

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS ON THE PROTECTION OF MINORITIES BILL, 2016

I, Chairman of the Standing Committee on Human Rights, have the honor to present the report on the Bill [The Protection of Minorities Bill, 2016] (Private Member's Bill) referred to the Committee on 27th September, 2016.

2. The Committee consists of the following Members: -

1) Mr. Babar Nawaz Khan	Chairman
2) Sahibzada Muhammad Yaqub	Member
3) Sayed Essa Nori	Member
4) Begum Tahira Bukhari	Member
5) Ms. Farhana Qamar	Member
6) Ms. Phyllis Azeem	Member
7) Ms. Surriya Asghar	Member
8) Ms. Kiran Haider	Member
9) Ms. Asiya Naz Tanoli	Member
10) Ms. Zahra Wadood Fatemi	Member
11) Ms. Amra Khan	Member
12) Dr. Fehmida Mirza	Member
13) Dr. Shazia Sobia	Member
14) Ms. Musarat Rafique Mahesar	Member
15) Ms. Munaza Hassan	Member
16) Mr. Sajid Nawaz	Member
17) Kanwar Naveed Jameel	Member
18) Ms. Kishwer Zehra	Member
19) Ms. Aliya Kamran Murtaza	Member
20) Mrs. Naseema Hafeez Panezai	Member
21) Mr. Kamran Machael, Minister for Human Rights	Ex-officio Member

3. The Committee considered the Bill on 20-10-2016, 08-11-2016 and 02-12-2016. The Committee recommends that the Bill placed at Annex-A may not be passed by the Assembly.

Sd/-
(ABDUL JABBAR ALI)
Secretary

Sd/-
BABAR NAWAZ KHAN
Chairman
Standing Committee on
Human Rights

Islamabad, the 23rd February, 2017

[AS REPORTED BY THE STANDING COMMITTEE]

A
Bill

to provide for the protection of persons against forced conversion

WHEREAS the Constitution of the Islamic Republic of Pakistan provides for the protection of the right of the citizens to profess and practice their religion;

AND WHEREAS the Constitution provides for protection of the marriage;

AND WHEREAS the Government of Pakistan is obligated to fulfill its commitments under international human rights conventions including the Universal Declaration of Human Rights, the Child Rights Convention, Convention for the Elimination of all Discrimination Against Women, International Convention of Civil and Political Rights and International Convention of the Economic, Cultural and Social Rights;

AND WHEREAS it is expedient to recognize the importance of tolerance, peace, inter-faith harmony and to criminalize forced conversions and provide for protection of victims thereof and provide for matters connected therewith and incidental thereto;

It is hereby enacted as follows:-

1. **Short Title, extent and commencement.**- (1) This Act may be called the Protection of Minorities Act, 2016.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

Chapter I – Definitions

2. **Definition.**- (1) In this Act, unless there is anything repugnant in the subject or context,-
 - a) "Abettor" means as defined in Section 108 of the Pakistan Penal Code 1860
 - b) "Accused" means a person facing the charge of forced conversion;
 - c) "Adult" means a person who has attained the age of eighteen years;
 - d) "Aggrieved person" means a person directly or indirectly affected by an offence under this Act;
 - e) "Child" means a person under the age of eighteen years;
 - f) "Child Protection Institute" means a government facility or registered voluntary organization established for the admission, care, protection and rehabilitation of persons, particularly children and women and may include remand houses, shelter homes and borstal institutions;
 - g) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);
 - h) "Coercion" means compulsion by physical force or threat of force;
 - i) "Consent" means informed and voluntary consent that is given freely without any coercion, undue influence, fraud or misrepresentation by an adult with full knowledge of the implications of the consent and any alternative.
 - j) "Conversion" or "Convert" means when a person adopts new religious beliefs that differ from the person's previous beliefs;
 - k) "Court" means a court notified by the Federal Government for the purposes of this Act;

- l) "Duress" means a threat of harm, whether physical, psychological or emotional, made to compel a person to do something against his or her will or judgment;
 - m) "Force" means power, violence, or physical, emotional or psychological pressure directed against a person or a thing;
 - n) "Forced Conversion" means forcing a person to adopt another religion under duress, force, coercion or threat including any such duress, force, coercion or threat used against a member of the victim's family, loved one, community or property through different modes which shall include but not be limited to marriage, bonded labour;
 - o) "Forced marriage" means a marriage where one or both parties have not given their consent and is prohibited under Section 498B of the Pakistan Penal Code (Act XLV of 1860).
 - p) "Government" means the Government of Pakistan;
 - q) "Informer" means a person who has credible information that an offence is about to be or is being or has been committed under this Act and who has no interest adverse to the victim or to the accused
 - r) "Maturity" means attaining the age of eighteen years;
 - s) "Minor" means a person below the age of eighteen years;
 - t) "Notification" means a notification published in the Official Gazette;
 - u) "Prescribed" means prescribed by the rules made under this Act;
 - v) "Service provider" means a government facility or registered voluntary organization established for the protection of victim providing shelter, legal, medical, financial or any other assistance;
 - w) "Threat" means a communicated intent to inflict harm or loss on another person or on another person's property or relative or member of their community, especially one that might diminish a person's freedom to act voluntarily or with lawful consent;
 - x) "Victim" means a person who is subjected to forced conversion as defined under this Act;
- (2) Words and phrases not defined in this Act shall have the same meaning as assigned to them in the Pakistan Penal Code, 1860, (Act V of 1860) and the Code of Criminal Procedure 1898 (Act XLV of 1898).

Chapter II – Role of the Government

- 3. Role of the Government.** (1) Government shall ensure to.-
- a) Issue a notification to all law enforcement agencies, relevant bodies, institutions, committees and commissions to ensure enforcement of this Act.
 - b) give wide publicity to the contents of this Act through electronic and print media in English, Urdu and local languages;
 - c) give periodic sensitization, awareness and training to the Government officers, police personnel and the members of the judicial service on issues addressed by this Act ;
 - d) formulate effective protocols by the concerned Ministries and Departments which may include those relating to minorities, health, education, women, social welfare and labour, to address the issue of forced conversion and that the same are periodically revised;
 - e) support services which shall include but not be limited to shelter, legal aid, medical aid etc., are made available for the support of victim;
 - f) create shelters specifically for victims of forced conversion;
 - g) notify special courts to try cases of forced conversion.