

EU briefing on human rights situation for Dalits in Pakistan

Caste discrimination and labour rights

A senior government officer was giving a briefing on labour issues and was politely asked why only non-Muslim Hindus and Christians are hired for sanitation work. His response, “Who else will do if they don’t? It’s profession of non-Muslims, not of Muslims.”

Other government officers in leading positions at the district and provincial levels in Sindh offered similar responses, along the lines that Muslims would refuse to do such work, which is for non Muslims and lower castes. A senior officer and head of WASA (Water And Sanitation Authority) requested that civil society not address this issue. His fear was that “if the low caste workers choose other professions, then who will do this work and the cities will become dirty”. Demeaning terms are often used to refer to them, such as “*Chura*” for Christian and “*Bhangl*” for Hindu Dalits.¹

States are responsible for ensuring the rights of their citizens in their countries, regardless of their background, caste, colour religion or gender. However, what happens when State institutions themselves adopt discriminatory practices against certain groups based on their faith or caste and violate their constitutional rights? In Pakistan, sanitation work has been relegated to non-Muslims as a matter of practice. This practice is officially adopted by the federal and provincial governments and related institutions. It has continued for many years, without government acknowledgement of the rights of non-Muslims, disregarding the country’s Constitution.

In Pakistan, hiring staff for low grade jobs in sanitation work such as sweepers, *Jamandars*, *Khakroob* or *Sewer men* is based purely on religion. Government advertisements specifically mention that the role is “only for non-Muslims” when announcing such vacancies. The result is that sanitation work is largely carried out by Hindu Scheduled Castes and Christians, who are descendants of Dalit Hindus. After the huge outcry from minority right activists and written complaints sent to concerned departments regarding these biased job advertisements, some State institutions issued a ‘correction’ by removing the words ‘non-Muslim’, ‘Christian’, or ‘Hindus’ for these positions. Although the specific language has been removed, in practice only Dalit Hindus

¹ Last year, on Human Rights Day December 2021, the Punjab Government banned the word “*Chura*”. It is an important step, but such derogatory words need to be criminalised across the country.

and Christians were being hired. Several government departments continue to advertise for such low grade posts.

After abolishing a 6 percent job quota allocated exclusively for Scheduled Caste (Dalits) in 1998, the Pakistan Government introduced a 5 percent quota for all religious minorities, including Scheduled Castes in 2009. However, the Annual Statistical Bulletin of Federal Government Employees 2017–18 states that only 2.8 percent of vacancies have been filled against this 5 percent quota for minorities. The majority of positions are of a lower grade. As of 2021, 29,692 positions reserved for minorities are still vacant across Pakistan in different grades. The slow progress of filling the seats of lower grades is a way for the Government to block essential job quotas that could be used to lift up minority populations.

This inhumane, discriminatory and prejudicial State practice also limits non-Muslims to low grade work. This is in violation of Article 27 of the Constitution, which guarantees non-discrimination in services. Moreover, such advertisements are also in violation of international treaties ratified by the government i.e. Article 1 of the Universal Declaration of Human Rights; Article 1-7 of the United Nations Convention on the Elimination of Racial Discrimination; ILO Convention C111, which prohibits discrimination in employment and occupation.

In addition to discriminatory job advertisements, the condition of sanitation workers on the ground is already vulnerable. They work in dangerous and unsafe conditions every day. Several sewer men have lost their lives due to the absence of safety gear in several cities in Pakistan. Sanitation workers are rarely offered occupational health and safety, job regularizations, pension, paid sick leaves, health insurance and promotions.

Hindus and Christians constitute around 3 percent of the country's population, but they account for more than 80 percent of forced sanitation labour in Pakistan. Although Muslims comprise 95 percent of the country's population the number of Muslims in sanitation work is very small - less than 20 percent.² The burden of extra work is then placed on the shoulders of the non-Muslim workers, mostly Dalit Hindus in Sindh and Christians in Punjab. Consultations have revealed, that due to prevailing discrimination at the department level, Muslim sanitation workers in this profession are much more frequently promoted for the few high category roles such as supervisor, inspector, driver, *Beldaar*, mason etc. While the Dalits who have worked for more than decade are still in the same lowest grade.

Maintaining cleanliness is an essential part of healthy living. Nevertheless, it should not be attributed to a particular religion or caste. In Pakistan, relegating these low grade sanitation jobs to non-Muslims and reinforcing this practice through discriminatory job

² Most non-Dalit sanitation workers are being hired on a political basis, but ultimately, they refuse to carry out the cleaning job. They think that cleaning would violate their religious purity and hygiene, but they still take their salaries.

advertisements has created an environment of animosity or disparagement against non-Muslims. Ultimately, this disproportionately affects Dalits and isolates them from the rest of the community.

Recommendations

In order to make the Pakistan Government more responsive to the issues of sanitary workers and undertake reforms to their employment and work practices, the following recommendations are proposed:

Recruitment rules and policies for sanitation workers

1. The Government of Pakistan, including federal and provincial governments, should immediately introduce a new policy and rules of recruitment on low grade positions like sanitation worker or sewer men and strictly prohibit mentioning religion or caste in the eligibility criteria. In addition, make it mandatory to take action if any public or private institution continues with this practice or issues any such adverts in future.
2. All agencies and departments of federal and provincial governments are required to make publicly available rules, policies and practices that concern the recruitment of staff.
3. All the sanitation workers hired through contractors are provided all entitlements as per labour laws, including old age benefits and social security benefits.
4. The Government should lift the ban on hiring sanitation workers on a permanent basis. All of those who work on contractual basis should be hired permanently and paid according to their duration of service.
5. Those who are appointed as sanitation workers but decline to perform their duties should be removed from the positions so that genuine workers can be appointed.

Wages and salaries

6. In Pakistan, sanitation workers have always received low wages with severe delays. Recently, the Sindh government has taken the positive step to increase the minimum wage to PKR 25000 for unskilled labour in some provinces. The other provinces need to take such steps to increase their minimum wages. The Minimum Wage Board who sets out the minimum wages for various categories of workers every year should also set out minimum wages for sanitary workers. This would provide sanitary workers an option to seek legal action under prescribed laws in case wages are not paid or are withheld.

Occupational health and safety

7. The “Occupational Health and Safety” (OSH) law exists in the Sindh and Punjab Provinces. Other provinces should adopt it immediately. The Labour Department should ensure the applicability of this law, which should extend to cover all sanitation workers employed by private parties. However, the local governments should also issue fresh SOPs/guidelines related to OSH for sanitary workers with

binding instructions to all entities employing sanitation workers. OSH related sections should be part of the employment contract/letter for sanitation work.

Behaviour and attitude

8. People who do sanitation work are labelled with various names relating to their profession, which is widely considered as 'dirty'. The terms "Bhangi", "Chura", "Napaak" are most offensive to the sanitation workers. The Government should ban the use of these words and clear instructions should be issued to ensure that sanitation workers are called by their real names.
9. There is also a need to raise awareness on the issue of dignity and respect of the profession. This could be achieved by: publishing advertisements in newspapers, adding a chapter to school curriculums, organizing a dignity day highlighting the importance of sanitary workers and seeking respect for them etc.
10. A huge awareness campaign at all levels is required to change the mindset towards sanitation workers and *recognize the vital* role they play.

The European Union has undertaken commitments, under its Action Plan for Human Rights and Democracy 2020-2024, under its first priority Protecting and Empowering Individuals, to e. Step up action to combat all forms of discrimination on any ground, with a specific attention to multiple and intersecting forms of discrimination including on grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, property, birth, disability, age, sexual orientation and gender identity, and h. Step up action to prevent and combat all forms of discrimination, intolerance, violence and persecution against people based on their exercise of the freedom to thought, conscience and religion or belief. It also promises, under "Reinforcing economic, social, cultural and labour rights", to i. Promote decent work and a human-centred future of work through an updated EU approach ensuring the respect of fundamental principles and rights at work, the right to safe and healthy working conditions for all, and a world of work free of violence and harassment.

We urge the European Union to raise this issue with the authorities and express its concern about these practices, and ensure the Pakistani government take steps to eliminate them.

Child, Early and Enforced Marriages - Conversions and Forced Marriages in Pakistan

The Problem

In Pakistan, forced marriages and forced conversions of women and girls affect Hindu and Christian minorities disproportionately. There are frequent reports that persons belonging to these minorities are kidnapped and subjugated to physical and emotional abuse involving threats of violence. These minorities face obstacles in pursuing remedies for the violations sustained. In a report to the CEDAW Committee of 2013, IDSN brought

the issue of (forced) faith conversion, affecting minority women mostly from scheduled castes Hindu and Christian backgrounds. Many of the victims are forced to convert to Islam under the disguise of marriage of choice.³ Those most affected are Scheduled Caste girls – both Hindu and Christian who are kidnapped or lured into conversion, sexually exploited and then abandoned.⁴

In its concluding observations on the fifth periodic report of Pakistan, the CEDAW Committee expresses serious concerns:

“The persistence of discriminatory stereotypes faced by women and girls belonging to ethnic minority groups, in particular Ahmadi, Christian, Dalit, Hindu, Roma, scheduled caste, Sheedi and Sikh women and girls, who are sometimes the victims of abduction and forced conversion; (b) The insufficient information and data on the situation of women facing intersecting forms of discrimination, including women with disabilities and Ahmadi, Christian, Dalit, Hindu, Roma, scheduled caste, Sheedi and Sikh women and girls”⁵

In its Concluding Observations on Pakistan, the CERD has demonstrated its concern about instances of forced marriage by highlighting that:

The Committee is deeply concerned at the repeated reports on abduction of Dalit women and girls for the purpose of forced conversion to Islam and forced marriage. It regrets the lack of detailed information and data on the situation of Dalits in the State party (arts. 1, 2 and 5).⁶

³ Alternative report to the UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) for the examination of the 4th periodic report of Pakistan at the 54th CEDAW session in February 2013 – “Schedules Caste Women in Pakistan - Denied a life in dignity and respect.” Prepared by the Pakistan Dalit Solidarity Network (PDSN) in association with the International Dalit Solidarity Network (IDSN), para. 74. Available at [http://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Pakistan/SCHEDULED_CASTE_WOMEN_IN_PAKISTAN - Alternative report to CEDAW - PDSN and IDSN - Jan 2013.pdf](http://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Pakistan/SCHEDULED_CASTE_WOMEN_IN_PAKISTAN_-_Alternative_report_to_CEDAW_-_PDSN_and_IDS_N_-_Jan_2013.pdf)

⁴ Scheduled Caste Children in Pakistan - Committee on the Rights of the Child (CRC) 72nd PSWG 5 - 9 October 2015 – Pakistan Joint alternative NGO report by the Pakistan Dalit Solidarity Network (PDSN) and the International Dalit Solidarity Network (IDSN), p. 9. Available at: [<https://idsn.org/wp-content/uploads/2015/07/IDSN-and-PDSN-alternative-report-on-Scheduled-Caste-Children-in-Pakistan-July-2015-CRC-Pakistan.pdf>]. See also: IDSN “Dalit women in Pakistan”, indicating that Dalit women that are victims to sexual abuse, abduction and forced religious conversion suffer triple discrimination due to their gender, religion and caste. Available at: [<https://idsn.org/key-issues/dalit-women/dalit-women-in-pakistan/>].

⁵ CEDAW, concluding observations on the fifth periodic report of Pakistan, Adopted by the Committee at its seventy- fifth session (10–28 February 2020)

⁶ CERD, Concluding Observations on Pakistan, UN Doc. CERD/C/90/1, para. 31.

The Magnitude of the Problem

Abductions and forced marriages in Pakistan affect a wide range of minorities, but these practices affect Hindu and Christian women and girls more seriously. It has been estimated by the Aurat Foundation that around 1,000 women and girls are abducted, converted and then married off to their abductors. There are also accounts that, once kidnapped and forcibly converted, women and girls are raped, sold off, and are forced into prostitution or into human trafficking, particularly among the most deprived populations, as in the Sanghar, Ghotki and Jacobabad regions. Also, various districts of Sindh and Punjab where the minority population is most concentrated.

The socio-economic context and the position of the victim in society are key factors that victimize women and girls in forced marriage and conversion. According to the 2017 census figures for minorities and the number of registered scheduled castes in Pakistan is 849,614, but according to researchers and Dalit activists, their number is more likely to be in the millions. Dalits – both Christians and Hindus frequently face incidences of bonded labour in the agriculture and brick kiln sectors. The young Dalit women and girls, who work in the agricultural sector, are more vulnerable to violence, harassment and rape. Other factors, such as destruction of community buildings and temples, leaves Hindus vulnerable due to a lack of community protection and cohesion.

Legal Framework

Since 1860, Pakistani legislation has prohibited forced marriage (Penal Code, Chapter XX-A, Offenses against Women). In 1929, the Child Marriage Restraint Act was approved providing more clarity on the prohibition on forced marriage. However, in practice this act is hardly ever applied, as it has been branded as un-Islamic by the Council of Islamic Ideology, blocking efforts to prevent forced conversion, as pointed out by the CESCR in 2017:

The Committee is concerned that the practices of forced conversion of non-Muslim women and forced marriage continue. It is particularly concerned that the proposed amendment to the Child Marriage Restraint Act, 1929, has been declared un-Islamic by the Council of Islamic Ideology and that efforts to enact a law to prevent forced conversion have been blocked by the Council (art. 3 & 10).

The Committee recommends that the State party prohibit the forced conversion of a person from his/her belief without his/her consent.⁷

However, in 2016, this act was amended, providing an additional legal definition of woman as a “non-Muslim woman”. This additional definition is ambiguous, problematic and open to abuse. Such scenarios are further complicated by the application of Sharia (Islamic Law) principles. For instance, the girl’s *Wali* (guardian) is empowered by those principles to authorize a child marriage. The case of Revita Megwar (Hindu, 16) is

⁷ CESCR, Concluding Observations on Pakistan, [UN Doc. E/C.12/PAK/CO/1](#), paras. 57-58.

illustrative. She was kidnapped and hours later re-appeared apparently embracing Islam. Her parents filed a petition to the court requesting her return, while her husband filed another petition requesting protection of his family. Given diverse legal applications from different religious groups, the Islamic marriage law prevailed over the Marriage Restraint Law, leading the court to order the return of Revita to her husband.

The Sindh Criminal Law (Protection of Minorities) Bill was unanimously adopted in 2016 by the Sindh Assembly, which included many sections banning forced marriage, through specific instruments of implementation. Chapter IV(5) comprehensively defines forced conversion as forcing a person to adopt another religion under duress, force, coercion or threat. Chapter II provides for training and sensitization of the police and the judiciary on child marriage. It also establishes a body to oversee the relevant violations. Chapter IV sets the criminal penalties for anyone convicted of child marriage. Chapter V gives priority to such cases in court, enabling swift action by courts. Chapters X through XII provide a number of procedural protections to the victim of forced marriage and conversion. Despite the positive provisions of this law, it was not enacted by the governor, given the strong mobilization and pressure of influential Islamist groups and parties against this law.

In 2017, the Hindu Marriages Act was approved by the National Assembly in Pakistan, formalizing the registration of Hindu marriages, filling an important gap of official registration, particularly in view of the risk of Hindu women and girls being accused of adultery, through the *zina* judgments.

More recently in October 2021, efforts were taking place at federal level by non-Muslim parliamentarians through the Ministry of Human Rights draft “Prohibition of Forced Conversion Bill 2021”. This was rejected by the parliamentary committee after feedback from the Council of Islamic Ideology and members from Jamaat-i-Islam. [Ref Dawn News Oct 14, 2021]

The Age of Early Conversions

A UK Parliament report has pointed out to data collected from mainstream and social media, court orders, and police reports during 2013-2020, out of 162 incidents of forced conversions, only 6.67% of victims were above 18 years old. The government does not keep any official records of cases forced conversion and forced marriage.⁸ According to Dalit Solidarity Network Pakistan:

⁸APPG for the Pakistani Minorities Inquiry - Abductions, Forced Conversions, and Forced Marriages of Religious Minority Women and Girls in Pakistan, p. 33.

“In many cases, the victims are treated badly by their husbands and their families. The girls are not allowed to meet their parents, nor are their parents allowed to come to a girl’s home.”⁹

Access to Justice

Access to justice for girls subjected to forced marriage represents an important obstacle, given the frequent biases and lack of adherence to the legal procedures in cases involving forced marriage. Deeply entrenched patriarchal values and cultural norms in Pakistan have influenced of the justice system’s acceptance of statements of the husbands at face value. There are very few investigations into the allegations of the circumstances of the marriages and conversions, and the victim’s age is frequently ignored:

76. As demonstrated by these cases, the general practice of forced conversions is that a girl is kidnapped; her parents lodge a complaint with the police about the kidnapping; and a few days later she is declared to have embraced Islam, and her marriage with a Muslim man is announced. In such cases, the law against forced marriages hardly applies, because the case becomes a religious issue; once the girl is declared a Muslim, she cannot revert back to her former religion. The government therefore needs to put in place laws and measures, which take this matter into account and protect the rights of these minority girls.¹⁰

The CERD, in 2016, strongly recommended Pakistan to take all effective measures to eradicate the practice of forced convention and forced marriage by punishing the perpetrators proportionally:

It urges the State party to take immediate action to end the forced conversion and forced marriage of Christian and Hindu Dalit women and to prosecute and punish the abductors with penalties commensurate with the gravity of the crime. CERD/C/PAK/CO/21-23 7.

However, in many cases, such invitation cannot be seen as one exercising their right to freedom of religion or belief (manifesting their religion or belief) and the other person exercising their right to change a religion. This is clearly manifested in the CREID study ‘A Case of Several Jeopardies’ which has revealed that:

“The respondents further added that in the case of Christian women and girls working as domestic or factory workers or doing menial jobs, they face the

⁹APPG for the Pakistani Minorities Inquiry - Abductions, Forced Conversions, and Forced Marriages of Religious Minority Women and Girls in Pakistan, p. 41.

¹⁰ PDSN and IDSN, report *supra*, para. 76 (underlines added).

challenge of receiving offers to embrace Islam on a regular basis. Their co-workers, supervisors, bus drivers (who provide a pick-up and drop-off facility), and owners are usual examples of those who ask them to convert. It is a very common understanding among the Muslim community that converting people to their religion is a noble act and they will be rewarded with paradise in return. Moreover, by converting people, they are saving their souls from hell.”¹¹

Frequently, the victims do not find the conditions to freely speak at Courts when their cases make it to the trial phases. This report from the Centre for Legal Aid and Assistance (CLAAS) is representative:

“After a kidnapping, conversion, and forced marriage many girls are coerced by their abductors into making statements against their parents when they are presented in Court. Due to life threats, the girls state that they have come of their wills, such as in recent cases of Hema Yohana and Aqsa Rana of Karachi, Sindh. The victims of forced conversion often take an Islamic name, but at the same time are called such names as “Chuhri” (a derogatory word for low caste and untouchable people).

After some time, many are disappeared, murdered, or forcefully moved into prostitution. When we challenge abductors about these girls, they have no answer. 90% of girls do not want to disclose their reality because of guilt and disgrace of their family or community.¹²

A Multi-Violation Problem

Forced marriages and forced conversions affect a wide range of rights of Dalit women and girls trapped in those situations, including the right to education, sexual and reproductive rights and access to justice. Kirshana Lal, 33, from the Kolhi clan (bottom of the hierarchy among scheduled castes), a counsellor in a legal aid centre explains:

“The incidence of kidnapping, forced conversion and sexual harassment of scheduled caste and minority girls are often and most frequently happening in the provinces of Sindh and South Punjab”, she explains. As a result, the majority of the parents hesitate to send their daughters to schools and out of the home. She points out some recent incidences involving two Dalit child girls. 14-year-old

¹¹ CREID 2020

¹² APPG for the Pakistani Minorities Inquiry - Abductions, Forced Conversions, and Forced Marriages of Religious Minority Women and Girls in Pakistan, p. 29.

Momal converted into Islam, and 6-year old Viganti was raped. But no action was taken to punish the perpetrators. Kirshana says that despite the enactment of the law on Protection against Harassment of Women at Workplace, there is very little implementation at the grass root level. The young Dalit women and girls, who work in the agricultural sector, are more vulnerable to violence, harassment and rape. But the media does not pick up such cases. The rape case of Kastoori Kolhan became a high-profile case in the national and international media. But no real action was taken, “Unfortunately justice is only for the rich; not for the poor and lower caste people. We cannot change our status, until we fight against this injustice. And to fight for justice, we need to educate our people”.¹³

Recommendations

To the Pakistani Parliament

1. To debate and investigate thoroughly the issue of abductions, forced conversions and forced marriages, consider converting the Parliament into a Committee of the Whole, under the joint chairmanship of the National Assembly Speaker and the Senate Chairman, according to the Parliamentary Rules; and inviting all relevant stakeholders, including representatives of lawyers, human rights organisations, affected families and communities.
2. To consider that legislation related to forced conversions and forced marriages is considered and reviewed by the Human Rights Committee of the Parliament, rather than the Religious Affairs Committee.

To the European Union

In addition to the commitments undertaken in the above-mentioned EU Action Plan on Human Rights and Democracy, the EU Human Rights Guidelines on Non-discrimination in External Action state that the EU can, in political dialogue, raise the following issues: individual cases of human rights violations/breaches of non-discrimination law and principles; encouraging partner countries to initiate changes to end harmful practices which, inter alia, discriminate against women and girls; encouraging partner countries to initiate legislative changes to ensure non – discrimination and equality before the law.

It could also, in the line with these documents and the human rights based approach to development:

¹³ IDSN: “Case Studies of Dalit Women in Pakistan (2012)”, available at: [https://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Pakistan/Dalit_women_in_Pakistan_-_case_studies_2012.pdf]

- channel aid to those deprived parts of rural Sindh and Punjab where the issue of abductions, forced conversions and forced marriages is acute, particularly focusing on funding for education of minority girls.
- Help/encourage the Government of Pakistan to create a national database of cases of abductions, forced conversions and forced marriages;
- help with introducing technology to ensure recording electronic birth registration certificates, to assist the relevant actors with dealing with cases of minors;
- assist with training, the members of police, judicial officers and other relevant actors on how to deal comprehensively with cases of abductions, forced conversions and forced marriages;
- provide funds for shelter homes for the victims of these crimes where they could be taught skills to be self-sufficient, and for improving the conditions and training of staff in existing shelter homes;
- ensure that any aid programme design is inclusive of the vulnerability and access challenges faced by women and girls from religious minorities, especially those who belong to lower castes;
- persuade other members of the UN to join and sponsor a resolution in the Human Rights Council against forced conversions and forced marriages of religious minority women and girls.

Other main issues facing Dalit women/girls in Pakistan

General situation of Dalit women

Pakistan is the 4th worst country in the world in terms of gender parity and stands seventh out of eight countries in South Asia, with Afghanistan being eighth. Globally Pakistan is ranked 153rd out of 156 countries according to the World Economic Forum (WEF) 2021.i

And the situation of Dalit women within the country is even worse due to their caste, gender and religion in an Islamic state. Dalit women in Pakistan face violence and discrimination in myriad forms. Due to extreme social, economic and educational backwardness, the majority of Dalit women along with their male counterparts tend to work in agriculture, livestock, brick making industries and the sanitation sector.

Natural disasters, including the All COVID-19 pandemic disproportionately affects Dalit women and their mobility, many of whom lost their income opportunities as they often work on daily wages and in the informal economy

Though debt bondage is prohibited in Pakistan it remains a form of modern, prevalent in various sectors. According to the Global Slavery Index 2018, there are over 3 million

people subjected to bonded labour in Pakistan. The majority of families who work as bonded labourers belong to Dalit communities with particularly in agriculture and brick making work. Due to unsafe and unprotected environment at work, young women and girls become an easy target of gender-based violence and sexual harassment/ as well as of forced conversion and forced early marriage.

Most of the crimes committed against Dalit women go unreported due to fear of reprisal or intimidation by the police. However, the cases of forced conversion and forced marriages continue with impunity due to absence of any law, and an inability among Dalit communities to pursue the lengthy process of court, or pay bribes demanded by police to pursue the case. Even, sometimes, those parents who attempt to report the crime remain suspicious and under pressure by the dominant surrounding system and police.

Provincial and National Legislation and implementation

Over the last two decades gender specific laws have been enacted regarding gender discrimination in Pakistan to comply with their international obligations. Pakistan has ratified 9 core conventions including ICCPR, UNCRC and CEDAW. Some of the most significant pro-women laws were initiated by the Sindh Assembly including the Domestic Violence (Protection and Prevention) Act, 2013, the Sindh Child Marriages Restraint Act, 2013, prohibiting marriage below the age of 18.

The Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 prohibits several oppressive and discriminatory customs practiced towards women in Pakistan; this law is applicable both at a federal and provincial level. Similarly, the Commission on the Status of Women has been established in all four provinces including at federal level.

Recently, in 2019, Sindh Province in Pakistan took an important step toward ending abuse and discrimination against agricultural women and introduced the “Sindh Women Agriculture Workers Act 2019. This law recognises the rights of women workers, including to have a written contract, minimum wage, social security, and welfare benefits including for child health, maternity leave, equal wages and right to unionize.ⁱⁱ This law is dormant and there has been no progress since it was adopted.ⁱⁱⁱ

Constitution of Pakistan (Article 11) prohibits all forms of forced labour and human trafficking. Pakistan has also ratified ILO Conventions No. 29 and No. 105 regarding the abolition of forced labour. Similarly, after the 18th Amendment, in 2016, Sindh Assembly adopted the Sindh Bonded Labour System Abolition Act, 2015 (SBSAA abolishing the bonded labour system. Despite some legislation, implementation remains painfully slow.

Despite of all such laws, violence against Dalit women, child marriages, and other discriminatory practices continue because of their multiple vulnerabilities due to their caste, religion, gender, high illiteracy levels and social exclusion.

Recommendations

Affirmative action: including access to land and housing colonies and strict implementation of laws would minimise incidents of bonded labour, gender-based violence including rape, harassment and forced conversion.

Government of Pakistan including all provinces needs to take the following action:

- Dalit women have a huge contribution in rural economy particularly in agriculture and brick-making industry but are paid less than official minimum wage. Due to landlessness, they live either at the workplace or nearby on the landlord's estate where they are not only compelled to do multiple jobs with less or no pay, but also women and young girls become an easy target of abuse, rape; harassment and forced conversion or forced marriages.
- Government of Pakistan should take action to distribute state owned land including land/properties owned by Evacuee Enemy Property Trust (This is the land of the Hindus who migrated to India during the partition) among Dalit women who have been cultivating this land for centuries.
- The Government of Pakistan also needs to establish separate residential colonies for Dalit agriculture workers in Sindh and South Punjab; having their own shelter and entitlement of land would give multiple choices of livelihood to Dalit women.
- Strict Implementation of the Bonded Labour System Abolition Act, along with agreed action plans, alongside effective pro-women laws. Monitoring and vigilance committees at work would help in reducing bonded and forced labour and gender-based violence against Dalit women.
- The Government of Sindh should immediately introduce "Rule of Business" for the implementation of the "Sindh Women Agriculture Workers Act 2019" that formally recognises the role of female workers in the agriculture sector and ensure the minimum wage, social security, 90 days maternity leave, child health and their welfare.

COVID Crisis Response

- The Government of Pakistan should expand the reach of EHSAS Support Programme and other social assistance programmes that would target Dalit

women to mitigate the effects of COVID-19, inflation and overload of unpaid work.

- Dalit women in Pakistan should be empowered socially and economically, by increasing their access to social protection and safety net programs, vocational trainings and livelihood opportunities so that they develop the ability to access redressal mechanisms.

Forced Conversion

- The Government of Pakistan government should create a mechanism to deter forced conversion or forced marriages through policy legislation, setting a minimum age of marriage and conversion at 18 years across the country and ensure strict action against those who are involved in these heinous crimes including religious seminaries and madrassas. Moreover, new legislation should be introduced mandating a statutory 'cooling-off period' of at least 3 months between the alleged abduction and forced conversion and registration of the marriage to assess the voluntary nature of the marriage. During that period the girl should be kept separate from the abductor. If consent to conversion or marriage is proven to be through coercion, according to the existing laws, the marriage is still currently considered valid. This established practice must be outlawed.^{iv}
- The Government of Pakistan should introduce special shelters for victims of forced conversions and forced marriages and properly provide guidance, protection and assistance to the victim families.

Hindu Marriage Act 2017

- Government should immediately frame rules of the Hindu Marriage Act 2017 in all provinces except Sindh where law already exists and implement all such laws in true spirit.

Police, Bar and Judiciary

- The role of police is limited due to a number of issues such as political influence, lack of operational independence, low level of awareness about these laws, a lack of women staff investigating GBV cases, and ultimately the patriarchal and oppressive mindset of the police for the oppressed Dalit community. However, the capacity of police must be built in these areas. Particularly, in the cases of

abduction, forced conversion and forced marriages, they must be oriented to put relevant sections of PPC in FIR such as the Sections 298B (forcing women into marriage) and 492A (Prevent children from exposure of seduce) should be considered as suitable laws for a charge in these cases in the FIRs.

- Judicial Academies and Bars need to play active roles in terms of organising regular training programmes for prosecution officers. Judicial academies, whose role is limited to the training of judges, must move towards other actors who are more involved in preparing cases for litigation.

Recommendations to the EU

In addition to raising the above issues in political and technical dialogue, in cooperation the EU could look into supporting:

- Legal support in protection cases: the majority of Dalits are poor and can't afford expensive private lawyers, aid could be given to establish free legal aid assistance centres and funds for capacity building training programmes for lawyers, judges and bar associations.
- scholarships for Dalit girl students in law colleges both at national and international level would facilitate the access of the community to capacity-building opportunities in law and law-making, which may help in struggles for understanding rights and addressing the issues of gender-based violence.
- NGOs could be funded to arrange legal awareness programmes for the Dalit community at the grassroots level.

ⁱ International the News <https://www.thenews.com.pk/print/819674-reading-the-gender-report> April 14, 2021

ⁱⁱ Human Rights Watch [New Pakistani Law Protects Women Farm Workers | Human Rights Watch \(hrw.org\)](https://www.hrw.org/news/2021/04/14/new-pakistani-law-protects-women-farm-workers)

ⁱⁱⁱ ['Agri-workers, farmers in Sindh receive only Rs6,000 per month' \(thenews.com.pk\)](https://www.thenews.com.pk/print/819674-reading-the-gender-report)

^{iv} APPG Report on Forced Conversion in Pakistan