**Progress, Gaps and Challenges in Addressing Child, Early and Forced Marriage (CEFM) and Measures to Ensure Accountability: Pakistan**

1. **Introduction**

Regrettably, one of the most horrific human rights trends occurring in Pakistan and unfortunately increasing over the past two years during the pandemic, is child marriage. The vast majority of these forced child marriages involve young girls of faith minority communities who were kidnapped by Muslim men and converted to Islam against their will. Insufficient legal protection for girls and women, as well as religious minorities, exacerbates the problem.

1. **Noteworthy Cases**

In October 2019, 14-year-old Christian girl Huma Younus was kidnapped by Muslim man Abdul Jabbar and transported to a faraway city; in the days following her disappearance, Huma’s family received religious conversion papers and a marriage certificate, both of which Huma’s mother Nagina insists are fake. Despite that the family provided a baptism certificate and other documentation of Huma’s age, authorities have refused to investigate the case and it was reported in July 2020 that Huma has become pregnant due to the sexual violence inflicted by her abductor.[[1]](#footnote-1)

In April 2020, 14-year-old Christian girl Myra Shehbaz was on her way to complete activities as a domestic worker in Faisalabad when she was abducted from the street and forced into a vehicle by a group of Muslim men led by Muhammad Naqash. Despite Myra’s family providing documents proving Myra to be a minor, the High Court decided that the marriage and religious conversion were both legal and that Myra must remain with Naqash and “be a good wife”.[[2]](#footnote-2)

In June 2020, 12-year-old Christian girl Farah Shaheen was kidnapped by three men, forced to marry one of her captors, a 29-year-old Muslim man, before he shackled her, raped her, and subjected her to forced labor in inhumane conditions.[[3]](#footnote-3) After authorities rescued her in December 2020, Farah provided a likely-forced statement that she had married her captor and changed religions by choice, and police dropped the case.

In July 2020, 15-year-old Saneha Kinza Iqbal was kidnapped on her way to church by 30-year-old Muslim man Saeed Amanat. Police refused to register a case or investigate, and Saneha’s brother visited Amanat’s home, where Amanat’s father reassured that Saneha would be returned in a few days’ time. However, Saneha’s family later received a phone call from Amanat that he would not return Saneha to her family.[[4]](#footnote-4)

In October 2020, 45-year-old Muslim man Azhar Ali kidnapped the child of his neighbors, 13-year-old Christian girl Arzoo Raja. Ali then submitted fabricated records to the court which alleged that Arzoo had willingly converted to Islam and that she was 18 years old and therefore legally marriageable. Despite that Arzoo’s parents provided documentation (i.e., birth certificate, school registration records) proving that Arzoo was underage, the court initially ruled that the marriage was permissible and ordered her to return to Ali’s custody. Fortunately, after much international condemnation, Arzoo was rescued and transported to a government-run shelter and after a year was finally reunited with her family. Azhar Ali currently is facing multiple charges of kidnapping, child marriage, and rape; however, his January 2021 release on bail does not bode well for achieving justice.[[5]](#footnote-5)

In November 2020, 13-year-old Hindu Dalit girl Sonia Kumari was kidnapped by armed men and forcibly converted to Islam in Sindh province. A Hindu human rights activist recently received a letter from Sonia’s family alleging that Sonia had willingly converted and married to her 36-year-old captor, though the activist believes the family was coerced into making this statement.[[6]](#footnote-6)

In February 2021, an underaged Hindu girl, Neena Kumari failed to return home from school one day, and her family later learned that policeman Ghulam Maroof Qadri abducted Neena, forced her to convert to Islam, renamed her ‘Maria’, and then married her in Karachi, 400 kilometers away from her home.[[7]](#footnote-7)

Also in February 2021, Hindu girl Reena Meghwar was abducted from Keriogjar, Badar, and forcibly converted to Islam and married to her kidnapper Muhammad Qasim; though the family filed an FIR, the police did not register the case nor did they search for the girl. In July, Reena was presented before a civil judge where she testified in favor of her perpetrator; despite indicators that she was coerced into making such a statement (i.e., that she was emotionally unstable and fainted before court), the judge ordered her to return to her ‘husband’.[[8]](#footnote-8)

In March 2021, 13-year-old Hindu girl Kavita Oad was kidnapped and forcibly converted to Islam in Sindh Province by Islamic cleric Mian Mithoo; it is still unconfirmed if she has been married off to her kidnapper.[[9]](#footnote-9)

Also in March 2021, Johnson and Samina Masih received news that their 13-year-old daughter Shakaina Masih, who had been missing for a month, had converted to Islam and married a Muslim man. They provided police evidence of Shakaina’s age, but authorities “showed no interest in the case”.[[10]](#footnote-10)

In May 2021, 13-year-old Christian girl Nayab Gill was kidnapped in Punjab by a Muslim man named Saddam who is already married with four daughters, and forced to marry him against her will and convert to Islam. The Pakistani court refused to hear Nayab’s family’s pleas nor review the victim’s birth certificate and ruled in favor of the perpetrator.[[11]](#footnote-11)

In July 2021, 9-year-old Christian girl Elisha from Hyderabad was alone at home when 45-yearold Muslim man Babar forcefully entered the home, beat, and raped Elisha.[[12]](#footnote-12)

In August 2021, an unnamed 14-year-old Christian girl went missing from her family home while preparing for an exam she was to take the following morning. The girl’s mother Noreen was initially told by a local PTI leader that her daughter would be returned soon, but she received more information later on that her daughter had married her abductor and converted to Islam. Noreen has since reported that the local authorities refused to file a First Information Report (FIR), claimed that her daughter likely eloped and converted willingly, and ignored the case.[[13]](#footnote-13)

In August 2021, two Christian sisters, 16-year-old Muqdus Nadeem and 12-year-old Mehwish Nadeem were alone at home when a group of six Muslim men led by Muhammad Azeem forced themselves into the home armed with guns, beat the two girls, then kidnapped the elder and dragged her onto the street.[[14]](#footnote-14)

In August 2021, radical Muslim man Muhammad Ali Nawaz entered the home of Hindu man Mangal Bheel, physically assaulted him, and abducted his 15-year-old daughter Chatro. It is assumed that Nawaz intends to forcibly convert her to Islam and marry her.[[15]](#footnote-15)

In August 2021, two Christian cousins, 15-year-old Simran and Sheeza, were left home alone to care for one of the disabled family members while the rest of the family attended a funeral. When the family returned home, Simran and Sheeza were no longer at home and the disabled relative informed the family that the girls were kidnapped at gunpoint outside of the home while they were leaving to purchase some food.[[16]](#footnote-16)

Also in August 2021, Christian father and rickshaw driver Gulzar Masih reported to the police that his daughter, 14-year-old Chashman Kanwal, had gone missing after he went to pick her up from school and was unable to find her. Days later, Chashman’s kidnapper sent her family a video of her claiming that she had converted to Islam willingly and that she had changed her name to Aisha Bibi. [[17]](#footnote-17)

In October 2021, it was reported that 17-year-old Christian girl Misbah Imdad has gone into hiding with her family in Faisalabad after receiving threats of abduction and forced marriage from Muslim man Muhammad Saqib. Initially, upon Misbah’s father’s refusal to hand over his daughter for marriage against her will, Saqib falsely accused Misbah’s brother Shahnawaz of stealing money and kidnapping his daughter; with neither a proper investigation nor evidence, the police arrested Shahnawaz, who currently remains in prison. Fearful of what other actions Saqib might take to carry out revenge, Misbah and her family have been living in hiding for over a month “in fields and makeshift shelters”.[[18]](#footnote-18)

In November 2021, 12-year-old Christian girl Mareeb Abbas went missing and it was revealed later that she had been kidnapped by 22-year-old Muslim man Muhammad Daud, transported from Sahiwal to Balochistan, and forced to convert to Islam and marry Daud. The police have arrested two suspects but have yet to rescue Mareeb.[[19]](#footnote-19)

In January 2022, 14-year-old Pentecostal Christian girl Mahnoor Ashraf disappeared after she left home in Lahore; she had been abducted by 45-year-old Muslim neighbor Muhammad Ali Khan Ghauri. The family unsuccessfully attempted to rescue Mahnoor, and days later they received news that she had converted to Islam and that Ghauri formalized a marriage certificate claiming her to be 19 years old. Mahnoor’s family filed a report with the police with documentation of her true age, though authorities have yet to take action.[[20]](#footnote-20)

1. **Challenges**
2. *Insufficient Legal Protection for Women & Girls*

Unfortunately, the crime of child and forced marriage persists in Pakistan despite numerous legislations prohibiting the activity. The 1929 Child Marriage Restraint Act criminalizes the marriage of boys under the age of 18 years and girls under the age of 16 years [age discrepancy to be discussed in following paragraphs]. Moreover, the law outlines punishments – though insufficiently stringent (i.e., a month in prison and a small fine of 1,000 rupees approximately equivalent to five US dollars) and usually disproportionate to the gravity of the crime – to offenders, including men above the age of 18 years who marry a child, as well as parents and guardians who permit such child marriages.[[21]](#footnote-21) Section 310-A of Pakistan’s Penal Code states that “whoever gives a female in marriage or otherwise compels her to enter into marriage, as *badla-e-sulh*, wanni, or swara or any other custom or practice under any name […] shall be punished with imprisonment of either description for a term which may extend to seven years but shall not be less than three years and shall also be liable to a fine of five hundred thousand rupees”. Section 498-B goes on extend the same punishment to “whomever coerces or in any manner whatsoever compels a woman to enter into marriage”.[[22]](#footnote-22)

Even some inadequacies exist within the above legal protections which render them deficient in fully eradicating forced marriage of children. Despite the national 1929 Child Marriage Restraint Act prohibiting marriage of a girl under the age of 16 years, courts have been known to apply Sharia law to rule that marriage of an underage girl is permissible in the case that she has had her first menstrual cycle. Such an unconscionable ruling was handed down in February 2020 by Sindh High Court when the parents of Huma Younus tried to nullify the marriage on the bases (1) that Huma was kidnapped by the man who would then ‘marry’ her, (2) that the perpetrator forcefully converted Huma to Islam so that the Sharia legislation would permit her underage marriage, and (3) that Huma was just 14 years old and therefore a child.[[23]](#footnote-23)

Moreover, attempts at expanding legislations to protect the Pakistani girl child from marriages have been met with rejection by Islamists. A 2019 bill introduced by Pakistani senator Sherry Rehman to raise the legal minimum age for marriage to 18 years – while it was favored by the majority and while it did pass – was opposed by some for being anti-Islam, “against the Sharia”, and too Western. Jamiat Ulema-i-Islam (JUI-F) Senator Ghafoor Haideri argued that “Islam allows marriage before puberty” and requested the proposed bill be reviewed by the Council of Islamic Ideology (CII).[[24]](#footnote-24) Fortunately the legislation was passed, though it was not without numerous previous attempts; in October 2017, the Senate Standing Committee on Interior rejected The Child Marriage Restraint (Amendment) Bill was outright rejected for being “un-Islamic”.[[25]](#footnote-25)

1. *Legal and Institutionalized Discrimination against Faith Minorities*

Another factor that tremendously exacerbates the trend of child marriages, especially with regards to the frequent abductions and forced marriage of faith minority girls, is the general climate of religious persecution against non-Muslim faiths. While it is both easy and quick for a Pakistani Hindu or Christian to convert to Islam, Muslims that wish to convert to other religions face condemnation and rejection by their social circles; if an individual is accused of either converting to Christianity/Hinduism themselves or evangelizing to a Muslim, they often receive threats of violence from radical Muslims. On the contrary, individuals who are responsible for assisting or forcing a minority’s conversion to Islam receive praise as they are seen as furthering the dominance of Islam and even jihad. This subordination of non-Muslim faiths transcends across Pakistan’s society, culture, and institutions, and therefore fosters an environment of impunity for men who kidnap, forcibly convert, and marry young minority girls.

The absence of religious freedom in Pakistan and rejection of non-Muslim faiths is even codified in national legislation. The Constitution of Pakistan in Article 2 establishes Islam as the state religion and in Article 19 restricts freedom of speech “in the interest of the glory of Islam”.[[26]](#footnote-26) Chapter XV of Pakistan’s Penal Code, meanwhile, outlines religious offences, including “defiling, etc., of copy of Holy Quran”, “use of derogatory remarks, etc., in respect of the Holy Prophet”, and “uttering words, etc., with deliberate intent to wound religious feelings”.[[27]](#footnote-27) These blasphemy laws have routinely been used to arbitrarily detain and imprison faith minorities either on false accusations or for supposedly ‘blasphemous’ acts such as drinking out of the same water fountain as a Muslim.[[28]](#footnote-28)

Pakistan’s Constitution allows courts across the nation to make judgements in line with Shariah law in cases in which the individuals involved in the case are Muslim. As such, judges can dole out severe punishments such as stoning, flogging, and amputation for crimes listed under the Hudood Ordinance, which includes sex crimes and crimes against Islamic morality such as blasphemy.[[29]](#footnote-29) As is routine in the cases of abduction, conversion, and child marriage of girls in Pakistan, the victims are often forcibly converted to Islam and are therefore subject to Islamic laws. Perpetrators convert their victims because they are well aware that Islamic law permits the marriage of underaged girls so long as they have had their first menstrual cycle; such was the case of Huma Younus. It is therefore incumbent upon courts, before issuing judgements in line with Islamic jurisprudence, to do their due diligence and investigate whether the victim in question is willfully and truthfully Muslim or whether she was forced to convert by perpetrators searching for a legal loophole to legislations prohibiting child marriage. Swiftly accepting falsified religious conversion documentation provided by the perpetrator violates the court’s responsibility of exercising necessary scrutiny, especially when the nation is infamous for cases of fraudulent conversion and child marriage.

It is important to note that in the majority of these cases, the authorities involved – lawyers, judges and justices, police, etc. - are Muslim themselves and, as such, are less likely to campaign for and secure the release of these girls and pursue justice against radical Muslim perpetrators. On local and regional levels, police and lower judiciaries are known to “avoid adding sections related to seduction of a child, abduction and rape in First Information Reports”.[[30]](#footnote-30) In instances in which these individuals do attempt to achieve accountability for faith minorities, they are often met with condemnation by the broader Muslim society, a loss in status, and in the most extreme cases, death threats. Saif-ul Malook, defense attorney who secured the acquittal of Pakistani Christian woman Asia Bibi and couple Shagufta Kausar and Shafqat Emmanuel who were all falsely accused of blasphemy, has received threats of execution from radical Muslims and has expressed that he “can’t survive anymore in my country”.[[31]](#footnote-31)

1. **Recommendations & Best Practices**

Jubilee Campaign makes the following recommendations to combat and eradicate child, early and forced marriage (CEFM) in Pakistan:

* Create an appeal or reporting mechanism to flag judges, police officers, religious institutions, Muslim clerics, and official actors who discriminate against, violate the rights of, or fail to protect faith minorities in cases of abduction, forced conversion, and child marriage.
* It must be ensured that secular laws which set the minimum legal age of marriage to 16 or 18 years preside over Islamic laws that permit marriage of a girl as soon as puberty or menarche is reached.
* Following the recovery of a girl from an abduction, forced conversion to Islam, and/or child marriage, the girl should be taken to a safe house to ensure that she is able to provide a true, uncoerced testimony of events without fear of retaliation from her abductor.
* A specially trained and appointed taskforce should conduct proper and objective investigations regarding the circumstances surrounding the girl’s conversion and marriage. In particular, authorities must consider documentation provided by victims’ families which prove the minor status of kidnapped girls; at the same time, authorities must examine the fraudulent documentation provided by perpetrators – and sometimes even police – that falsely claim that the victim is of marriageable age. Finally, authorities must investigate specifically any and all conditions of coercion or threat under which marriages and religious conversions are made.
* Allow for the presence of a minority representative or ombudsman to review the case.
* Train judges to interpret laws in accordance with international human rights norms and legislation.
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