



Request for expert opinion re the Conversion of a young minor

Dr. Marnix Visscher, Stichting Gave, 18 januari 2018
www.juridisch.gave.nl

General introduction

The Dutch *Gave Foundation* is acknowledged as an independent expert organisation with respect to the assessment of the credibility of conversion by the Dutch government and asylum lawyers frequently request our support for conversion based asylum claims when a conversion can be expected to attract religiously motivated persecution in the country of origin in which case a conversion is a ground for asylum provided the government believes that the conversion is credible.

In quite a few cases the government believes that the conversion is not credible for reasons that we, the *Gave Foundation*, believe to be invalid. In some cases there are issues that demand the expertise of a scholar who has explicit knowledge of or experience with the specific issue. In this letter we want to bring such a case to your attention and kindly ask you to consider the case and send us your opinion in an official writing as evidence for an appeal in court.

Introduction of the case

The case concerns an Afghan minor, born in early 2007, who arrived in the Netherlands with her parents in November 2015. She has declared that she always was crossed with her father about the compulsory Islamic religious rites and dress code. As a girl she also felt being discriminated because she was, e.g., not allowed to attend school. After arrival in the Netherlands the family was introduced to the Christian faith and started attending church early 2016. At the same time the tensions between the girl and her father about Islamic demands eased as the girl gained more liberty. The girl says she enjoys reading and studying the Bible, attending church and (in our opinion) she had gained a good understanding of the Christian faith, including the meaning of baptism, considering her age. According to a church statement she is even able to act as interpreter in Bible study meetings for adult refugees who are new to the Christian faith, what she does regularly and faithfully. Further, she declares that she had lived in Afghanistan and in Iran. In both countries she felt she had no identity because her father is Afghan and her mother Iranian. In the Netherlands she has a clear sense of belonging. Also, she is quite explicit about her aspirations: she wants to become a lawyer in order to help people whose rights are being denied.

According to the Immigration Authority, a child of her age is not able to make a personal informed decision concerning a conversion but can only be expected to follow the parents in their decisions: *"As to the young age, the claimed conversion of a child with the age of [name of child] can be questioned in general. Children of this age have not yet developed a mature personality of their own. Also, children do not normally choose a faith but are brought up in and taken into a faith by their parents. It is not unusual that children first develop a (conscious) choice re the practicing or not practicing of the faith when they reach the age of maturity and develop a (more) independent personality."*¹

¹ In Dutch: "Ten aanzien van die jeugdigheid wordt echter tevens opgemerkt dat reeds in algemene zin vraagtekens kunnen worden geplaatst bij een gestelde bekering van een kind van de leeftijd van [naam kind]. Kinderen van deze leeftijd hebben immers nog niet een eigen, volwassen persoonlijkheid ontwikkeld. Bovendien kiezen kinderen in de regel niet voor een geloof, maar worden zij daarin opgevoed en meegenomen door hun ouders. Het is niet ongebruikelijk dat kinderen eerst rond de tijd dat zij volwassen

Next, the immigration official does consider the statements of the child (as summarized above) nonetheless and concludes *“that her personal conviction is not really leading but the choice of her parents. These statements do not indicate a conversion to the Christian faith based on an independent, conscious and thoughtful choice of [name child], in spite of her age. (...) It is expected that the parents will follow the Islamic faith on return to Afghanistan as they did before they came to the Netherlands and that [name child] will follow them there.”*²

Our request

Can you assist us with a substantiated answer to the following questions:

- Is it possible, in principle, for a minor of 9/10 years old to make a conscious and thoughtful personal decision concerning his or her personal aspirations and faith?
- If yes, is this possibility dependent on personal experience?
- Considering the girls personal story as summarized above, is it imaginable that she is able to declare convincingly about a conscious and thoughtful personal conversion and faith?
- If the parents would wish to return to an Islamic upbringing of their child like before, can this child be expected to follow them willingly and without question?

It would be appreciated if you could respond as soon as possible, at the end of this month at the latest, in view of the court session on 6th February.

A CV or declaration that will substantiate your standing as scholar and expert re this issue will be appreciated as well.

Your reply may be written in Dutch or in English.

worden en een (meer) zelfstandige persoonlijkheid ontwikkelen een (bewuste) keuze maken ten aanzien van het al dan niet praktiseren van het geloof.”

² In Dutch: *“Hieruit volgt dat niet zozeer haar eigen persoonlijke overtuiging leidend is, maar de keuze van haar ouders. Deze verklaringen duiden niet op een bekering tot het christendom waar in weerwil van haar jeugdige leeftijd een zelfstandige, welbewuste en weloverwogen keuze van [naam kind] aan ten grondslag ligt. (...) Aangenomen wordt dat de ouders bij terugkeer wederom het islamitische geloof zullen volgen, zoals zij dat ook deden voorafgaand aan hun komst naar Nederland en dat [naam kind] hen daar zal volgen.”*