

POSITION PAPER ON HRC RESOLUTION ON CHILD, EARLY AND FORCED MARRIAGE

Background

1. On behalf of a coalition of civil society organizations, this paper outlines the proposal to integrate a freedom of religion or belief (FoRB) perspective into the draft resolution on child, early and forced marriage (CEFM) to be considered by the Human Rights Council (HRC) at its 53rd Regular Session.
2. Evidence of the link between FoRB and CEFM is found in the widespread trend of abductions and forced conversion in connection with forced marriage, often as a guise for sexual exploitation and enslavement, often targeting women and girls from religious minority communities.¹ This phenomenon has received growing international attention, including, most recently, in the context of the Universal Periodic Review.² This matter has been repeatedly raised in UN fora, including by the Secretary General, the Office of the High Commissioner for Human Rights (OHCHR), as well as several Special Procedures mandate holders.
3. The HRC resolution on CEFM presents a unique and timely opportunity to address this key concern while simultaneously enhancing the overall initiative. The language proposals articulated in this brief, grounded in relevant UN sources and reflecting the recommendations emanating from the UN system, offer robust avenues to achieve these goals.

(a) Abductions and forced conversions linked to child and forced marriage

4. The OHCHR's report for 2023 on forced marriage, submitted in accordance with HRC resolution 48/6 on CEFM, explicitly highlights cases involving women and girls belonging to religious minorities who face incidents of abduction, abuse, and coerced conversion prior to being subjected to forced marriages. The report emphasizes the imperative to "strengthen protection for victims of forced marriage in this context."³ This aligns with the observations made in the Secretary-General's 2016 report on CEFM, which also acknowledged the prevalent pattern of abductions and forced

¹ See, inter alia: M. Johns; E. Ochab; J. Rehman; N. Preston 'Abductions, Forced Conversions, and Forced Marriages of Religious Minority Women and Girls in Pakistan' (September 2021) APPG Pakistan, <https://appgfreedomofreligionorbelief.org/media/APPG-Pakistan-Minorities-Report.pdf>;

ACN International 'Hear Her Cries' (November 2021) <https://www.churchinneed.org/new-report-documents-extremist-assaults-on-christian-women-and-girls/>;

Open Doors 'A Web of Forces: The 2023 Gender Report,' (March 2023) <https://www.opendoors.org/thegenderreport>;

Jubilee Campaign 'Kidnapping & Slavery in Nigeria,' (October 2021), <https://jubileecampaign.org/new-jubilee-campaign-report-kidnapping-slavery-in-nigeria/>; 'Conversion without Consent: A report on the abductions, forced conversions, and forced marriages of Christian girls and women in Pakistan', (November 2022) <https://jubileecampaign.org/conversion-without-consent-a-report-on-the-abductions-forced-conversions-and-forced-marriages-of-christian-girls-and-women-in-pakistan/>.

Coptic Solidarity 'Jihad of the Womb: Trafficking of Women and Girls in Egypt', (September 2020) <https://www.copticsolidarity.org/wp-content/uploads/2020/09/jihad-of-the-womb-report-fa.pdf>.

² See inter alia HRC 'Report of the Working Group on the Universal Periodic Review - Pakistan' (31 March 2023) UN Docs A/HRC/53/13, recs. 46.50, .235, .260, .263, .315.

³ OHCHR 'Adverse impact of forced marriage on the full and effective enjoyment of all human rights by all women and girls' (2 February 2023) UN Docs A/HRC/52/50, 54.

conversions associated with the forced marriage of women and girls belonging to religious minorities.⁴

5. A number of Special Procedures mandate-holders have also drawn attention to this alarming trend. In his 2012 annual report to the General Assembly, former Special Rapporteur on freedom of religion or belief Professor Heiner Bielefeldt highlighted the responsibility of States, in accordance with international under human rights law, “to ensure that forced conversions do not occur in the context of marriage or marriage negotiations”.⁵ His report referred to “disturbing reports about abduction and forced conversion of women, sometimes minors, especially from religious minorities”, and the climate of impunity surrounding such cases often resulting from pre-existing legal discrimination towards persons from religious minorities.⁶ This observation was reiterated in his subsequent report to the General Assembly, which recognized that “in a number of countries, women or girls from religious minorities unfortunately run the risk of being abducted, with the purpose of forcing them to convert to the mainstream religion, often in connection with an unwanted marriage.”⁷
6. More recently, the 2020 report titled “Gender-based violence and discrimination in the name of religion” authored by former Special Rapporteur on freedom of religion or belief Dr. Ahmed Shaheed, also reported cases of forced conversions linked to forced marriages of persons belonging to religious or belief minorities in South and South-East Asia, often accompanied by a heightened risk of violence against such communities.⁸
7. The Special Rapporteur on contemporary forms of slavery, in his thematic report of 2022, also highlights the prevalence of abductions, forced conversions and forced marriages, particularly perpetrated by armed groups in Nigeria, targeting religious minority groups.⁹ In a similar vein, a 2015 joint communication to the government of Iraq by a group of seven Special Rapporteurs highlighted the systematic forced conversion and sexual exploitation and enslavement, often under the guise of marriage, of Yezidi women and girls by ‘Islamic State’ militants.¹⁰
8. In January 2023, a group of seven Special Procedures mandate-holders addressed a joint communication to the government of Pakistan, decrying the abductions, forced conversions and marriages of girls as young as 13 years old from religious minority communities. The communication specifically urged the adoption and enforcement of legislation that explicitly prohibit such horrific practices.¹¹
9. In March 2023, on the side-lines of the 52nd session of the Human Rights Council, the Permanent Missions of Poland and Hungary, with the support of the Permanent Missions of Gambia, Sierra Leone and the Sovereign Order of Malta as well as a group of FoRB advocacy organizations, co-

⁴ UN Secretary General ‘Child, Early and Forced Marriage’ (29 July 2016) UN Docs A/71/253, 6.

⁵ H. Bielefeldt ‘Elimination of all forms of religious intolerance’ (13 August 2012) UN Docs A/67/303, 25.

⁶ Id., 43.

⁷ H. Bielefeldt ‘Elimination of all forms of religious intolerance’ (7 August 2013) UN Docs A/68/290, 34.

⁸ A. Shaheed ‘Gender-based violence and discrimination in the name of religion or belief’ (24 August 2020) UN Docs A/HRC/43/48, 25.

⁹ T. Obokata ‘Contemporary forms of slavery affecting persons belonging to ethnic, religious and linguistic minority communities’ (19 July 2022) UN Docs A/HRC/51/26, 31.

¹⁰ Group of Special Procedures mandate holders ‘Communication to Iraq’ (4 May 2015) UN Docs UA IRQ 1/2015.

¹¹ Group of Special Procedures mandate holders ‘Communication to Pakistan’ (26 October 2022) UN Docs AL PAK 6/2022.

hosted a high-level event titled “Trends in Restrictions on Religious Conversion”. During the panel discussion, the Special Rapporteur on Freedom of Religion or Belief underscored that “forced conversions often happen in the context of forced marriages” and called for the implementation of effective policies to prevent such violations.¹²

(b) Language proposals

10. In light of the aforementioned, we submit the following language for the core group’s consideration, to be incorporated into the zero draft of the draft resolution on CEFM:

- Introduce a new preambular paragraph as follows:

Deeply alarmed by reports about the abduction and forced conversion of women and girls belonging to religious or belief minorities in connection with a forced marriage, *recognizing* that child, early, and forced marriage can impair or nullify the full enjoyment by victims of their right to freedom of religion or belief, and *underscoring* that no individual should be exposed to pressure to convert against her or his will in the context of marriage and marriage negotiations; (based on A/71/253, para 6, and A/67/303, para 69(e))

- Introduce a new preambular paragraph as follows:

Strongly condemning abductions, trafficking and forced conversion of women and girls for the purposes of forced marriage, particularly women and girls from religious or ethnic minorities; (based on A/HRC/52/50, para 54)

- Introduce a new operative paragraph as follows:

Urges States to take all appropriate measures to guarantee the right to freedom of religion or belief in the context of marriage and marriage negotiations, particularly for women and girls from religious or belief minorities; (based on A/67/303, para 25)

- Introduce a new operative paragraph as follows:

Calls upon all States to strengthen prevention and protection measures for women and girls from religious or belief minorities who are victims or at risk of abduction, trafficking and forced conversion in the context of forced marriage, and to effectively prohibit such practices; (based on A/HRC/52/50, para 54)

¹² ADF International “Thoroughly illegitimate”: forced conversion and marriage of women and girls called out at UN event” <https://adfinternational.org/forced-conversions-United-nations/>.

Respectfully submitted,

Organizations

ADF International (registered as “Alliance Defending Freedom”)

Anglican Communion (registered as “Anglican Consultative Council”)

Baptist World Alliance

CAP Freedom of Conscience

Christian Council International (registered as “Transatlantic Christian Council”)

Coptic Solidarity

Jubilee Campaign

Muslims for Progressive Values

VIVAT International

World Evangelical Alliance

ACN International*

Advocates International*

Alliance for Inclusive Muslims*

American Association of Evangelicals*

American Muslim & Multifaith Women’s Empowerment Council*

Crisis Response Network*

ExMuslims of North America*

GAFCON Suffering Church Network*

Gender and Religious Freedom*

International Committee on Nigeria*

Leadership Empowerment Advocacy and Humanitarian Foundation*

Save the Persecuted Christians*

Set My People Free*

Shai Fund*

* Not ECOSOC-accredited

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Annex: Language Sources

2012 Report of the Special Rapporteur on FoRB – Elimination of all forms of religious intolerance (A/67/303)

25. **States also have the responsibility to ensure that forced conversions do not occur in the context of marriage or marriage negotiations.** The obligation to guarantee effective protection, especially for women and sometimes minors, in this sensitive field follows from the right to freedom of religion or belief as well as from the duty of States to combat all forms of violence and discrimination against women. According to article 16 (1) (b) of the Convention on the Elimination of All Forms of Discrimination against Women, States parties “shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on the basis of equality of men and women [...] the same right freely to choose a spouse and to enter into marriage only with their free and full consent”.

43. **The right not to be forced to convert also has an obvious gender dimension, since involuntary conversions can occur in the context of marriage or marriage negotiations.** In a number of countries, obstacles to interreligious marriage still exist despite the provision in article 16 (1) of the Universal Declaration of Human Rights according to which the right to marry and found a family may not be limited on grounds of religion. Such obstacles are sometimes formally enshrined in legal statutes and enforced by State authorities, including the judiciary. While men are sometimes expected to convert against their will in order to be able to marry a woman of a different religious affiliation, women are particularly affected by formal or informal pressure to convert to the religion of their prospective husbands. Although many such conversions may be undertaken on a voluntary basis, there are also cases of threats or coercion. **The Special Rapporteur has received disturbing reports about the abduction and forced conversion of women, sometimes minors, especially from religious minorities. He is concerned that such incidents seem to occur in a climate of impunity, thus leading to the impression that law enforcement agencies systematically fail to provide effective protection for women and girls.** There are still countries that, on the basis of custom, religious beliefs or the ethnic origins of particular groups of people, permit forced marriages or remarriages. The Committee on the Elimination of Discrimination against Women has recommended that “States parties should resolutely discourage any notions of inequality of women and men which are affirmed by laws, or by religious or private law or by custom.” (see general recommendation No. 21, para. 44).

65. Serious violations also occur in respect of the right not to be forced to convert against one’s will. While some members of religious or belief minorities experience pressure to join a religion or belief deemed more “acceptable” in society, converts are often exposed to pressure to reconvert to their previous religion. Such pressure can be undertaken both by Government agencies and by non-State actors, including by directly linking humanitarian aid to expectation of conversion. **The Special Rapporteur is particularly concerned about pressure or threats experienced by women, sometimes in the context of marriage or marriage negotiations, to convert to the religion of their (prospective) husband.**

2013 Report of the Special Rapporteur on FoRB – Elimination of all forms of religious intolerance (A/68/290)

34. Above all, antagonistic views of the two human rights norms would further diminish the prospects of persons whose human rights problems fall in the intersection of freedom of religion or belief and equality between men and women. Indeed, human rights violations in the intersection of the two norms are a reality for many women. **One obvious example is forced conversion in combination with forced marriage. In a number of countries, women or girls from religious minorities unfortunately run the risk of being abducted, with the purpose of forcing them to convert to the mainstream religion, often in connection with an unwanted marriage.** Another example, albeit much less extreme, concerns dress code regulations in public institutions which disproportionately target women from religious minorities, thus preventing them from achieving important professional or public positions.

2020 Report of the Special Rapporteur on FoRB – Report on freedom of religion or belief and gender equality (A/HRC/43/48)

25. Participants in the consultations focused on the South and South-East Asian region reported that **women and girls from religious minority communities were often at particular risk of violence, including violence associated with forced conversions and forced marriage**, and that “counter-extremism” measures adopted by States had targeted women from Muslim minority communities with rape, forced sterilization and forced abortion.

2022 Report of the Special Rapporteur on Slavery – Contemporary forms of slavery affecting persons belonging to ethnic, religious and linguistic minority communities (A/HRC/51/26)

31. In other regions, **the armed group Boko Haram has forced Christian women and girls to convert to Islam and to marry**, and some ethnic minority groups in Nigeria practice forced or child marriage at particularly high rates: 74.9 per cent, among the Kambari, and 73.8 per cent, among the Fulfude. In the Democratic Republic of the Congo, forced marriage of women and girls has been reported, and these practices are also a concern in Asia, including in Cambodia, India, Kazakhstan, Sri Lanka and Viet Nam and in Latin America, including in Bolivia (Plurinational State of), Colombia, Honduras and Panama.

2016 Report of the Secretary General – Child, Early and Forced Marriage (A/71/253)

6. In his most recent thematic report (A/HRC/31/57), the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted that child and forced marriage was a form of gender based violence that could constitute ill treatment and torture. The Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, has described child marriage as a form of forced marriage that places children at high risk of child servitude and other slavery like practices and can in certain cases constitute slavery. **The Special Rapporteur on freedom of religion or belief, in his interim report (A/68/290), drew attention to the fact that, in a number of countries, women or girls from religious minorities run the risk of being abducted with the purpose of forcing them to convert to mainstream religion, often in connection with a forced marriage.** The Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Working Group on the issue of discrimination against women in law and in practice have also made specific references to child, early and forced marriage in country visits and in their recommendations to States. The Working Group also released a report that addressed the issue of discrimination against women with regard to health and safety and discussed child, early and forced marriage in the context of harmful practices. The Special Rapporteur on the right to health submitted a report on adolescents that referred to child marriage in the context of gender inequality and the enjoyment of sexual and reproductive health and rights. The issue of child, early and forced marriage has also been raised in the context of the universal periodic review with recommendations focusing on the importance of raising the minimum age of marriage to 18 years, developing comprehensive action plans and carrying out awareness raising campaigns on the issue.

2023 Report of the OHCHR – Adverse impact of forced marriage on the full and effective enjoyment of all human rights by all women and girls (A/HRC/52/50)

40. **In some countries, women and girls belonging to religious minorities are kidnapped, subjected to physical and emotional abuse involving threats of violence, and forcibly married. In some cases, victims are forced to convert their religion under the guise of marriage of choice.** As noted by the United Nations Office on Drugs and Crime (UNODC), forced marriage may also be used by traffickers as an instrument to bring a woman or girl to the destination country or community where she will be exploited either sexually, in domestic servitude or in forced labour. In many of the cases of forced, abusive and exploitative marriages analysed by UNODC, marriages could be linked to the transportation or transfer of the victim to the spouse and his family’s home.

54. **There are reports of girls from religious minorities being kidnapped from their families, trafficked, forced to marry men sometimes twice their age, and subjected to forced religious conversion. This practice is usually not subject to effective prohibition. The measures of prevention and protection for victims of trafficking in persons should be applied to strengthen protection for victims of forced marriage in this context.**

2023 Special Procedures – Communication to Pakistan (AL PAK 6/2022)

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

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