

[**As INTRODUCED IN THE NATIONAL ASSEMBLY**]

**A
BILL**

to provide for protection of persons against forced conversion of their religion

WHEREAS, it is necessary to criminalize forced conversions and provide for protection for those who are victims of this abhorrent practice:

AND WHEREAS, the Constitution of the Islamic Republic of Pakistan provides and protects the rights of all persons to choose and practice their own religion and the freedom of choice of 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;

It is hereby enacted as follows:-

1. Short title, extent and Commencement.- (1) This Act may be called the Protection of Persons against forced Religious Conversion Bill, 2019.

- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

CHAPTER I – DEFINITIONS

2. Definitions.- (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 any person against whom a charge of forced conversion is being laid;
- (c) “Adult” means any person who is above the age of 18 years;
- (d) “Aggrieved person” means any person who has been directly or indirectly adversely affected by an offence of forced conversion;
- (e) “Child” means any person under the age of eighteen years;
- (f) “Child marriage” means child marriage as defined in the Child Marriage Restraint Act, 1929;
- (g) “Child Protection Institute” means any such 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, hostels and other such institutions;
- (h) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (i) “Coercion” means compulsion by physical force or threat of physical force;
- (j) “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 alternatives;
- (k) “Conversion” or “Convert” means when a person adopts new religious beliefs that defer from the person’s previous beliefs;
- (l) “Court” means any court notified by the Federal or Provincial Government for the purposes of this Act;

- (m) "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;
 - (n) "Force" means power, violence, or physical, emotional or psychological pressure directed against a person or a thing;
 - (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 or Government of any province 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) "Majority" means attaining the age of 18 by any person;
 - (s) "Minor" means a person below the age of 18;
 - (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 any such 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; and
 - (x) "Victim" means any 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 XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898).

CHAPTER II – ROLE OF GOVERNMENT

3. **Role of Government.**– (1) Government shall ensure that,-
- (a) A notification is issued to all law enforcement agencies, relevant bodies, institutions, Committees and commissions to ensure the enforcement of this Act;
 - (b) This Act and the contents thereof receive wide publicity through electronic and print media in English and Urdu;
 - (c) The Government officers, the police and the members of the judicial service are given periodic sensitization and awareness training on the issues addressed by this Act;
 - (d) Effective protocols are formulated 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) Shelters specifically for victims of forced conversions are available;
 - (g) Specific courts are notified to hear cases of forced conversion and until such notifications are issued, courts of competent jurisdiction shall hear all cases falling under this Act; and
 - (h) Any other role it deems appropriate for the proper implementation of this Act.