduism to Islam. They were given a marriage certificate ("nikah naama") (stating that their daughter had been married to a person named [REDACTED]). The document bore pictures of the newlyweds at the top and stamps from the official institution. According to the document, Ms. [REDACTED] had freely converted into Islam at the "Dar Ul Uloom Ahsan Al Barakat" religious school (*madrassa*) in Hyderabad. In the document, she had been renamed to Ms. [REDACTED]. The parents could not verify this information since they were not aware of her whereabouts.

The parents spent a week trying to bring their daughter back home through informal channels at the community level, without success. A week later, her father, Mr. [REDACTED], went again to the police station to lodge a FIR a complaint. The police refused again to file an official report, to provide legal advice, as well as protection to the family.

Ms. [REDACTED]'s parents have been facing repeated threats, ranging from anonymous phone calls to harassment in the street. The perpetrator's family has been threatening Ms. [REDACTED]'s parents with adverse consequences should they continue to complain to the police.

After street protests organized by the Hindu minority community and other minority groups in several towns of the Sindh province, with the support of a NGO, the [REDACTED] family was able to hire a team of lawyers which submitted the case to the High Court in Hyderabad, Sindh province, requesting to place Ms. [REDACTED] in a shelter, away from the influence of the perpetrators, during the time of the court proceedings

During a court hearing on 17 November 2014, Ms. [REDACTED] stated that she converted and married of her own free will. Her parents believe that their daughter made this statement under duress and fear, and because of the threats made against her family. During the hearing the judge requested additional evidence that Ms. [REDACTED] was 12 year old, as the official birth certificate presented by her parents was questionable. The judge also ordered a medical examination of Ms. [REDACTED] to determine whether she is a minor. The medical examination concluded that she is 17 years old.

On 20 November 2014, the judge declared Ms. [REDACTED] to be adult, as she had reached puberty according to Sharia law. Her parents' repeated request to send her to a shelter until the next hearing was ignored by the judge. She has continued to stay with her alleged abductor, Mr. [REDACTED], until now.

The next hearing is scheduled on 4 December 2014. The question of whether or not Ms. [REDACTED] is a minor under Hindu Family Law will be considered.

The aforementioned case is one of several similar instances, of which we have been informed. To name a few, we have received allegations that on 19 November 2014, Ms. [REDACTED], a 12 year old Hindu girl, was abducted by four adult males while she was working in a field at Village Kamal Kari, UC Samaroo Road, Taluka Samaroo District Umarkot, Sindh. On 6 November 2014, Ms. [REDACTED], a 14 year old Hindu girl, was abducted by four perpetrators at Jamshed Colony Nawabshah. On 30 October 2014, Ms. [REDACTED], a 12 year old Hindu girl, was abducted, forcibly converted to Islam and then married to one of her kidnappers in Ghotki district in Sindh. On 3 September 2014, Ms. [REDACTED], a 14 year old Hindu girl, was abducted from Jamesabad district in Sindh.

While we do not wish to prejudge the accuracy of the information received, we would like to express our grave concern to your Excellency's Government regarding the allegations that Ms. [REDACTED], Ms. [REDACTED], Ms. [REDACTED], Ms. [REDACTED] and Ms. [REDACTED], all belonging to Hindu religious minority community in Pakistan were abducted, forced to marry and forced to convert to Islam. We are further concerned at the allegations that police personnel in these cases refused to register complaints before them, and to provide support and protection to the families concerned in the face of intimidation and threats made by those responsible for the abduction of their daughters. This may result in impunity for what may be cases of gender based violence.

In this regard, Article 4 of the United Nations Declaration on the Elimination of Violence against Women urges States to act with due diligence to prevent, protect, prosecute and sanction all acts of violence against women; and calls on States not to invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. Due diligence should also be applied by States to protect individuals from violations by non-state actors. A failure by a State to exercise due diligence to prevent, punish, investigate or to bring to justice perpetrators (including private persons or entities) of such violations could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

The police officers reluctance to exercise their duty as public authorities in these cases appears to be in breach of Pakistan's human rights obligations under several treaties it has ratified.

The Convention on the Rights of the Child (hereinafter "CRC"), which was ratified by Pakistan on 12 November 1990, defines a child as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained

earlier". Child marriage undermines a number of guiding principles and rights guaranteed under the CRC, including the principle of the best interest of the child (article 3), the right to be heard (article 12), the right to the enjoyment of the highest attainable standard of health, the obligation of the States to "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 (article 19), sexual exploitation (article 34) and exploitation (article 36).

Several articles of the Convention on the Elimination of all forms of discrimination against women (hereinafter "CEDAW"), which was acceded to by Pakistan on 12 March 1996, condemns all forms of discrimination against women (Article 2); requests the modification of social and cultural patterns of conduct in order to eliminate the prejudices based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women (Article 5); requires the elimination of discrimination against women in the field of education (Article 10); requests the adoption of all appropriate measures to eliminate discrimination against women in the field of health care (Article 12); and, specifically, 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 (Article 16). 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.

The rights to freedom of religion or belief, and to freedom from violence are protected under the 1979 Convention on the Elimination of All Forms of Discrimination against Women, the 1980 Convention on the Rights of the Child, 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief (1981 Declaration), article 18 of the International Covenant on Civil and Political Rights (ICCPR).

The 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Declaration on the Rights of Minorities) sets out international standards relating to the protection of the rights of persons belonging to religious minorities. In particular, Article 1 of the Declaration establishes the obligation of States to protect the existence and identity of religious minorities within their territories and to adopt the appropriate measures to achieve this end; and article 2 states that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination. Furthermore, States are required to ensure that persons belonging to minorities, including religious minorities, may exercise their human rights without discrimination and in full equality before the law (article 4.1). We also would like to draw your Excellency's Government attention to the recommendations of the fourth session of the Forum on Minority Issues on "Guaranteeing the rights of minority women and girls" (2011), in particular recommendation number 30, which states

that minority women and girls may be particularly vulnerable to other contemporary forms of slavery, including forced and early marriage, and that Governments should put in place systematic measures to identify such practices and take robust action to eradicate violations.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments; and Pakistan's international human rights obligations under the treaties it has ratified.

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 explanation about the actions undertaken by your Excellency's Government to ensure the protection of underage girls belonging to religious minority communities, including the Hindu community, from abduction, child marriage and forced conversion to Islam in Madrassas or elsewhere, in line with Pakistan international human rights obligations.
3. Please provide detailed information on the measures taken to ensure the right to freedom of religion or belief of Misses [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], in particular, on the measures taken to ensure that they are not abducted, forced into marriage and converted to Islam.
4. Please indicate what measures have been taken to guarantee that the victims of abductions, forced marriage and religious conversion have access to justice and that they are able to file complaints and defend their rights in a safe and enabling environment without fear of threats, intimidation and harassment of any sort.

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 responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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