**No education for the forcibly converted**

Zeeba T Hashmi

Wednesday, Jun 08, 2022

How violation of the fundamental rights of a citizen dents our entire society is often ignored by the power structures in the country. This is especially so when it translates into marginalization in education of children belonging to persecuted communities that endure gross discrimination and systemic exploitation.

Freedom of religion or belief and its essence should be no ordinary matter for the state, because they are directly linked with the state’s primary responsibility to ensure fulfillment of the fundamental rights of all citizens. Article 20 that ensures freedom of religion, Article 22(1) that relates to safeguarding religious identities of minority children in learning environments and Article 25-A that ensures compulsory education for all children aged 5-16 years are all a commitment of the state to citizens that every government in power must ensure. However, it is extremely unfortunate that fundamental rights in the country are not practically guaranteed, despite the fact that Pakistan is obliged under international commitments on human rights to localize legislations on them.

Forced conversions are not yet criminalized in Pakistan, at any national or provincial level. Each of the four provinces has its own local dynamics that help us explain how human rights violations are allowed to take place. For example, in Punjab, domestic workers coming from religious minority groups, especially girl children, are vulnerable to unwillful conversions as a prelude to the marriages they eventually get forced into, and the law, that hasn’t raised the age bar for girls (from 16 to 18 years) adds on the grievances of child marriages in the province.

In Sindh, the class and economic backgrounds of majority Hindus and the Dalits have to be brought into consideration to determine whether the environment for conversion ensures willfulness and no coercive tactics or whether economic intimidation is involved. However, the situation on ground negates the assumption of conduciveness. In fact, some political claims that stories of forced conversions are concocted to cover a family’s shame of girls eloping for love could only be plausible if there were open avenues for mixed sex gatherings such as at parks, theaters or cafeterias where no one is bothered by the class, religion or stature of the love birds deciding to marry each other. We can’t say much about Karachi or other urban areas, but such culture is not found in rural Mithi, or Tharparkar.

In fact, there is no way of knowing whether a girl child or an adult woman has converted out of free will, because there is no scrutiny mechanism in place to guarantee that. When parents of the minor file a complaint, the only testimony that gets admitted in court as evidence of free will is the loose sheet of paper called ‘certificate’ that is issued by the welfare organizations which are working in the hundreds particularly in areas with significant Hindu populations. If their provision of ‘welfare’ services is conditional to their conversion, then the question of the fundamental right of ‘freedom of religion’ becomes crucial.

Attempts were made to ban forced conversions for underage girls in 2016 and again in 2019 in Sindh and then later in the National Assembly, but they failed to proceed due to religious objections raised by some political and welfare lobbies. Recently, the Ministry for Human Rights had itself prepared a draft legislation based on the recommendations of the parliamentary committee, but that too could not move forward due to extreme opposition to the idea of raising the age of consent for girls to18 years. Moreover, former prime minister Imran Khan himself reassured religious quarters that no legislation would take place during his tenure if they found it offensive. This brought everyone’s efforts back to square one, where the plight of the minority communities especially in terms of protection of their girls remains criminally unaddressed.

So why is religious conversion a major concern for minority communities? What must a legislator know before they make a decision in favour or against a bill? A few considerations here can perhaps help them empathize with many concerns associated with conversions, as I already communicated to the parliamentary committee meeting held on November 17, 2020 under the chairmanship of Senator Anwarul Haq Kakar in Islamabad.

A key concern should be to know what happens when a girl or woman (established as a victim of forced conversion by the court) wants to revert back to her previous belief? Prominent social workers working directly with aggrieved families and victims in Sindh have called it a “one-way street” – there is no turning back even if a victim manages to return to her family. The conversion for the community is permanent, and as a result, a returnee is not able to reintegrate herself back into the community she once considered hers.

The only way for her to survive is in her upward economic mobility, and acquiring the skills that can lead herself towards financial self-reliance. This could only be ensured if Article 25-A was made a possibility in letter and spirit. Since 25-A is, unfortunately, not yet an implementable law, perhaps ways could be identified for the victim to acquire the skills she requires for economic survival with dignity.

One factor that contributes towards harming our girl children is a lack of uniformity in laws that define the age of the girl child. In some provinces, the marriageable age for a girl is set at 16 years whereas for the boy it’s 18 years. Because of this gross discrimination, many girls remain deprived of certain protections reserved for minors. Legal ambiguities that translate into failure to annul child marriages; early pregnancies, social stigmas and many other associated concerns are not matters that should be left ignored or isolated from the fundamental right to education for girls. Any thought or attempts at legislation towards forced conversions must provide remedies for victims that can help them steer towards rehabilitation and reintegration in the society.

Anecdotal evidence further suggests that minority girls who are enrolled at schools, persistently face school and peer pressure to convert. Due to fear of losing their school education owing to harassment, many minority girls refrain from informing parents about their rights violation. A lack of counter-strategy to incidents of discrimination and harassment ends with abusers feeling more empowered. This has led to the fear that families have when sending their girls off to school.

A major obstacle we see in any attempt at legislation here is the inability to come up with a definition of forced conversion. During the November 17h meeting, Senator Kakar was of the view that conversions for the sake of upward economic mobility cannot be termed as ‘forced conversions’; such a take on the matter completely lacks an understanding of how economic coercion, such as loan forgiveness for the landless peasants in return for their conversions, does amount to intimidation and threat. And as for girl children, the matter also becomes that of rape against minors, where conversions leading up to marriages are used as a cover. The problem needs a stronger and a sincere political resolve to overcome challenges. The least Pakistan could do here was make the age of the girl-child uniform across the board and implement existing laws against “forced marriages” more realistically.

Our girls need to be in schools getting their education without fear, instead of the state denying or ignoring their fundamental responsibility to protect them against harm. There are many facets of the education barriers victims of this human right violation face, and yet little concern has been shown towards them. Why must our vulnerable groups be allowed to be subjected to a life where free consent is not considered a right and servitude to the dominant majority is considered a ‘virtue’?

Email: zeeba.hashmi@gmail.com

The writer is an education research consultant based in Lahore.