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Forced Conversions across the Commonwealth: An Introductory Note



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Abbreviations

BJP	Bharatiya Janata Party
CSW	Christian Solidarity Worldwide
FoRB	Freedom of Religion or Belief
HRC	Human Rights Commission of Pakistan
ICCPR	International Covenant on Civil and Political Rights
MSP	Movement for Solidarity and Peace
NGO	Non-Governmental Organization
PPP	Pakistan People’s Party
RSS	Rashtriya Swayamsevak Sangh
UN	United Nations



Definitions and International Law

Definitions

The main focus of this note will be forced conversions when the threat or use of physical, emotional or psychological violence is used to force a conversion.

It is also important to recognise that conversions could also take place in scenarios where religious minorities suffer from pervasive discrimination and denial of access to employment, education, social status and other social and economic goods. In these cases, conversion to the dominant religion could also be considered 'forced'.

Status in International Law

The right to conversion is a key part of freedom of thought, conscience, religion or belief within the human rights framework. The Universal Declaration of Human Rights spells out in Article 18: '1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief.'¹

Article 18 of the International Covenant on Civil and Political Right (ICCPR) states that '2. No one shall be subject to coercion that would impair his freedom to have or to adopt a religion or belief of his choice.'² This right is non-derogable, meaning that there is no justification, even in times of emergency, for the government to restrict this right.³

General Comment no. 22 makes it clear that Article 18 of the ICCPR involves the right to change religion and prohibits any coercion that would impair this right, 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. It also bans the restriction of education, medical care, employment or other human rights in order to induce a conversion.⁴

Professor Sir Malcolm Evans has stated that under international law conversion cannot involve coercion, monetary inducements or material inducements.⁵

Professor Heiner Bielefeldt, the former UN Special Rapporteur for Freedom of Religion or Belief (FoRB), has established that there are at least four subcategories of the right to conversion need to be considered:

- (a) the right to conversion (in the sense of changing one's own religion or belief);
- (b) the right not to be forced to convert;
- (c) the right to try to convert others by means of non-coercive persuasion; and
- (d) the rights of the child and of his or her parents in this regard.

(Bielefeldt 2017: 109)

Under the ICCPR states have positive obligations to ensure that the Covenant rights are protected by the state, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant acts.

Therefore, as Professor Bielefeldt has stated, the state has responsibility to provide protection against individuals or organisations that try to convert people by resorting to means of coercion or by directly exploiting situations of particular vulnerability. Vulnerability includes minors in schools, patients in hospital, or victims of humanitarian emergencies and other captive audiences, such as inmates in prisons and other institutions, or recipients of orders from higher authority, such as in the military. 'They also have a responsibility to ensure that forced conversions do not occur in the context of marriage or marriage negotiations.'

However, the right to freedom of religion or belief also includes the right to attempt to convert others as long as there is no coercion used. Asma Jahangir, the former UN Special Rapporteur for FoRB, wrote 'Since the choice of religion or belief is part of the forum internum, which allows for no limitations, a general prohibition of conversion by a State necessarily enters into conflict with applicable international standards.' She also made it clear that that 'the right to manifest one's religion includes carrying out actions to persuade others to believe in a certain religion' such as distributing religious literature. Professor Bielefeldt has made it clear that FoRB includes the right to 'non-coercive attempts to persuade others' to join your religion. The 1981 Declaration recognises in Article 6 the freedoms '(d) to write, issue and disseminate relevant publications in these areas'; '(e) to teach a religion or belief in places suitable for these purposes'; and '(i) to establish and maintain communications with individuals and communities in matters of religion or belief at the national and international levels.'⁶

Bielefeldt asserts that while freedom to manifest one's religion is not absolute given that actual force and coercion are not allowed, to restrict this freedom the State must meet the burden of proof: the restrictions must be in line with ICCPR article 18(3), which states they must be 'prescribed by law and [] necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.'⁷ Bielefeldt concludes, 'Thus, limitations imposed on the right to try to convert others require a legal basis; they must pursue one of the legitimate aims exhaustively listed in article 18 (3); they should be clearly and narrowly defined; they must be proportionate; and they should not be implemented in a discriminatory manner.'



Scale

It is exceptionally difficult to be certain about the precise scale of the problem of forced conversions across the Commonwealth as there is a lack of research on this topic. The country with the most existing evidence is Pakistan, where it is estimated by the Aurat Foundation and the Movement for Solidarity and Peace (MSP) that 1000 young girls and women from minority religions are converted every year.⁸ However, as will be detailed below there is substantial evidence that forced conversions are taking place in other countries across the Commonwealth even if there has been no systematic study.

There is evidence of hundreds of forced conversions in Nigeria and India.

In India newspapers have reported hundreds of stories of forced conversions and marriages of Muslim and Christian women.⁹ Yogi Adityanath, the current governor of Uttar Pradesh, has famously stated that 'if they convert 1 Hindu girl, we will convert 100 Muslim girls'. In December 2014 nearly 300 Muslims in Agra's Ved Nagar colony, Uttar Pradesh were converted to Hinduism by members of organisations owing allegiance to the RSS. They were promised rewards like ration cards and Below Poverty Line cards.¹⁰ Due to the use of direct material inducement and fears of psychological pressure this is considered a case of forced conversion. The number of these incidents is very hard to ascertain.¹¹

In Nigeria the most prevalent example is Boko Haram. In the most recent estimate in 2014 Human Rights Watch reported that over 500 girls had been kidnapped and forcibly converted to Islam in Borno and Yobe states alone.¹² However, the problem is not confined to Boko Haram. The Northern states of Nigeria promote Sharia law through criminal codes. State governments in Bauchi, Zamfara, Niger, Kaduna, Jigawa, Gombe, and Kano fund and support Hisbah, or religious police, to enforce the Sharia. Christians are denied access to education, representation in governmental bodies and employment.¹³ This backdrop of discrimination and the push for the primacy of Islam in society and government creates an environment in which conversions of minority religions are seen as a worthy goal and women belonging to religious minorities as targets. Christian girls in Northern Nigeria are often kidnapped, forced to convert to Islam and then married off to their kidnappers.¹⁴ The scale of the problem in Nigeria is unclear, cases often go unreported and there has not been enough effort to collect data. The evidence that has been collected show that there is good reason to be extremely concerned. In 2006 there were over 100 cases involving the abduction of non-Muslim children in Katsina state alone.¹⁵

There are numerous cases of forced conversions in Bangladesh and in Malaysia. In Bangladesh NGOs have consistently collected harrowing stories. In May 2014 a group of Muslim men abducted, forcibly converted, married and raped a 12-year-old Hindu girl. The police refused to investigate the

incident and pressured the victim's family to drop the case.¹⁶ In April 2013 a sixth-grader from Gazipur Tongi was abducted, she was found by police 55 days later in a hotel in Cox's Bazaar. She had been repeatedly raped by local boys and was forced to convert from Hinduism to Islam and marry one of her rapists, Rabiul Hossein Manik.¹⁷ Upama Saha, a 16-year-old Hindu girl was kidnapped in November 2016, while on her way home from school in Dhonbari Upazila, Tangail District. According to a fact-finding investigation by Bangladesh Minority Watch, she was sexually abused and forcefully converted to Islam. These are not isolated cases with multiple stories of kidnap, rape and forced conversion reported to NGOs and the media.

The rest of this note will proceed thematically to analyse the issues surrounding forced conversions as there are commonalities across countries.



Causes

The Link between Religion, State and Society

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

Being from a religious minority can label you as a supposed 'fifth column' with divergent interests from the interests of the state and therefore a religious belief takes on an additional political dimension. Regulation of religion (and within this, forced conversions) is based even more heavily on ideological beliefs, which sees not only that religious identity determines one's commitment to one's nation but that a nation belongs to a particular religion.

This has been the case in countries such as Malaysia, India and Pakistan.

The Malaysian state has placed huge emphasis on this idea of creating a shared national identity and in order to do this, has encouraged assimilation in terms of language and culture. Because religion and culture is so interrelated in Asian, and in particular, Muslim way of life, conformity to Islam has been one way the Malaysian state has attempted to define a national identity.¹⁸ Though Malaysia is historically considered a secular state, statements by key government figures established their vision of an 'Islamic state' and it has been suggested that Islam, and its legal and bureaucratic structures, has provided an effective mechanism of control for the Malay/Muslim population. With the Islamic resurgence in 1970 Islam has taken an increasingly prominent role in Malaysian society as well as politics.¹⁹

This has led to both overt and covert attempts to encourage conformity to this shared religious identity by blocking conversion out of Islam, and rarely granting formal recognition to those who have left Islam leaving them to face Islamic laws that should not apply to them.

Condemnation of atheism from across wide sections of the Islamic world²⁰ and the links between Islam and the state in Malaysia explains the violent language used towards atheists in Malaysia. In August 2017 August Malaysia's deputy minister in charge of religious affairs, Asyraf Wajdi Dusuki, ordered an investigation into Atheist Republic after a photo of a meeting of the Kuala Lumpur chapter caused uproar among Muslims and lead to death threats against the group on social media. He said that attempts to spread atheist views could be prosecuted under the law. Shahidan Kassim, a cabinet minister, called for atheists to be 'hunted down' and converted as the Constitution 'does not mention atheists. It goes against the Constitution and human rights' asking for help in identifying atheists, potentially creating a mandate for a witch hunt.²²

The right to convert away from Islam is heavily restricted in Malaysia. This is partly due to the desire to create a strong national identity based on religion and also upon traditional Islamic objections to apostasy away from Islam.

Whilst there are internal scholarly debates and differences within Islam about the legitimacy of apostasy there is a strong current of tradition and thought that stresses the repugnancy of conversion away from Islam. Whilst there is no Quranic passage explicitly saying that apostates should be killed, the Quran does outline harsh punishment for those who leave Islam, including the loss of Islamic property rights and Islamic marriage,²³ whilst an often-quoted hadith states that 'one who turns renegade from Islam' can be put to death.²⁴ Compared to the Quran the Hadith are considered by most Islamic theologians to be more open for debate and critical evaluation as they are perceived as a man-made collection of texts. However, there remains a scholarly consensus about the repellent nature of apostasy. All four schools of Sunni Islamic law teach that male apostates should be put to death.²⁵ For Muslim Theologian Muhammad Muhi al-Din al-Masiri 'Apostasy [constitutes] an offense against the social order of Moslem society, for the social order of every Moslem society in Islam.' In this way apostasy is seen by many as a form of rebellion.²⁶ However, for Muhammad Saalih al-Munajjid, a well-known Saudi Arabian theologian, it is the act of changing religion itself rather than rebellion against Islam that justifies capital punishment. It is not a coincidence that the eight countries found by the Law Library of Congress to make apostasy a capital offense are all majority Muslim (Afghanistan, Brunei, Mauritania, Qatar, Saudi Arabia, Sudan, the UAE, and Yemen).²⁷ It is likely that that many ordinary Muslims also view apostasy as a legal justification for harassing or killing offenders. According to Pew Research 62% of Muslims who responded to the poll in Malaysia believed that apostates from Islam should be killed, whilst 76% of Muslim respondents in Pakistan also believed that apostates should be killed.²⁸ However, other scholars and Muslims stress that faith should not be based on compulsion and find support for this in Sura 2, verse 256 of the Quran. Alalawi, for example, states that there is nothing in the Quran that states that apostates must suffer earthly punishment.²⁹ The importance of differing interpretations of the relevant Quranic and Hadith verses must be stressed and the existence of different legal practises within different Islamic countries shows that like all religions Islam is malleable to context. However, the examples given in this paragraph show that there are considerable numbers of people, with Islamic scholars and texts to support them, who are at the least hostile to the idea of conversion away from Islam.

The right to convert to another religion is not explicitly in the Malaysian Constitution. 'There is no doubt that Article 11(1) is not in line with the spirit of the UDHR' as it does not protect the right to convert. In the *Daud Mamat v. Majlis Agama/Adat Istiadat Melayu, Kelantan & Kerajaan Negeri Kelantan* case, *Suriyadi Halim J* held that freedom of religion under Article 11 does not include the right to apostasy. He observed that 'the act of exiting from a religion is certainly not a religion, or could be equated with the right to

profess and practise their religion.³⁰ Article 11(4) of the Constitution states that federal states are allowed to pass laws stating that Muslims are allowed to proselytize to non-Muslims but not the other way around.³¹

In the states of Perak, Melaka Sabah, and Pahang conversion from Islam to another religion is a criminal offence, punishable by a fine or jail term. In Kelantan and Terengganu apostasy can hypothetically be punished by death, but is limited by the maximum punishment allowed under sharia law in Malaysia of 3 years imprisonment. Muslims must first obtain approval from a sharia court in order to convert, however sharia courts seldom grant such requests and are able to impose conditions and punishments. People who attempt to convert are often pressured into 'repenting' with mandated counselling. Apostates are sometimes detained at a 'rehabilitation centre' for up to 3 years, in Melaka they are put into these centres for up to 6 months. It is in these rehabilitation centres and other government and state run institutions that most cases of forced conversion have taken place. Those who have left Islam for other religions are made to recite Islamic prayers and carry out rituals as Muslims in order to force them back into Islam. Some cases have seen Hindus being forced to eat beef as part of their rehabilitation process.³² The Hindu American Foundation have stressed the case of 14 year old F. Thiayagguru, a Hindu boy, who was converted by his teachers in February 2015. The teachers filed a complaint with the Negeri Sembilan Islamic authorities, informing them that Thiayagguru was a practicing Hindu, contrary to his designation as a Muslim on his national identification card. The Islamic authorities therefore took him to a rehabilitation centre without notifying his parents. When he left he was in critical condition and taken to a hospital, where he attempted to commit suicide in fear of being sent back to the rehabilitation centre.³³

A key case is that of Lina Joy, who converted from Islam to Christianity in 1997 and attempted to remove the religious designation of 'Islam' from her personal identity card. The sharia court refused her request to be declared an apostate, and she appealed to the Federal court on constitutional grounds. In May 2007, in a landmark pronouncement, it ruled that only an Islamic sharia tribunal could certify her renunciation of Islam and the legitimacy of her conversion. Lina Joy was forced to go into hiding as a result of death threats she had received due to her attempts to convert. As a result of the case no civil courts can receive applications to leave Islam.

In Malaysia, children/minors are often converted to Islam at the request of one parent without the permission and consent of the other. This type of forced conversion is achieved in a relatively non-violent way, as the main individual involved in the conversion of the minor is the parent, who holds a trustworthy position in their lives. However In a landmark case, the Federal Court on 29 Jan 2018, granted an appeal by kindergarden teacher M. Indira Gandhi, who challenged the conversion of her three children to Islam by her ex-husband Muhammed Riduan Abdullah in 2009. The Federal Court ruled that the consent of both parents is necessary for a child to be converted and

that Article 12(4) of the Constitution that states that the consent of the “parent” is needed should not be construed literally. Importantly, they also decreed that only the civil courts, rather than sharia courts, had the right to decide in these matters.

In India, while secularism of the state is more embedded in the political culture there has always been a struggle between the secularists and the idea of Hindutva; that India is first and foremost a Hindu nation. Hindutva has three pillars: common nation, race and culture and forms the basis of an exclusionary national narrative focused exclusively on the rights of Hindus. There has been resurgence in Hindu nationalism that has resulted in the landslide election of the right-wing BJP in 2014, India's current ruling party. The BJP has close ideological and organisational links with the Rashtriya Swayamsevak Sangh (RSS), the Hindu nationalist and political pressure group.

To the RSS the Hindu religion is absolutely integral to the Indian identity and the strength of the state. Hindu Nationalists view Christian and Muslim Indians as people who have moved away from their natural and true state as Hindus during times of Hindu weakness under imperial rule, first by the Muslim Mughals and then the Christian British. They believe religious minorities have been turned away from their true selves and as such are potential fifth columns for Muslim and Christian influence in India. Subsequently, as well as forced conversions, minorities face hate campaigns. According to IndiaSpend analysis of home ministry data there has been a 28% rise in communal violence between 2014 and 2017, with 822 “incidents” reported in 2017 resulting in 111 people killed and 2,384 wounded.

Since 2014 the RSS and associated groups have become emboldened in their use of Ghar Wapsi (homecoming) ceremonies during which people are reconverted in mass ceremonies. In March-April 2017 53 families living in villages which are part of the Sindri panchayat were “returned to the Hindu fold”. In December 2014 Dharm Jagran Samiti, a group allegedly linked to the RSS, announced the mass reconversion of 4000 Christians and 1000 Muslims in Aligarh, Uttar Pradesh. When this caused an uproar in parliament the central government told local administration to prevent the plans.³⁴ However, this did not stop similar occurrences elsewhere, On 28 January 2015 an estimated 50 to 100 Christians from the poorest backgrounds in India were converted on mass in West Bengal. Meenakshi Ganguly, South Asia director of Human Rights Watch, said “the worry is that some kind of coercion involved. The communities are already vulnerable and the campaign seems quite aggressive and the combination is concerning.”³⁵ There have been reports that figures in government, supportive of the Ghar Wapsi drive, have turned a blind eye to the actions of radical Hindutva groups. For example, a PUCL report said that the Vishwa Hindu Parishad (VHP) were provided protection when they attacked the Christian community in Madhota village, Chhattisgarh by Mr. Kedar Kashyap, Minister in the Chhattisgarh government due to his support for the Ghar Wapsi campaign.³⁶

To give a snap-shot of the problem of 168 acts of violence against Christians between 16 May 2014 and 16 March 2015 46 involved either violence accompanied by accusations of Christians forcibly converting others or violence/threats of being ostracised and denial of communal goods if the Christian did not convert to Hinduism.³⁷ The threat of denial of communal goods is a common one used to force 'reconversion'. In September 2014 Dalits in Khaniyadhana, Madhya Pradesh, who had converted to Islam were given 10 days to reconvert or punitive measures such as destroying standing crops, dispossession of land and other property, ex-communication and fines were threatened.³⁸

Whilst the RSS and associated groups oppose marriages between female Hindus and Muslim and Christian men they actively support marriages between Hindu men and women of religious minorities as the woman usually converts in these cases. VHP leader Badal Bas, estimates that at least 500 Muslim and Christian women became "Hindus through marriage" in 2014.³⁹

Finally, in a very similar way to Malaysia the Special Marriage Act of 1954 includes provisions that deny converts to non-Hindu religions (e.g., Judaism, Islam, and Christianity) of certain rights and privileges. For instance, if either parent of a Hindu child converts to Christianity or Islam, that parent loses the right to guardianship over the child. The Hindu Minority and Guardianship Act of 1956 disqualifies converts from Hinduism to be the guardians of their own children. Similarly, under the law, a Hindu wife who converts to Christianity or Islam loses her right to marital support from her husband. Conversion from Hinduism can even be a basis for divorce.

Gender

Gender is perhaps the key factor in the majority of forced conversion cases. Former Special Rapporteur Jahangir has stressed that 'women in many countries appear to be victims of double or triple forms of aggravated discrimination.' The kidnapping and abduction of girls and women in the most common case of forced conversions. In Pakistan 'Abductions and forced conversions, in particular, are the most serious problem facing Hindu and Christian women and girls.'⁴⁰ It is currently estimated that 1000 Hindu and Christian girls are abducted, forcibly converted and married in Pakistan every year. Media reports have also found that hundreds of Muslim girls have been abducted and forced into Hinduism in India.⁴¹ Women are both more vulnerable and are also seen as worthier prizes as any future children will belong to the majority religion.

It is clear that forced conversions are part of a wider problem facing women in many of the countries where forced conversions take place. These kinds of forced conversions should be seen in the wider context of gender-based violence. Indeed, the countries which feature gender-based forced conversions have a larger set of human rights abuses that women face.

Women in Nigeria for example, where the abduction and then forced conversion features heavily, also face discriminatory laws and practices, which include an implied legal backing to the assault of a wife and a lack of legal recognition of marital rape. Rape and domestic violence are also widespread, as well as harmful traditional practices such as female genital mutilation continue to be practiced in some areas. Gender Based Violence affects women in Nigeria regardless of region, religion or ethnicity.

The countries most directly affected by forced conversions are also those with extremely high levels of forced and early marriages. The rate of child marriage in Bangladesh is 59%, in India it is 27%, in Nigeria it is 44%, in Pakistan it is 21%.⁴² Religion and other traditional cultural practices are widely recognised as serving as forces that can perpetuate and justify early and forced marriages. These can manifest in a variety of ways, including the perceived importance of preserving family honour and girl's virginity, which leads parents to push their daughters into marriage in order to prevent 'immoral' behaviour.⁴³

Therefore, one must be aware of the intersectional nature of forced conversions. States often fail to pay sufficient attention to complex human rights norms. This may lead to serious protection gaps. For instance, while measures undertaken to combat religious discrimination may implicitly follow a male understanding of the needs and requirements of concerned religious communities, programmes aimed at eliminating gender-related discrimination may lack sensitivity in questions of religious diversity. The same can happen in human rights policies outside of the specific context of anti-discrimination programmes. To avoid the danger that persons affected by multiple or intersectional discrimination and concomitant complex patterns of human rights problems remain excluded from protective and promotional activities, such intersectional phenomena deserve systematic monitoring.

Lack of access to Justice

The justice systems of many of these countries have failed to protect religious minorities from forced conversions and secure the rule of law. Many of the police and judicial systems in these countries are underfunded, ill-trained and subject to political influence. Furthermore, police and the judiciary are part of the communities that they serve. If they are surrounded by an atmosphere where it is considered an honour to convert youth girls to their religion, then individuals within the judicial system may struggle to see such forced conversions as ethically wrong which would inhibit their desire to follow through on a prosecution. They can also be subject to intimidation by the general public.

The Human Rights Commission of Pakistan has found that whilst all citizens in Pakistan face obstacles in access to justice minority religious groups face 'even greater difficulties in the pursuit of justice.'⁴⁴ Jai Prakash Moorani, editor of the Sindhi daily has stated, "when Hindu girls are kidnapped, forcibly

converted and married to Muslims, the police, government and courts all turn a blind eye."⁴⁵

In Nigeria there have been complaints that there was "no apparent objection to the abductions from the police or judicial authorities" with the suggestion that they may even have facilitated them and prevented families from retrieving their daughters when their whereabouts were known. When religion is involved, police are indifferent or even hostile to families' complaint, while judges allow abductors and their victims to escape. Cultural sanction was received by the abductors communities and traditional rulers provide safe havens for abductors and empower them financially and otherwise. In Nigeria religion has combined with traditional practises of wife capture.⁴⁶

Police

'Policing in South Asia does not command the confidence of the public because it is seen as oppressive, unfair and woefully inefficient.'⁴⁷

HRCP has shown that police often turn a blind eye to reports of abduction and forced conversions thereby creating impunity for perpetrators. The police forces, which are overwhelming Muslim, generally sympathise with the goal of converting religious minorities. In limited instances of police intervention, local leaders exert considerable pressure to prevent any action.⁴⁸ Sindh province's top police official Sarjeel Kharral told Al Jazeera that the lower tier of the police force is insensitive to the discrimination faced by Hindus. "It's true that they don't prioritise the community without pressure from the media or civil society."⁴⁹ For example, during the case of 14-year-old Jeevti mentioned above when her mother went to the Piyaro Lundh police station the police initially claimed that the girl had gone willingly but refused to allow the mother to talk to her. Only when she returned with an activist did the police take any action, however, they were friendly towards the abductor Hamid Brohi and refused to allow the activist and reporter to speak to the girl alone.⁵⁰

The police will often either refuse to record a First Information Report (FIR) or falsify the information recorded on the FIR, thus denying the families involved the chance to take their case and complaints any further.⁵¹ The lack of an FIR or the misrepresentation of information means that the family are unable to seek further justice in law courts, as an FIR is the vital first stage in the Criminal Procedure Code. Police are also often lethargic in attempting to recover a girl who has been abducted, thus allowing the conversion and marriage to take place.

In Nigeria laws against child conversion, child marriage and carnal knowledge of a minor (under 18) are strong but they are rarely enforced, giving rise to impunity. Parents who aim to secure the release of their abducted daughters are generally informed that they have converted and

married, or are in the custody of Muslim traditional rulers or sharia commissions, and have no desire to return home. The police prove ineffective either due to personal sympathies or fear that acting against local traditional rulers and sympathies would provoke largescale social unrest. For example, in 2016 14-year-old Habiba Isiyaku was kidnapped on her way home from school, forcibly converted and obliged to marry her abductor, Jamilu Lawal, with the reported endorsement of the Emir of Katsina. When Habiba's father went to the Emir to get his daughter back he was told that she had converted voluntarily.⁵² Similarly to Pakistan the women involved are left in the hands of the abductor.

Judiciary and Court Proceedings

Both the lower courts and the higher courts of Pakistan have displayed bias and a lack of following proper procedures in cases that involve accusations of forced marriage and forced conversions.

As the US Department of State Human Rights Report for 2016 states⁵³ the judiciary is often subjected to external influences, such as fear of reprisal and violence from extremist elements. ⁵⁴ "In court, usually it's just four or five members of the girl's family against hundreds of armed people for the boy," says B.H. Khurana, a doctor in Jacobabad and a Hindu community leader. "In such a situation when we are unarmed and outnumbered, how can we fight our case in court?"⁵⁵ In the case of a young Hindu girl named Anjali whose family reported had been kidnapped and forcibly converted 1500 people gathered outside the court and the physical threat of those present pressurised the judge to give in to the demands of the Muslim man.⁵⁶

In other cases, the judicial officers' personal religious beliefs, ties to the local community and deeply entrenched patriarchal societal and cultural norms influence them into accepting on face value the claims made by the man that the woman/girl involved converted and married of their own free will. Often there is no investigation into the circumstances under which the conversion took place but the simple existence of a conversion certificate is taken as sufficient proof. Judges will also often ignore the factor of the girl's age in these cases, or the inadmissible nature of evidence given under threat.⁵⁷

The High Courts of Pakistan have shown a similar lack of respect for due process. In 2012 the high-profile case of Rinkle Kumari went before Pakistan's Supreme Court. The family of Rinkle Kumari had launched a petition before the Karachi High Court alleging that she had been abducted and forcibly converted and that a powerful politician supported her abduction. The husband and his friends insisted that she had voluntarily converted and married. Despite the fact that Rinkle had cried in the civil court at Ghotki and said that she wanted to go home with her parents she was sent to the Sakkar police station and the court allowed her 'husband', Mian Mithoo, to take her home.⁵⁸ Even though Rinkle was supposedly sent to a shelter home after her

appearance in the High Court of Sindh, where she again begged to be sent home, the staff at the shelter home were intimidated into allowing Mithoo's son to meet Rinkle.

When she appeared before the Supreme Court in April 2012 the Court did not take into account that her birth certificate clearly showed that she was below 16 years old and that the marriage of a child is illegal.⁵⁹ Neither Counsel was allowed to cross-examine the nature of the conversion or the marriage.⁶⁰ The statement made by Rinkle that she wanted to go with her husband was simply accepted on faith, despite her previous statements that she wanted to go home.

The rare cases where the judiciary apply the correct procedures highlight the poor practice followed by the majority. Good practice includes demanding security bonds from abducting families claiming to be the lawful custodians of the girl allegedly abducted. Other proper procedures include sending the girl to a safe house prior to her statement in court and ordering further special investigation by the police into the circumstances surrounding the victim's conversion and marriage.

These problems are exacerbated by lengthy backlogs of cases, especially in the lower courts, driven by antiquated procedural rules, unfilled judgeships, poor case management and weak legal education.⁶¹ In January 2015 there were more than 1.7 million cases pending in courts throughout Pakistan.⁶²

Extreme Religious Interpretations

Islam and Christianity are the two dominant proselytizing religions, and within both it is considered religious obligation and a worthy deed to spread the faith.⁶³ For some religious groups this proselytization drive has been taken further than spreading the word of your religion to the utilisation of economic, political and physical power to induce conversion.

In Pakistan, the mushrooming of madrassas and other religious institutions has an important relationship with forced conversions and forced marriages. Most religious institutions, local mosques and seminaries, fail to investigate the nature of the conversion or question the age of the bride; if they demand proof of age at all they are satisfied by a simple affidavit from a member of the locality. These institutions mostly simply accept the word of the abductor⁶⁴ and so a conversion certificate is produced by the religious institution, which is then used by the police and courts to excuse violations and to grant bail.

Some organisations, like Minhaj-ul-quran, routinely and as a matter of official policy, encourage the practice of converting members of minority communities by offering rewards for successful conversions. They say that it is the equivalent of *Haj-e-Akbari*, or the greatest religious duty to Muslims.⁶⁵ The Bharchundi Sharif Shrine is famous for conversions of young Hindu girls⁶⁶ and the Muslim cleric Mian Abdul Malik, who leads it, has stated "there's no such

thing as forced conversions in Islam and in Pakistan."⁶⁷ The documentary *Thrust into Heaven* names Mian Mithoo of Ghotki and Pir Sarhandi of Umerkot as two of the most powerful clerics who facilitate these conversions.⁶⁸ Similarly, Pir Waliullah Sarhandi of the Sarhandi shrine in the Umerkot district claims to have converted thousands of Hindu girls and has claimed that "When a girl is brought before a qazi for conversion to Islam, the qazi must comply immediately. If he delays the conversion even to say his prayers, he himself becomes kafir." The spread of madrassas therefore exacerbates the problem of forced conversions in Sindh; the number of madrassas in Tharparkar and Umerkot has increased from around 20 before 2000 to over 200 by 2015 with support from foreign funds, largely from the Gulf monarchies.⁶⁹

Boko Haram are a Sunni Salafi-Jihadist organisation influenced by the Wahhabi movement. They are active in Northern Nigeria, Cameroon and Chad. They are strongly opposed to Western influence and Western-style education and governance. They have set themselves against democratic rule as a Western import opposed to true Islamic government and aim to Islamise Nigeria through force. This has involved the forced conversion of non-Muslims. Mass abduction and forced conversions are a key part of Boko Haram's campaign. The 276 schoolgirls abducted from Chibok, which gained global attention through the #bringbackourgirls campaign, is the most famous example Boko Haram's abductions. In February 2018 110 girls were abducted in Dapchi, Yobe State, a month later 105 were returned, 4 having died in transit, but the one Christian amongst them Leah Sharibu remained in custody having refused to convert to Islam. In 2014 Human Rights Watch reported that at least 500 girls had been kidnapped and forcibly converted to Islam in Borno and Yobe states alone.⁷⁰ A 23-year old woman, who did not want to be named, was interviewed by Human Rights Watch and testified how after being abducted with her 47 year-old mother in November 2013 that they, along with two girls and two boys between 13 and 17, were all threatened with death unless they converted to Islam.⁷¹ In some cases once people had converted and promised to remain Muslims they were released, often only if they pledged to also convert their families to Islam. In other cases, they were 'married' to members of Boko Haram, a 15-year old girl described how a commander in the camp threatened to whip two abducted girls until they agreed to renounce Christianity and when they converted they were married to insurgents. The forced conversion of women by Boko Haram has tactical and punitive as well as a retaliation against government forces who imprisoned the wives of Boko Haram members.

Socio-Economic Marginalisation

In many of these countries religious minorities remain in a lower socio-economic position. This gives them fewer resources and a marginalised voice and therefore more vulnerable to predation.

In Pakistan, Christians and Hindus are overwhelming at the bottom of the socio-economic ladder with institutionalised barriers to their material

advancement. For example, a significant proportion of Hindus in Sindh are members of the so-called Untouchable, or Scheduled Castes. These individuals make up part of Sindh's landless bonded labour⁷² that forms the backbone of the economy in both agriculture and brick kilns. However, the landlords see the profits whilst the labourers live in abject poverty due to being tied as a result of debt, their labour being used as payment. They remain tied to the land where they are forced to work as slaves with very little recourse to justice or protection from predation by their landlords. Whilst the National Assembly of Pakistan officially abolished bonded labour in 1992 the practice continues to thrive due to a lack of properly empowered institutions to deal with the problem and local officials remain reluctant and/or powerless to act against powerful local families. The institution is also widely accepted in a poorly educated and highly authoritarian and hierarchical rural society.⁷³ It is estimated that there are around 40,000 to 50,000 bonded labourers in the agricultural sector in Sindh,⁷⁴ and that there at least 2 million bonded labourers across Pakistan.⁷⁵

The situation of Bonded Labour places people in a virtually powerless position vis-à-vis their landlords. For example, 14-year-old Jeevti from Sindh, the daughter of Hindu bonded labourers, was abducted in the middle of the night from the family's home by the landlord. She was converted to Islam and forcibly married to the landlord as his second wife because he claimed that the family owed him \$1000. The girl's mother went to the police and the courts and they did nothing to act against the influential and powerful man despite the fact that Jeevti stated that she had no idea what was in the police documents which included an affidavit that she had converted and married of her own free will.⁷⁶

Due to societal discrimination the majority of Hindus and Christians, even if they aren't in bonded labour, are forced into low-status jobs that many Muslims refuse to take, such as sweeping streets or sewage cleaning.⁷⁷

In Bangladesh as well, the poor socio-economic position of minorities has made them easier prey to forced conversions. Local media in Bangladesh have reported that Islamic extremists have been increasingly targeting remote communities of poor Christian, Buddhist and Hindu families in the Chittagong Hill Tracts.⁷⁸ The Chittagong Hill Tracts (CHT) border India and Myanmar, they are mountainous and home to more than 13 indigenous tribes, who are a range of Buddhists, Christians, Hindus and animists. The government has long socially and economically neglected the area; the region is significantly under-developed compared to the rest of the country. The communities who live in the area are often victims of land-grabbing and displacement.⁷⁹

Islamic groups promise parents that their children will be provided with an education in Dhaka or other cities. However, the children are mostly taken to Madrassas where they are converted to Islam without the knowledge or

consent of their parents. 1 Jan 2017, the police rescued 4 indigenous children in the south-eastern district of Bandarban and arrested 2 people involved in a trafficking and forced religious conversion ring. Over the last 7 years the police have rescued 72 children from the indigenous community who have been in similar situations. Rafiq Ullah, officer-in-charge at Bandarban police station said that trafficking and forced conversions by Islamic extremists is not a new phenomenon.⁸⁰

According to Asia News similar patterns are frequent across Bangladesh. Local Christian sources in 2012 said that almost 300 children had been taken from their communities into madrassas. The story is similar, intermediaries visit poverty-stricken communities and convince families to send their children to a mission hostel, charging between 6000 and 15000 Taka (US\$ 500-1200). The children are then sent to Islamic schools in the country. The Hotline Human Rights Trust, a Dhaka-based civil rights organisation, has been working to return these children to their families. In 2012 they helped to rescue 11 children after 6 months of threats and violence when the children refused to take part in Arabic lessons or reading the Quran.⁸¹



Fears of Conversion and anti-Conversion Laws

Fears of conversion

During the creation of the ICCPR many states objected to the rights to convert, Professor Malcolm Evans explains that for many Islamic countries the religious injunctions against apostasy led to their objections against the right to convert. As well as objections to conversion on theological grounds conversion away from the dominant religion is also often seen as a threat to the integrity of society.

Sociologists Kilbourne and Richardson propose that conversion should be thought of as a typology with two axes, each representing an oppositional binary: one the 'active-passive' agency of the convert, the other between 'intra-individual' and 'inter-individual' agency.⁸² Those who support the status quo tend to stress the passive element of conversion acted upon by powerful social psychological forces. The Hindutva movement sees new converts as subjects to 'group pressure, deception, isolation, fatigue, threat(s), and induced dissociative threats' in order 'to obliterate natural ties to the family and community and to instil a new religious identity.'⁸³

Narratives of 'forced conversions' by ethnic minorities are prevalent in India, where such accusations are used to stir-up hatred and fear of Muslims and Christians. Calls of "love Jihad", whereby Muslims marry young Hindu girls with the exclusive aim of converting them, and accusations that Christians are forcibly converting Hindus are common place.

As argued by David Griffiths from his study of communal violence in Orissa in 2008, which left more than 100 dead and over 54,000 homeless, the historical and cultural narrative around Christianity as a threat and the necessity of re-conversion serves as both a spur and justification of violence. He argues that a national discourse about conversion has routinized anti-Christian violence. The region in which the violence took place is dominated by Adivasi and Dalit populations, who had been a focus of both Christian missionaries and Hindu nationalists since the mid 19th century. Many victims attest that the attacks against them involved demands that they 're-convert' to Hinduism and that this is necessary for a peaceful existence.⁸⁴

Anti-Conversion Laws

The fears of conversion have been translated into anti-conversion laws. According to Pew Research six countries in the Commonwealth (Bangladesh, Brunei, India, Malaysia, Pakistan and Singapore) have either government laws or government barriers restricting conversions. Eleven countries in the Commonwealth have experienced incidents of social hostility over conversions (Bangladesh, Brunei, Cyprus, Gambia, India, Kenya, Malaysia, Nigeria, Pakistan, Sri Lanka, and the United Kingdom).⁸⁵

In Brunei Section 112(1) of the Sharia'a Penal Code stipulates that a Muslim who declares himself non-Muslim is punishable with death, or with

imprisonment for a term not exceeding thirty years and corporal punishment, depending on the type of evidence.⁸⁶

Whilst neither Pakistan nor Bangladesh have laws specifically banning apostasy both states have been known to place barriers to conversion. Converts from Islam and atheists may also be vulnerable to Pakistan's blasphemy law, which prescribes life imprisonment for desecrating or defiling the Quran and the death sentence to anyone for using derogatory remarks towards the Prophet Mohamed.^{87 88}

India

In India anti-conversion laws have been introduced in many states after the failure to enact anti-conversion laws at a union level. After the BJP victory in 2014 there have been calls by BJP members to bring anti forced-conversion laws at a national level that would require all religious conversions to have the government's consent.⁸⁹ However, the Ministry of Law and Justice has advised that the matter is under the constitutional domain of the states.

Currently the states that have them are: Orissa (1967), Madhya Pradesh (1968), Arunachal Pradesh (1978) (not fully implemented as the Rules governing the Act are yet to be framed), Chhattisgarh (2000), Gujarat (2003), Himachal Pradesh (2006), Rajasthan (been pending from 2008 as the Centre did not approve the legislation), Jharkhand (2017) and Uttarakhand (2018).

The Supreme Court of India considered two states' anti-conversion laws in 1977 in *Rev. Stanislaus v. State of Madhya Pradesh and Orissa*. The court upheld the laws as constitutional, stating that Article 25 of the Indian Constitution 'grants [] not the right to convert another person to one's own, but [the right] to transmit or spread one's religion by an exposition of its tenets.'⁹⁰

The alleged purpose of each of these 'Freedom of Religion Bills' is to prohibit conversion by force, fraud or inducement. Laws are slightly different in different states but they are similar in their content and structure. Each of the laws states, 'No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by use of force or by allurement or by any fraudulent means nor shall any person abet such conversion.'⁹¹ Penalties for breaching the laws range from monetary fines to imprisonment, with 1-3 years in jail and fines from 5000 to 50,000 Indian rupees. If the crime is committed against a minor, a woman, or a person belonging to a Scheduled Caste (i.e. those considered more vulnerable' then the punishment is tougher.

Acts in Orissa, Madhya Pradesh, and Himachal Pradesh define conversion as "renouncing one religion and adopting another", the Arunachal Pradesh law differs in that it defines it as "renouncing an indigenous faith and adopting another faith or religion." Anti-conversion laws in Rajasthan, Arunachal

Pradesh and Jharkand exclude “reconversions” to “native” or “original” faiths.⁹² In Arunachal Pradesh this excludes Buddhism, Hinduism and nature worship. This provides legal protection for the ideas of Hindutva; that India is a solely Hindu state and that all Indians who are Christians or Muslims have been turned from their ‘true’ selves.

Bans on “inducement” or “allurement” could potentially forbid legitimate actions of propagating one’s faith. They also include the “offer of any gift or gratification, either in cash or in kind, and shall also include the grant of any benefit, either pecuniary or otherwise.”⁹³ All of the laws define “force: as “a threat of injury of any kind including the threat of divine displeasure or social ex-communication.” Banning terms such as the threat of “divine displeasure” under the category of “force” in conversions means that those propagating their religion are not allowed to inform others about what they believed could be the fate of non-adherents.

The laws give officials wide and sweeping powers to inquire into religious conversions ‘but carry no provisions for protection against discriminatory action on the part of the authorities.’ They require an individual to give details of the conversion to the local district magistrate either prior or subsequent to the conversion ceremony. E.g. in 1989, the Orissa Freedom of Religion Rules were issued, which require “the priest performing the ceremony to ‘intimate the date, time and place of the ceremony... along with the names and addresses of the persons to be converted to the concerned District Magistrate before 15 days of the said ceremony.” Failure to do so would result in a fine of 1000 rupees. Under section 5 of the Madhya Pradesh Freedom of Religion Act (1968) notice of the conversion must be given to the District Magistrate by the religious priest or the person who converts anyone else “within seven days after the date of the ceremony.” An attempt in 2006 to amend the legislation to require prior authorisation by a District Magistrate for any conversion was blocked by the President who said that it “violated the freedom of religion guaranteed in the Constitution because it insists on prior permission.” However, the Madhya Pradesh Legislative Assembly passed a similar amendment in 2013 making it compulsory for the priest to request prior permission for the proposed conversion before it happened. However, according to the Law Library of Congress the state’s governor has yet to grant assent to the law. The Gujarat anti-conversion law (passed in 2003) requires a person seeking to convert to get prior permission from the District Magistrate. The Jharkhand Religious Freedom Bill (2017) says that a convertee will have to inform the Deputy Commissioner before the conversion about the time, place and the person who administers the conversion proceedings.

The then UN Special Rapporteur on Freedom for Religion or Belief stated that the laws do not “clearly define what makes a conversion improper [and so] bestows on the authorities unfettered discretion to accept to reject the legitimacy of religious conversions... moreover, the terms inducement or

allurement are defined to include the offer of any gift or gratification, either in cash or in kind, as well as the grant of any benefit... might be interpreted to cover the expression of many religious beliefs.⁹⁴ There is too much protection given to state authorities who act under the law and that 'it seems unclear who may bring an action for, or lodge an appeal against, decisions with regard to the permissibility of a religious conversion' whereas only the victim should be allowed to lodge complaints.⁹⁵ Open Doors have argued that the law are too broad and 'aim to criminalise a wide range of speech by those sharing their religious beliefs with others, whether they hope their listeners convert or not'. They also argue that by giving power to the state to check and approve conversions they breach the ICCPR where no one should be compelled to reveal their religion and give the magistrate the chance to either be pressured by Hindu extremists or to pass information to the extremists.⁹⁶

Enforcement of the laws in India

Whilst there are very few convictions under the anti-conversion laws cases are registered every month. In June 2018 alone 4 Christians were arrested in Jharkhand, in December 2017 8 Christians were arrested in Madhya and Uttar Pradesh for alleged forced conversions and 30 carol singers were beaten up for allegedly trying to forcibly convert people and the police proceeded to detain the carol singers. In May 2017, police detained sixty Christian children en route to a summer camp and charged their chaperones with attempted conversion; later that month, the police charged two more chaperones of other children traveling to the same camp.⁹⁷

However, the laws create an environment where religious minorities are more likely to be attacked as it showed official support for the idea that religious minorities represent a threat to national unity. In a horrific incident in December 2017 a man called Shambhu Lal Regar released a viral video in which he hacked a Muslim day labourer, Afrazul Khan, to death and then burnt his corpse. Regar narrated the video by warning Muslim viewers that the same fate will come to those who engage in the conversion of Hindu women.

They also help to entrench religious divisions. Evangelical Fellowship of India's Religious Liberty Commission's 2016 report shows that two of the states with anti-conversions laws, Madhya Pradesh and Chhattisgarh had the 2nd and 3rd highest numbers of attacks.⁹⁸

USCIRF argue that 'these laws create a hostile, and on occasion violent environment for religious minority communities because they do not require any evidence to support accusations of wrongdoing. For example, in January 2016, police detained 15 Christians in Karnataka state after member of two Hindu nationalists groups, Bajrang Sal and VHP, alleged that the church leaders were forcible converting Hindus; they were released without charge.⁹⁹ One estimate is that 'more than 75 percent of the acts of violence

against Christians, averaging now about 1,000 a year, are under the guise of stopping fraudulent conversions in villages.¹⁰⁰

National Commission for Minorities in India comprising Harcharan Singh Josh and Lama Chosphel Zotpa, after visiting Madhya Pradesh and Chhattisgarh between June 13 and 18, 2007 noted that Hindu extremists frequently invoked anti-conversion law in Madhya Pradesh as a means of inciting mobs against Christians or having them arrested without evidence.¹⁰¹

The laws in Gujarat, Madhya Pradesh and Himachal Pradesh make it incumbent upon neighbours or villages to inform the administration and the police of pastors, nuns and clergymen who are proselytising.

The Laws have also not been used to stop mass 're-conversions' to Hinduism. As explained above this is specifically included in some of the laws but even where it isn't included the law has not been used to stop conversions to Hinduism.

'Love-Jihad' Cases

In 2017, the media dedicated a great deal of coverage to inflammatory allegations that Muslim extremist groups in India were leading a "love jihad," or an organized campaign to coerce Hindu women to marry Muslim men and convert to Islam. India has seen a number of cases where people have accused Muslims of 'love jihad' when marrying a Hindu woman. In the *Jahan v. Asokan K.M.* (Indian Supreme Court, April 9 2018) the Supreme Court overturned the High Court order that annulled the marriage of Hadiya, a 26 year-old student who had converted to Islam in order to marry. On March 8 the Kerala High Court called the marriage a "sham" and referred to it as "love jihad". The father had brought a complaint against the marriage claiming that it was a love jihad despite the woman, saying that she wanted to remain in the marriage.

The court strongly affirmed the right of individuals to choose their religious faith and their marriage partner. Neither the State nor "patriarchal supremacy" can interfere in her decision.

Chief Justice Misra said: 'It is obligatory to state here that expression of choice in accord with law is acceptance of individual identity. Curtailment of that expression ... destroy the individualistic entity of a person. The social values and morals have their space but they are not above the constitutionally guaranteed freedom. The said freedom is both a constitutional and a human right. Deprivation of that freedom which is ingrained in choice on the plea of faith is impermissible. Faith of a person is intrinsic to his/her meaningful existence. To have the freedom of faith is essential to his/her autonomy.... In the case at hand, the father ... may feel that there has been enormous transgression of his right to protect the interest of his daughter but his view point or position cannot be allowed to curtail the fundamental rights of his daughter who, out of her own volition, married the appellant.'¹⁰²

This is an important landmark case where the judiciary has made a clear statement of protection for religious minorities and the right to convert freely.

Pakistan's Sindh Criminal Law (Protection of Minorities) Act, 2015

The Sindh Criminal Law (Protection of Minorities) Bill¹⁰³ was the result of campaigning by civil society groups in order to protect Hindu girls from abduction and forced conversion. It was unanimously passed by the Sindh Assembly in November 2016. As the Hindu American Foundation¹⁰⁴ and the HRCP¹⁰⁵ argue this law was well designed and tackled many of the issues related to forced marriages as it attempted to mandate specific instruments of implementation as well as laying legal guidelines.

Chapter IV(5) adequately defined a forced conversion as forcing a person to adopt another religion under duress, force, coercion or threat, which can be directed at them or a member of their family, loved one, community or property.

Chapter II mandated the government of Sindh to give police and members of the judiciary periodic sensitisation and awareness training on the issues related to child marriages. It also mandated the creation of a commission, committee or institution to oversee and ensure the implementation of the act and to provide this body with enough resources to enable them to do so.

Chapter III(4) prohibited the conversion of anyone under 18, unless the parents or guardian also changed religion.

Chapter IV(6) set a minimum of 5 years to a maximum of life imprisonment and a substantial fine to anyone convicted, and that anyone abetting the crime would suffer a minimum of 3 years in jail.

Chapter V(7) made an attempt to cut through the back log of cases in Pakistan's courts and to ensure the necessary swift action in these cases by mandating that courts set a date to hear the case within a week after receiving the petition from the victim or their family members and loved ones.

Chapter X mandated that the victim either be immediately produced in court, placed in the custody of their parents in the case of an alleged or proven minor, or placed in a shelter. However, as demonstrated above, whilst shelters for women do exist they often fail to protect the women from further coercion and threats, Chapter X stipulated that no meetings can take place without the written consent of the victim. Furthermore, even if the woman was protected inside the shelter this does not end the utility of threats as the husband; his family and friends often threaten to harm the families of the women that they kidnap.¹⁰⁶ Protection must be provided to the families as well as the women involved in these cases. Chapter X mandated that the accused be placed in custody, whilst Chapter XII mandated the courts to

provide adequate security to the victim, to prosecution witnesses investigating officers, prosecutors, victim's family, and the judges during the pendency of investigation and trial and, if necessary, post-trial.

Chapter XI mandated that a victim of alleged forced conversion be given 21 days for an independent decision regarding conversion and that during this time they should be placed under temporary custody under the provisions of Chapter X.

A key difference between the Pakistan Bill and the Indian laws is that the Pakistani bill does not legislate for the state to have to approve every conversion but rather mandates them to have to protect people once the accusation of a forced conversion has been made by the victim or a loved one of the victim.

Sadly, the Bill was effectively blocked by the mobilisation of the Islamist groups and parties. A group of Ulema, including the Council of Islamic Ideology (CII) met with Dr. Abdul Qayyum Soomro, the chief minister's special assistant on religious affairs, on December 5th 2016, and termed the bill against the basic principles of Islam.¹⁰⁷ Religious parties in Karachi launched a campaign against the bill in order to pressurise the Sindh government into repealing it. The JI argued that there could be no age limit on people converting to Islam. Maulana Tahir Ashrafi, of the Council of Islamic Ideology (CII), opposed the idea of age limits on conversions¹⁰⁸, and as part of the CII pressurised the PPP co-chairman Asif Ali Zardari into reviewing the law. Another objection was raised against the mandated 21-day wait to allow the person who has allegedly been a victim of forced conversion to study before being allowed to convert.¹⁰⁹ Religious Parties threatened to lay siege to the Sindh Assembly if the legislature did not repeal the bill. JI leader Advocate Asadullah Bhutto claimed that there had not been a single case of a forced conversion in Sindh.¹¹⁰ When the chief of JI, Sirajul Haq, called PPP co-chairperson Asif Ali Zardari the PPP-led government quickly announced that it would make amendments to the law.¹¹¹

References

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- ¹ Universal Declaration of Human Rights, http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf, p. 38.
- ² International Covenant on Civil and Political Rights art. 18(1), Dec. 16, 1966, S. Exec. Rep. 102-23, 999 U.N.T.S. 171
- ³ Id. art. 4(2)
- ⁴ U.N. Human Rights Comm. (HRC), General Comment No. 22: Article 18: Freedom of Thought, Conscience or Religion, ¶ 3, U.N. Doc. CCPR/C/21/Rev.1/Add.4 (July 30, 1993)
- ⁵ Remarks made at ClFoRB Commonwealth Forum on FoRB held at Lambeth Palace on 17 April 2018
- ⁶ 1981 Declaration, *supra* note 16, art.6.
- ⁷ ICCPR, *supra* note 11, art. 18(3)
- ⁸ MSP, *Forced Marriages & Forced Conversions* (2014), p. 2
http://d3n8a8pro7vhm.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215
- ⁹ The Express Tribune 'Hundreds of Indian Muslim girls being forced into converting to Hinduism' <https://tribune.com.pk/story/1298023/hundreds-indian-muslim-girls-forced-converting-hinduism/> [accessed 18/5/2018]
- ¹⁰ Christian Solidarity Worldwide, *India: Freedom of Religion* (2015), p. 6.
- ¹¹ USCIRF, India 2018 Report, http://www.uscirf.gov/sites/default/files/Tier2_INDIA.pdf
- ¹² Human Rights Watch 'Those Terrible Weeks in their Camp' <https://www.hrw.org/sites/default/files/reports/nigeria1014web.pdf> p. 21.
- ¹³ USCIRF, 'Nigeria; 2017 Report' <http://www.uscirf.gov/sites/default/files/Nigeria.2017.pdf>
- ¹⁴ Open Doors, <https://www.opendoorsuk.org/about/how-we-help/advocacy/nigeria-report-12> p. 4.
- ¹⁵ Open Doors, 'Nigeria Girl Returns to Bayelsa State' <http://www.csw.org.uk/2016/03/03/press/3006/article.htm>
- ¹⁶ The Law Library of Congress, 'Bangladesh: Treatment of Religious Minorities' <https://www.justice.gov/eoir/file/882896/download>, p. 14.
- ¹⁷ Hindu Janajagruiti Samiti, 'Bangladesh Hindu girls face forced conversion of religion after abduction' 3/7/2013 https://www.hindujagruiti.org/news/16735_bangladesh-hindu-girls-face-forced-conversion.html [accessed 20/7/2018]
- ¹⁸ Saran Kaur, *Language Policy Challenges in Multi-Ethnic Malaysia* (Springer, 2014)
- ¹⁹ Joseph B. Ruane, Jennifer Todd (eds.), *Ethnicity and Religion: Intersection and Comparisons* (Routledge, 2011)
- ²⁰ According to the International Humanist and Ethical Union the 13 countries where atheists are condemned to death are Muslim Majority, see <https://iheu.org/you-can-be-put-death-atheism-13-countries-around-world/>
- ²¹ No Islamic country gives atheism legal protection or recognition. See: *The Economist*, 'No God, Not Even Allah' 24/11/2017 <https://www.economist.com/international/2012/11/24/no-god-not-even-allah>
- ²² Tom Batchelor 'Malaysia government minister calls for atheists to be 'hunted down' and 're-educated'' *The Independent* 9/8/2017 <http://www.independent.co.uk/news/world/asia/malaysia-government-minister-atheists-hunted-down-reeducated-religious-freedom-shahidan-kassim-a7884766.html> [accessed 20/7/2018]
- ²³ Johannes A. Van Der Ven and Hans-George Ziebertz, *Human Rights and the Impact of Religion* (Brill, 2014), p. 79.
- ²⁴ Goran Larsson, 'Disputed, Sensitive and Indispensable Topics: The Study of Islam and Apostasy' *Method and Theory on the Study of Religion* 2018, pp. 203-206.

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- ²⁵ *The Economist*, 'No God, Not Even Allah' 24/11/2017
<https://www.economist.com/international/2012/11/24/no-god-not-even-allah>
- ²⁶ Quoted in Larsson, 'Disputed, Sensitive and Indispensable Topics', p. 209.
- ²⁷ Law Library of Congress, Laws Criminalising Apostasy
<https://www.loc.gov/law/help/apostasy/index.php>
- ²⁸ Pew Research Centre, *The Worlds Muslims: Religion, Politics and Society* (2013), p. 55
<http://assets.pewresearch.org/wp-content/uploads/sites/11/2013/04/worlds-muslims-religion-politics-society-full-report.pdf>
- ²⁹ Larsson, 'Disputed, Sensitive and Indispensable Topics', p. 217.
- ³⁰ Ahmad Masum and Nehaluddin Ahmad, 'Freedom of Religion and Apostasy under International Law: with special reference to Article 11 of the Malaysian Constitution' VI JEAL 2 (2013), p. 453.
- ³¹ Constitution of Malaysia, p. 7 <http://hrlibrary.umn.edu/research/malaysia-constitution.pdf>
- ³² Mohd Al Adib Samuri & Muzammil Quraishi, 'Negotiating Apostasy: Applying to "Leave Islam" in Malaysia' *Islam and Christian-Muslim Relations*, vol. 25(4), pp. 511-523.
- ³³ Hindu American Foundation, 'HAF implore Malaysian Government to address Forced Conversion Case' <https://www.hafsite.org/whats-new/haf-implores-malaysian-government-address-forced-conversion-case> [accessed 20/7/2018]
- ³⁴ India Today '53 families converted to Hinduism: RSS in Jharkhand wants block to be Christianity-free' 11/4/2017 <http://indiatoday.intoday.in/story/rss-53-families-converted-hindu-jharkhand-christianity-free/1/926251.html> [accessed 20/7/2018]
- ³⁵ Jason Burke, 'India investigates reports of mass 'reconversion' of Christians' *The Guardian* 29/1/2015 <https://www.theguardian.com/world/2015/jan/29/india-mass-reconversion-christians-hinduism> [accessed 20/7/2018]
- ³⁶ John Dayal, '300 Days: documenting hate and communal violence under the Modi Regime' <http://www.kractivist.org/wp-content/uploads/2015/03/Modi-300-days-Use-for-Printing-1-1.pdf>, p. 17.
- ³⁷ *Ibid.*, pp. 34-69
- ³⁸ Milind Ghatwai, 'Burning crops, boycott, fines' *The Indian Express* 20/7/2018
<http://indianexpress.com/article/india/india-others/burning-crops-boycott-fines-mp-dalit-groups-plan-to-fight-conversion/> [accessed 20/7/2018]
- ³⁹ Dayal, 300 Days, p. 29.
- ⁴⁰ Hindu American Foundation, *Hindus in South Asia and the Diaspora, a survey of human rights 2017*, p. 57. <https://www.hafsite.org/sites/default/files/HAF-HinduHumanRightsReport2017.pdf>
- ⁴¹ Express Tribune 'Hundreds of Indian Muslim girls being forced into converting to Hinduism' <https://tribune.com.pk/story/1298023/hundreds-indian-muslim-girls-forced-converting-hinduism/> [accessed 18/5/2018]
- ⁴² UNICEF, Child Marriage Data, <https://data.unicef.org/topic/child-protection/child-marriage/>
- ⁴³ Elizabeth Nahamya, 'Child, early and forced marriages (CFEM) in the Commonwealth' *Commonwealth Law Bulletin*, 43(1), pp. 114-115.
- ⁴⁴ HRCP, *Belief and relief access to justice for religious minorities* (Human Rights Commission of Pakistan, 2014) p. 11. <http://hrnp-web.org/hrnpweb/wp-content/uploads/2015/09/Access-to-justice-for-religious-minorities-Expert-Group-Report.pdf>,
- ⁴⁵ Javid, Maham, "Forced Conversions Torment Pakistan's Hindus," *Al Jazeera* 18/08/2014, <http://www.aljazeera.com/indepth/features/2014/08/forced-conversions-torment-pakistan-hindus-201481795524630505.html>
- ⁴⁶ Rilwan, 'Abduction and Forced Marriages' *The Nation Online* 13/3/2016
<http://thenationonlineng.net/abduction-forced-marriages>
- ⁴⁷ CHRI, *Feudal Forces: Reform Delayed* (2008), p. 12.
http://www.humanrightsinitiative.org/publications/police/feudal_forces_reform_delayed_moving_from_force_to_service_in_south_asian_policing.pdf

-
- ⁴⁸ Asian Human Rights Commission, 'Pakistan: the forced marriage of religious minority women must be annulled', 25/10/2011 <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-159-2011> [accessed 4/7/2017]
- ⁴⁹ Javaid, Maham, "Forced Conversions Torment Pakistan's Hindus," Al Jazeera 18/8/2014 <http://www.aljazeera.com/indepth/features/2014/08/forced-conversions-torment-pakistan-hindus-201481795524630505.html>
- ⁵⁰ They Always Choose the Prettiest': How Girls are Enslaved for Debt Payment in Pakistan,' Times of India 23/12/2016 <http://timesofindia.indiatimes.com/world/pakistan/they-always-choose-the-prettiest-how-girls-are-enslaved-for-debt-payment-in-pakistan/articleshow/56137395.cms> [accessed 06/09/2017]
- ⁵¹ MSP, *Forced Marriages & Forced Conversions* (2014), p. 23. http://d3n8a8pro7vnm.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215
- ⁵² CSW, Nigeria FoRB Briefing 06/18, p. 8.
- ⁵³ US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1e), 6 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265546>
- ⁵⁴ HRCP, *Belief and relief access to justice for religious minorities* (Human Rights Commission of Pakistan, 2014) <http://hrcp-web.org/hrcpweb/wp-content/uploads/2015/09/Access-to-justice-for-religious-minorities-Expert-Group-Report.pdf>, p. 26.
- ⁵⁵ Rodriguez, Alex, "Hindus in Pakistan Accuse Muslims of Kidnappings Teens as Wives," 22/04/2014 Los Angeles Times, <http://www.latimes.com/news/nationworld/world/la-fg-pakistan-hindu-conversions-20120423,0,4186272.story>. [accessed 25/07/2017]
- ⁵⁶ HRCP, *Belief and relief access to justice for religious minorities* (Human Rights Commission of Pakistan, 2014) <http://hrcp-web.org/hrcpweb/wp-content/uploads/2015/09/Access-to-justice-for-religious-minorities-Expert-Group-Report.pdf>, p. 28.
- ⁵⁷ Hindu American Foundation, *Hindus in South Asia and the Diaspora, a survey of human rights 2017*, p. 58 <https://www.hafsite.org/sites/default/files/HAF-HinduHumanRightsReport2017.pdf>
- ⁵⁸ Riaz Sohail. 'Pakistan Hindu woman Rinkle Kumari 'forced to marry'', BBC News 06/03/2012, <http://www.bbc.co.uk/news/world-south-asia-17272943> [accessed 4/09/2017]
- ⁵⁹ See the Child Marriage Restraint Act 1929 (Act XIX of 1929) <http://punjablaws.gov.pk/laws/147a.html>
- ⁶⁰ Marvi Sirmed, 'Rinkle Kumari: a test case for Jinnah's Pakistan', *The Friday Times*, vol.. 24 (15) (2012) <http://www.thefridaytimes.com/beta3/tft/article.php?issue=20120525&page=6> [accessed 4/09/2017]
- ⁶¹ US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1e), 6 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265546>
- ⁶² Home Office, 'Country Policy and Information Note, Pakistan', version 2.0, June 2017, p. 14.
- ⁶³ Lewis Rambo and Charles Farhadian (eds.), *The Oxford Handbook of Religious Conversion* (2014), pp. 632-633.
- ⁶⁴ MSP, *Forced Marriages & Forced Conversion* (2014), p. 25 http://d3n8a8pro7vnm.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215
- ⁶⁵ Asian Human Rights Commission, "Pakistan: Another Hindu Girl Forcibly Converted to Islam After Being Abducted," 9/1/2007, <http://www.ahrchk.net/ua/mainfile.php/2007/2158/> [accessed 7/7/2017]
- ⁶⁶ Sahar Baloch, "Footprints: conversion by choice or force", Dawn 25/2014 <https://www.dawn.com/news/1102175> [accessed 6/7/2017]
- ⁶⁷ Javaid, Maham, "Forced Conversions Torment Pakistan's Hindus," Al Jazeera 18/8/2014 <http://www.aljazeera.com/indepth/features/2014/08/forced-conversions-torment-pakistan-hindus-201481795524630505.html>

-
- ⁶⁸ Thrust into Heaven, 2016, Being in the World Productions, <http://www.beingintheworld.eu/?q=trust>
- ⁶⁹ Naziha Syed Ali, 'The Truth about forced conversions in Thar' Dawn 17/08/2017, <https://www.dawn.com/news/1345304> [accessed 4/9/2017]
- ⁷⁰ Human Rights Watch, Boko Haram Violence Against Women and Girls in Northeast Nigeria, <https://www.hrw.org/sites/default/files/reports/nigeria1014web.pdf> p. 21.
- ⁷¹ *Ibid.*, p. 29.
- ⁷² HRCPC, 'Bonded Labour: The Surviving Shame of Servitude', *Newsletter*, Vol. 7, 1996, pp. 9–10.
- ⁷³ Nadeem Malik, 'Bonded Labour in Pakistan', *Advances in Anthropology*, vol. 6 (2016), p. 130.
- ⁷⁴ Society for the Protection of the Rights of the Child, <http://www.sparcpk.org/2015/B-labor.html> [accessed 28/8/2017]
- ⁷⁵ National Coalition Against Bonded Labour, *The State of Bonded Labor in Pakistan* (2009), p. 31. http://socialfilms.weebly.com/uploads/1/9/7/4/19749527/_state-of-bonded-labor-final-final-1-21-07.pdf
- ⁷⁶ 'They Always Choose the Prettiest': How Girls are Enslaved for Debt Payment in Pakistan,' 23/12/2016, *Times of India* <http://timesofindia.indiatimes.com/world/pakistan/they-always-choose-the-prettiest-how-girls-are-enslaved-for-debt-payment-in-pakistan/articleshow/56137395.cms> [accessed 06/09/2017]
- ⁷⁷ Javaid Rehman, 'Pakistan' in Durham et al. (eds.), *Encyclopaedia of Law and Religion* (Brill-Nijhoff, 2016)
- ⁷⁸ Herald Malaysia Online, 'Forced Conversion of Bangladeshi Tribal kids on the rise' 12/1/2017 <http://www.heraldmalaysia.com/news/forced-conversion-of-bangladeshi-tribal-kids-on-the-rise/34183/1> [accessed 20/7/2018]
- ⁷⁹ Unrepresented Nations and Peoples Organisation 'Chittagong Hill Tracts' 4/1/2017 <http://unpo.org/article/19747> [accessed 20/7/2018]
- ⁸⁰ Global Buddhist Door, 'Forced Religious Conversion of Children in Bangladesh's Chittagong Hill Tracts on the Rise' 24/1/2017 <https://www.buddhistdoor.net/news/forced-religious-conversion-of-children-in-bangladeshs-chittagong-hill-tracts-on-the-rise> [accessed 20/7/2018]
- ⁸¹ Asia Net, 'Almost 300 Children abducted and forcibly converted to Islam in Bangladesh' 9/6/2012 <http://www.asianews.it/news-en/Almost-300-Christian-children-abducted-and-forcibly-converted-to-Islam-in-Bangladesh-25745.html> [accessed 20/7/2018]
- ⁸² B. Kilbourne and James Richardson, 'Paradigm Conflict, Types of Conversion, and Conversion Theories' *Sociological Analysis* vol. 50(1) (1989), pp. 1-21.
- ⁸³ *Ibid.*, p. 8.
- ⁸⁴ David Griffiths, p. 8
- ⁸⁵ See Appendix E. 'Global Uptick in Government Restrictions on Religion in 2016' <http://assets.pewresearch.org/wp-content/uploads/sites/11/2018/06/19152142/Appendix-E-FULL.pdf>
- ⁸⁶ Law Library of Congress, Laws Criminalising Apostasy <https://www.loc.gov/law/help/apostasy/index.php#brunei>
- ⁸⁷ <https://www.state.gov/documents/organization/171752.pdf>
- ⁸⁸ Law Library of Congress, Laws Criminalising Apostasy https://www.loc.gov/law/help/apostasy/index.php#_ftn61
- ⁸⁹BJP Lawmakers Plan Anti-conversion Bills in LS, RS, INTERNATIONAL BUSINESS TIMES (Nov. 9, 2015) <http://www.ibftimes.co.in/bjp-members-introduce-bill-criminalising-religion-conversion-653925>
- ⁹⁰ Rev. Stanislaus v. State of Madhya Pradesh & Orissa, AIR. 1977 SC 908 (India)
- ⁹¹ Orissa Freedom of Religion Act, Act 2 of 1968, art. 3 (1967) (India); Madhya Pradesh Freedom of Religion Act, Act 27 of 1968, art. 3 (1968) (India); Arunachal Pradesh Freedom of Religion Act, Act 4 of 1978, art. 3 (1968) (India); Gujarat Freedom of Religion Act, Act 24 of 2003, art. 3 (2003) (India); Himachal Pradesh Freedom of Religion Act, Act 31 of 2006, art. 3 (2006) (India); Jharkhand Freedom of Religion Act, Act 17 of 2017, art. 3 (2017) (India).

-
- ⁹² The Law Library of Congress, 'State anti-conversion laws in India', p. 4. <https://www.loc.gov/law/help/reports/pdf/2017-014600.pdf>
- ⁹³ The Law Library of Congress, 'State anti-conversion laws in India', p. 5. <https://www.loc.gov/law/help/reports/pdf/2017-014600.pdf>
- ⁹⁴ A/HRC/10/8/Add.3 p. 17.
- ⁹⁵ A/HRC/10/8/Add.3, para. 49.
- ⁹⁶ Open Doors, Anti-Conversion Laws, https://adfinternational.org/wp-content/uploads/2018/03/Anti-Conversion-Laws_eBook-1.pdf p. 18.
- ⁹⁷ New Indian Express, Nine booked for trying to convert 60 tribal children from Madhya Pradesh to Christianity, (May 23, 2017), <http://www.newindianexpress.com/nation/2017/may/23/nine-booked-for-trying-to-convert-60-tribal-children-from-madhya-pradesh-to-christianity-1608140.html>
- ⁹⁸ World Watch Monitor 'What next for India's Beleagued Christian Minorities' 12/9/2016 <https://www.worldwatchmonitor.org/2016/09/what-next-for-indias-beleaguered-christian-minority/>
- ⁹⁹ USCIRF Annual Report 2016, *India*, supra note. 10.
- ¹⁰⁰ John Dayal, Court upholds anti-conversion law, knocks out major clause, UCAN India 31/8/2012, <http://www.ucanindia.in/news/court-upholds-anti-conversion-lawknocks-out-major-clause/18945/daily>
- ¹⁰¹ International Institute for Religious Freedom, 'India's Defiance of Religious Freedom: a Briefing on 'anti-conversion' laws, IIRF Reports vol. 1 (2) Feb 2012, p. 8.
- ¹⁰² <http://religionclause.blogspot.co.uk/2018/04/india-supreme-court-affirms-right-to.html>
- ¹⁰³ <http://openparliament.pk/bill-details/?billid=2347>
- ¹⁰⁴ Hindu American Foundation, *Hindus in South Asia and the Diaspora, a survey of human rights 2017*, p. 13 <https://www.hafsite.org/sites/default/files/HAF-HinduHumanRightsReport2017.pdf>
- ¹⁰⁵ HRCP, 'HRCP praises law on conversions, urges enforcement' <http://hrcp-web.org/hrcpweb/hrcp-praises-law-on-conversions-urges-enforcement/> [accessed 3/07/2017]
- ¹⁰⁶ Sameen Khan, 'Forced conversion, marriage and the Endless cycle of misogyny'
- ¹⁰⁷ Zia Ur Rehman, 'Sindh government slammed for backtracking on promise to protect minorities', *International The News* 21/6/2017 <https://www.thenews.com.pk/print/211914-Sindh-govt-slammed-for-backtracking-on-promise-to-protect-minorities> [accessed 4/9/2017]
- ¹⁰⁸ Sameen Khan, 'Forced conversion, marriage and the Endless cycle of misogyny' *Herald* 17/3/2017 <https://herald.dawn.com/news/1153698> [accessed 20/8/2017]
- ¹⁰⁹ Hafeez Tunio, 'Five Months on, bill against forced conversion gathers dust', *Dawn* 28/04/2017 <https://tribune.com.pk/story/1395255/five-months-bill-forced-conversion-gathers-dust/> [accessed 19/8/2017]
- ¹¹⁰ Staff Reporter, 'Govt asked to revoke 'anti-conversion' bill', *Dawn* 03/12/2016 <https://www.dawn.com/news/1300104/govt-asked-to-revoke-anti-conversion-bill> [accessed 3/9/2017]
- ¹¹¹ Hafeez Tunio, 'Five Months on, bill against forced conversion gathers dust', *Dawn* 28/04/2017

