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SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on contemporary forms of slavery; the Special Rapporteur on violence against women, its causes and consequences; and the Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice.

Téléfax: (41-22) 917 9006
Télégrammes: UNATIONS, GENEVE
Téléx: 41 29 62
Téléphone: (41-22) 917 9359
Internet www.ohchr.org
E-mail: urgent-action@ohchr.org

Address:
Palais des Nations
CH-1211 GENEVE 10

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on contemporary forms of slavery; Special Rapporteur on violence against women, its causes and consequences; and Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice pursuant to Human Rights Council resolution 14/11, 16/5, 15/2, 16/7, and 15/23.

In this connection, we would like to bring to the attention of your Excellency's Government's information we have received concerning the recent decision by the Supreme Court of Pakistan to allow **three Hindu women** who had been allegedly kidnapped, forcibly converted to Islam, and forced into marriage, to return with their alleged kidnappers. Information received also indicates that two parliamentarians, **Mr. Saleem Khurshed Khokhar** and **Mr. Pitamber Sewani**, have allegedly received death threats over their calls to protect Hindu women and girls from abduction and forced conversion, in particular after the recent decision by the Supreme Court.

According to the information received:

On 24 February 2012, a 17 year old Hindu woman named [REDACTED], was allegedly abducted from her home in a small village in Sindh, Pakistan, forcibly converted to Islam and forced to marry a young man named [REDACTED]. It is reported that during a court hearing on 27 February 2012, [REDACTED] was coerced to testify that she had willingly converted to Islam and married Mr. [REDACTED]. Her case was the subject of a previous communication (PAK 4/2012) sent to your Excellency's Government by Special Procedure mandate holders on 27 March 2012.

On 28 February 28 2012, 29 year-old ██████████, was allegedly kidnapped while on her way to the College of Physicians and Surgeons in DHA (Defence Health Authority) City, in Karachi. She was reportedly forcibly converted and married to Mr. ██████████, an engineer. Her case was heard on 7 March before the court. It is reported that ██████████ family received harsh treatment while in court, which included prohibition from the police to privately meet with ██████████. The police also reportedly beat them with sticks when attempting to approach her, as ██████████ remained constantly surrounded by supporters of Mr. ██████████.

On 3 March 2012, ██████████, a 16-year-old Hindu girl reportedly disappeared from a beauty parlor in Jacobabad. It is alleged that neither her family nor the police were informed of her whereabouts until April 13, 2012 when she appeared before the court, accompanied by her new husband and stating that she had willingly converted and married. The conversion would have taken place at a Sufi Muslim shrine run by the brother of Mian Abdul Haq, a member of the National Assembly.

It is reported that, on 18 April 2012, the Supreme Court ordered that the three alleged victims be allowed to decide whether they wished to remain with their husbands or return to their families. It is also reported that they were provided with police protection and kept in a shelter during court proceedings, although they would have received threats over the phone. All three women allegedly decided to remain with their husbands. However, human rights activists have argued that the Supreme Court did not take into consideration the violent nature of their abduction, the climate of fear and intimidation faced by these women and their families when requested to decide whether they wished to stay with their husbands, nor the prevalent situation of discrimination and disempowerment they face as women and as members of a religious minority in the country.

On 18 April 2012, after the Supreme Court hearings, **Mr. Saleem Khursheed Khokhar**, a Christian member of Pakistan's Sindh Provincial Assembly (SPA) and the President of the Sindh chapter of the All Pakistan Minorities Alliance (APMA), and **Mr. Pitamber Sewani**, a Hindu and fellow member of both the SPA and the APMA, reportedly spoke to the media and criticised the abduction and forced conversion of women from religious minority communities. It is reported that two days later, Mr. Khursheed Khokhar received a threatening text message saying that Pakistan was created only for Muslims and only Muslims could live there peacefully, and no one else would be allowed to do so. This is reportedly the latest in a series of threats he has received since last year for defending minority rights. It is further reported that Mr. Sewani received anonymous death threats on his mobile phone after speaking to the media.

Mr. Khokhar reportedly made a complaint to the Station House Officer at Clifton Police Station in Karachi and a First Information Report (FIR) was registered. However, it is reported that the police have so far failed to investigate the threat.

According to information received, as many as 25 forced conversions leading to forced marriages take place each month, most of them in the northern districts of Sindh province. It is reported that forcible conversions follow the same pattern, with victims being abducted by a young man related to or working for a feudal boss, and then taken to a mosque where clerics, along with the prospective groom's family, threaten to harm the woman or the girl and her relatives if she resists. It is reported by Hindu community members who have attended such meetings, that the women usually comply and are then brought to a local court, where a judge legalizes the conversion and marriage. It is also reported that although Hindus report kidnappings as soon as a woman disappears, the authorities do not respond. These abuses allegedly occur within a context of extortion, disenfranchisement, and rising religious intolerance against minority communities, and concern is expressed that the Supreme Court decision of 18 April 2012 would have reinforced the situation of exclusion and discrimination faced by these minorities in Pakistan, and particularly women from these minority communities.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification of the circumstances regarding Ms. [REDACTED], Ms. [REDACTED], Ms. [REDACTED] and Messrs. Saleem Khursheed Khokhar and Pitamber Sewani.

We would like to recall the right of Ms. [REDACTED], Ms. [REDACTED], Ms. [REDACTED], Mr. Saleem Khursheed Khokhar and Mr. Pitamber Sewani to freedom of religion or belief, in accordance with articles 18 of the Universal Declaration of Human Rights (UDHR) and of the International Covenant on Civil and Political Rights (ICCPR) that your Excellency's Government ratified on 23 June 2010.

Article 18 (2) of the ICCPR specifically 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. Art. 26: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] religion [...]." Art. 27: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

Article 1 (2) of the 1981 Declaration of the General Assembly provides that “[n]o one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.” Furthermore, the General Assembly, in its resolution 65/211, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end “(c) To end violations of the human rights of women and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief”.

We would like to bring to the attention of your Excellency’s Government article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. Article 4 of the Declaration also underlines the responsibility of States to condemn 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.

In this context, we recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), states that gender-based violence against women constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women (ratified by your Excellency’s Government on 12 March 1996), whether perpetrated by a State official or a private citizen, in public or private life. Thus, the Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, including that of sexual violence perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. Furthermore, in paragraph 11 of the general recommendation, the Committee states that “Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision” and that “such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms.”

We additionally bring to the attention of your Excellency’s Government, the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/PAK/CO/3, 2007, paragraphs 28) in which the Committee expressed strong concerns about pervasive patriarchal attitudes and deep-rooted traditional and cultural stereotypes regarding the roles and responsibilities of women and men in the family, in the workplace and in society, which constitute serious obstacles to women’s enjoyment of their human rights and impede the full implementation of the Convention. The Committee was also concerned that prevailing trends of fundamentalism,

intimidation and violence incited by non-State actors, including through illegal media, are seriously undermining women's enjoyment of their human rights in the name of religion.

We would also like to recall that the right to marry only with one's free and full consent is recognized in the Universal Declaration of Human Rights (article 16(2)) and in a number of subsequent international human rights treaties such as the 1956 Supplementary Slavery Convention, Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. Furthermore, we would like to draw the attention of your Excellency's Government to article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women, on the right of women and men to freely choose a spouse, to enter into marriage only with their free and full consent and to have the same rights and responsibilities during the marriage and at its dissolution.

In this sense, we would like to draw the attention of your Excellency's Government's to the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/PAK/CO/3, 2007, paragraph 44) in which the Committee expressed the following concerns: that under the Dissolution of Muslim Marriage Act of 1939, women do not enjoy equal rights with men during the dissolution of marriage; that under the Child Marriage Restraint Act of 1929, the minimum age for marriage for boys is 18 years and for girls 16 years; and that forced and early marriages persist.

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Moreover, 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 cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary accurate?
2. Please provide details of the judicial investigation carried out in relation to the alleged abduction, forced conversion and forced marriage of Ms. [REDACTED], Ms. [REDACTED] and Ms. [REDACTED].
3. Please provide details on any protection measures offered to of Ms. [REDACTED], Ms. [REDACTED], Ms. [REDACTED], and to their families, throughout the judicial proceedings and after, as appropriate.
4. Please provide the details and where available, the results of any investigation carried out following the complaint made by Mr. Saleem Khursheed Khokhar at Clifton Police Station in Karachi and the alleged threats made against Mr. Pitamber Sewani.
5. In the event that the alleged perpetrators are identified, please provide the full details of any prosecution which has been undertaken; have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
6. Please provide details of any measures taken by the Government to ensure the physical integrity and wellbeing of Messrs. Saleem Khursheed Khokhar and Pitamber Sewani, including the vetting of any bodyguards that may have been assigned to them.
7. Please indicate which measures the Government has adopted or intends to implement to eliminate all forms of violence and coercion perpetrated

against women belonging to religious minorities and to ensure their personal safety and liberty.

8. Do you have any statistics on the number of abductions for forced conversions and forced marriages that have occurred in Pakistan in the last four years?
9. Please indicate the measures taken to combat forced marriages in Pakistan.

We would appreciate a response within sixty days. Your Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. [REDACTED], Ms. [REDACTED], Ms. [REDACTED], Mr. Saleem Khursheed Khokhar and Mr. Pitamber Sewani are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Gulnara Shahinian
Special Rapporteur on contemporary forms of slavery

Rashida Manjoo
Special Rapporteur on violence against women, its causes and consequences

Kamala Chandrakirana
Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice