



Refugees and
religious freedom

International Journal for Religious Freedom (IJRF)

Journal of the International Institute for Religious Freedom

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Cover Art

Joseph, Mary and Jesus flee to Egypt

This is a photo of a carving depicting Joseph and Mary's flight to Egypt with baby Jesus due to persecution. They spent 12 years in Egypt as refugees. The carving is on a High Cross at Moone Abbey in Simonstown West, Co. Kildare, Ireland. The high cross dates from the ninth century. The issue of religious refugees and religious persecution is many millennia old.

Photo credit: Janet Epp Buckingham

Contents

International Journal for Religious Freedom

Volume 15, Issue 1/2, 2022

ISSN 2070-5484 · eISSN 2790-0762

Editorial	5
In my opinion	
A Biblical ethic of kinship for people on the move <i>Mark R. Glanville</i>	9
Political repression of religious leaders’ manifestations of faith in Nicaragua <i>Rossana Muga and Teresa Flores</i>	25
Articles	
Why religious freedom matters for asylum seekers and refugees <i>Kareem P. A. McDonald</i>	39
Islamic insurgency in the Sahel as the root of mass displacement in Burkina Faso <i>Iwona Zamkowska</i>	53
Religious syncretism and the inclusion or exclusion of women in peacebuilding in northeast Nigeria <i>Olanike S. Adedokun and Adedayo Adedokun</i>	71
The plight of vulnerable refugees What have we learned from the Syrian settlement scheme in the United Kingdom? <i>Paul Diamond</i>	87
Oppressive Neutrality? An examination of the current secular humanitarian discourse and its effect on religion, religious minorities, and policy practice in the Netherlands <i>David A. van der Maas</i>	107
The intersection between refugees and religion The challenge of assessing religiously based asylum claims in the European legal framework <i>Adelaide Madera</i>	121

Assessing credibility in conversion-based asylum claims

Towards a better approach

Lidia Rieder..... 141**Noteworthy** 159**Book Reviews** 165**Guidelines for authors** 177

Editorial

Refugees and religious freedom

We are delighted to publish this special issue on Refugees and FoRB. It is a very timely issue in more ways than one. It is the first issue in several years that is being published in the year that it is dated. The 2019 issue, a special issue on the impact of religious freedom research, contained two articles on refugees and FoRB. We commend those articles by Kareem McDonald, a study on religious refugees in Danish asylum centres, and me, examining the role of religious freedom research in the Canadian refugee determination system, to add to the fine collection in this issue.

We are very pleased to have Dr Marnix Visscher guest edit this issue. He has been working with the Dutch Gave Foundation since 2008. The Gave Foundation supports and trains churches and individual Christians for ministry among asylum seekers and refugees in the Netherlands. During Dr Visscher's initial years with the foundation, Gave faced an increasing number of questions on issues of religious liberty regarding asylum seekers. The concerns included discrimination against and even harassment of religious minorities in the reception centres, along with how to assess asylum claims based on the fear of religious persecution. Dr Visscher took the initiative to form a judicial support team, campaigning for the rights of religious minorities in the reception centres and supporting asylum lawyers with expert reports based on the case files of individual asylum claims. Most of these reports assessed the credibility of the claimant's conversion. The expert reports provided by Gave have had a significant impact on the outcome of asylum claims. Moreover, the work of Dr Visscher and his team has shaped important decisions on higher appeals, which in turn initiated further improvements in the decision process. Dr Visscher is also involved in the training of asylum lawyers and in consultations with the Dutch government.

*Yours for religious freedom,
Prof Dr Janet Epp Buckingham
Executive editor*

Introducing this special issue

In 2014, I joined the European Religious Liberty Forum of the European Evangelical Alliance and Advocates Europe. The issue of freedom of religion and belief (FoRB) for refugees was high on the agenda. In the Netherlands, I had been campaigning for better asylum procedures for Christians, especially those coming from Muslim countries, and also for a better understanding of religious persecution within the

Dutch reception centres. I was pleased to become networked with international specialists on these issues. Subsequently, I was asked to introduce the subject at meetings of the Refugee Highway Partnership (RHP).

In 2021, the Refugees and Religious Liberty Task Force was created as a joint initiative of the Religious Liberty Partnership, the RHP and the World Evangelical Alliance. The idea was suggested that a special issue of the *International Journal of Religious Freedom* should be dedicated to refugees and FoRB. This issue brings together two opinion pieces and seven articles of interest on several related topics, ranging from the acts of religious persecution that cause people to flee, on one hand, to the reception of refugees in countries of asylum, where they often find that their religious liberty is still at risk.

The two opinion pieces include theological reflections and research on aspects of freedom of religion in Nicaragua. Mark Glanville, associate professor of pastoral theology at Regent College, Vancouver, introduces us to the biblical ethics of kinship for people on the move and its meaning for our attitude towards refugees. God's family includes people of all cultures and nations. Rossana Muga Gonzales, of Open Doors, and Teresa Flores Chiscul, of the Observatory for Religious Freedom in Latin America, discuss the impact of the Sandinista dictatorship on the freedom of religion and the freedom of expression of the churches in Nicaragua that causes, among others, forced displacements and exile of Christian leaders.

The articles are focused on issues of refugees and FoRB in Europe and Africa. Kareem McDonald, a PhD fellow at the University of Padova, Italy, explains why the issue of religious freedom for asylum seekers and refugees is so important. Next, Iwona Zamkowska, a professor at the University of Technology and Humanities of Radom, Poland, considers the emergence of Islamic State-instigated terrorism in the Sahel, focusing specifically on Burkina Faso. Although the country has a history of religious tolerance, she warns that international neglect of the effect of jihadism on the Christian community could have a lasting negative effect on the well-being of internally displaced Christians.

Olanike Adelakun, lecturer at the American University of Nigeria School of Law and a gender justice expert, and Adedayo Adelakun, a graduate student, introduce the role of religious practices in limiting women's participation in peacebuilding processes in northeast Nigeria, which may threaten sustainable peace and lead to the recurrence of conflict.

Paul Diamond writes about issues between countries of origin and countries of asylum. He is a British lawyer who specializes in matters of religious liberty. His article evaluates the UK's Vulnerable Persons Resettlement Scheme for Syrian refugees and concludes that religious minorities in the country of origin were disproportionately overlooked and rarely benefitted. Diamond fears that the same

thing will happen with the current Afghan Citizens Resettlement Scheme and warns about such 'wilful blindness'.

Moving to the reception of refugees in countries of asylum, we have a contribution by David van der Maas, who studied the influence of secular humanitarian discourse on religion, religious minorities, and policy practice, especially in Dutch reception centres, during a traineeship at the WEA. He demonstrates that religious liberty can be compromised because of the religious illiteracy of reception centre staff.

Religious liberty can also be at stake in the process of handling religion-based asylum claims. Adelaide Madera, a professor who studies the interrelationship between law and religion, reflects on European trends and the diversity of attitudes across European countries, with a special focus on Italy. She shows that European countries could more effectively safeguard the essential core of religious freedom. Lidia Rieder, of ADF International in Vienna, also discusses the complexity of credibility assessment in asylum claims involving religious conversion, examining the UK and Germany. She concludes her contribution with a helpful list of best practices and recommendations to ensure a more objective approach.

I believe this special issue offers important insights that will aid the promotion of religious liberty for all, and especially for refugees and asylum seekers who often find themselves in vulnerable situations.

Yours sincerely,
Dr Marnix Visscher
Guest editor



Call for Papers for Consultation and Special Issue on “Gender & Religious Freedom: Children and Youth”

The Gender and Religious Freedom Task Group and the Research Task Group of the Religious Liberty Partnership invite proposals on the theme of “Gender & Religious Freedom: Children and Youth”. You are warmly invited to submit proposals by **31 January 2023** for presentation of a paper at a seminar to be held in April 2023. Please send proposals to ijrf@iirf.global.

Following the seminar, academic papers may be submitted to a special issue of the International Journal for Religious Freedom (IJRF).

We encourage submissions from any relevant fields such as sociology, anthropology, religious studies, theology, philosophy, law, political studies and international relations. Submissions may address specific situations or be theoretical. They can focus on a particular country or be international in scope.

Papers can focus on children and/or adolescents (the terms ‘girls’ and ‘boys’ is used below to refer to the non-adult status of under-18s). We recognise that the cultural and legal definitions of child, youth or adolescent vary considerably across context so do include your definition and context in your paper. We particularly encourage papers that are related to gender-specific religious persecution or discrimination but will accept non-gender-specific papers related to FoRB and children/youth. Some themes that are of interest include:

1. Girls: Girls (under-18s) are subject to abduction, forced conversion, forced marriage and rape on the basis of their religion. Girls often have difficulty accessing education and this is exacerbated by their religion.
2. Boys: Boys (under-18s) are subject to forced conscription and militarization.
3. Orphans: Children who are orphaned because of religious conflicts are particularly vulnerable and at risk of being trafficked.
4. Families: Families are weakened when a parent faces discrimination or persecution (eg, a father is imprisoned, loses a job or is killed; a mother experiences sexual assault, abduction/trafficking or is widowed). The impact on boys and girls may be different but is often has both short and long-term consequences for all children and youth.
5. Education: The internationally recognized right to education up to the age of 16/18 in conformity with one’s convictions is frequently violated in practice as a deliberate means of diminishing future capacity of religious minorities.

*Articles submitted to the IJRF should be 4000-6000 words and be submitted by **15 August 2023**. Authors should conform to the Guidelines for Authors found on the ijrf.org website. Acceptance is subject to peer review. Please send your submission to: ijrf@iirf.global.*

A Biblical ethic of kinship for people on the move

Mark R. Glanville¹

Abstract

The Christian Bible, in both Old and New Testaments, is calling and forming God's people to enfold vulnerable immigrants as their kindred. On the basis of the inherent value of every people group (Gen 9-10), and grounded in God's own covenant commitment to refugees (Deut 10:18-19), God's people are to offer a place of protection and belonging for people on the move.

Keywords refugee, immigration, kinship, hospitality, welcome, asylum seeker, illegal, ethics, biblical ethics, racism, covenant.

The great evangelical preacher and statesman John Stott urged Christians to practice what he called “double listening” as we discern the nature of Christian discipleship. We should listen with one ear to Scripture and with another ear to culture, Stott said. Such an approach has never been more important than with refugee and immigration issues. The problem today is not that Christians have failed to listen to culture, but that the church all too often echoes the values of culture and then reads Scripture selectively in the light of these values. It is vital to listen again to Scripture, allowing the Bible as *a unified story that is fulfilled in the gospel of Christ* to guide our discernment.

In this essay, I trace the arc of the biblical narrative, revisiting key questions for biblical theology that are relevant to discerning a biblical ethic of kinship for people on the move. I will start at the very beginning, with Genesis.

1. The Old Testament

We come to the Old Testament with two key questions: How does God see vulnerable people who are seeking a home, and how was the Old Testament shaping Israel to respond to people on the move? We will focus our exploration on Genesis, Exodus, and Deuteronomy.

1.1 Genesis

In Genesis 9, following the great flood, God makes a covenant with *all* flesh and every people group. As the curtain rises on the drama of the flood, human violence is corrupting God's good creation (Gen 6:11). After the flood, God makes a covenant

¹ Mark R. Glanville is Associate Professor of Pastoral Theology and an Old Testament Scholar at Regent College, Vancouver. He is co-author with Luke Glanville of *Refuge Reimagined: Biblical Kinship in Global Politics*, (Westmont, Ill.: IVP Academic, 2021). This article uses British English. Article submitted: 14 October 2022; accepted: 24 October 2022. Contact: markrglanville@gmail.com.

with all humanity descended from Noah – “with you and your offspring after you” (Gen 9:9, cf. Gen 17:10). Don’t miss the significance of the scope of this covenant: God makes a covenant of steadfast loyalty with *all* flesh (even the animals) for their ongoing life and flourishing. God declares this covenant no less than seven times in the narrative (Gen 6:18; 9:9-16).

Next, Genesis 10 lays out a genealogy of the nations, a family tree that includes all people groups. As this massive family tree unfurls like a fern frond and as the nations spread out over the earth, we see God’s covenant with diverse people groups worked out on a global scale. The family tree of humanity shows that God’s covenant solidarity extends to people groups from Egypt to the Persian Gulf, all the lands of the great empires surrounding ancient Israel. And in the context of the flood, the covenant secures God’s solidarity with and commitment to the life of these people groups.

For centuries, Black American theologians have considered the theological significance of our common descent from Adam and from Noah, referring to it as the “one blood doctrine.”² Black preachers and writers have often drawn on the apostle Paul’s words in Athens to establish this doctrine: “From one ancestor he made all nations to inhabit the whole earth, and he allotted the times of their existence and the boundaries of the places where they would live” (Acts 17:26). Abolitionists grounded the abolition of slavery in the familial relation of all humanity, among other biblical grounds.

The divine covenant with all flesh is the vital (and often ignored) context for God’s covenant with Abraham in Genesis 12:1-3. Here God promises to bless Abraham and his descendants, as well as all people groups through Abraham’s seed (Gen 12:3). Note the similarity in language between Gen 9:9 (God’s covenant with Noah and his offspring) and Gen 17:10 (God’s covenant with Abraham and his offspring). This similarity communicates that God’s covenant with Israel is made in the context of God’s covenant commitment to every people group. God chooses one people group, Israel, as the chosen pathway through whom God will fulfil the divine covenant with every people group, the whole family tree of humanity.

So, from the very beginning of the biblical story, God’s loving solidarity with every cultural group and with every person is established by means of a covenant. When it comes to responding to people who are on the move, should we not take our cue from God, joining with those with whom God is already joined in covenant love?

1.2 Exodus

If you have ever imagined that the Old Testament dignifies Israel at the expense of the dignity of other people groups, then the second book of the Bible puts that idea

² Lisa M. Bowens, *African American Readings of Paul: Reception, Resistance, and Transformation* (Grand Rapids: Eerdmans, 2020), 28.

to rest. Consider Zipporah, Moses' wife, a daughter of Reuel the priest of Midian (Reuel is later referred to as Jethro). As Moses journeyed to Egypt along with his family the Lord sought to kill Moses in the night. Zipporah acted decisively, circumcising her son's foreskin with a flint and touching Moses' feet with it. Zipporah seems to work as a skilful priest, as evidenced by her use of the flint, her words (Exod 4:25), and her knowledge of circumcision.³ Zipporah was modelling for Moses the character qualities required for his confrontation with Pharaoh and for leadership of Israel: a fear of Yahweh and a formidable boldness.

In the exodus event, Israel left Egypt as a mixed cultural group: "A mixed crowd also went up with them" (Exod 12:38). The author is stressing that God's ancient people were not identified by ethnicity or culture but by their covenant with Yahweh, by Yahweh's liberation and presence, and by their responsiveness to Yahweh's word.

One of the most astonishing windows into the place of diverse cultures in salvation history is Jethro the Midianite's counsel to Moses regarding the complexities of administration. Jethro, a non-Israelite, recommends a system of judicial reform (Exod 18:13-27). That is striking enough. But what makes this narrative truly remarkable is that the very words of Jethro are then taken up within the Pentateuch itself, in the law of offices and the judiciary (Deut 1:8-18). The Midianite's words become the very words of Scripture!⁴ At this moment in salvation history, Israel itself is a people on the move, akin to refugees.

How does the book of Exodus conceive of the other nations, and of the dignity of all people groups? God's people are a cultural mix, a people on the move themselves. As a people whom God has emancipated, Israel is utterly dependent on God and also deeply interdependent with strangers and neighbours. Without the stranger Israel wouldn't be Israel, and without the stranger Israel would have a different (and diminished) Pentateuch.

It is no surprise, then, that Exodus twice forbids Israel from oppressing vulnerable outsiders (Exod 22:21; 23:9). Strangers, who were often employed on farms and in households as cheap labour, had to be treated with compassion and paid fairly. They were also to be included in the Sabbath rest (Exod 20:10; 23:9).

1.3 Deuteronomy

God's love for the stranger comes into full focus in Deuteronomy. In this book, the stranger is a vulnerable person who is not a member of the clan grouping in which they resided.⁵ They were often exploited for cheap labour or even enslaved, a tragic reality

³ Carol Meyers, *Exodus* (Cambridge: Cambridge University Press, 2005), 63.

⁴ See further Mark R. Glanville, *Adopting the Stranger as Kindred in Deuteronomy* (Atlanta: SBL, 2018), 118.

⁵ For a thorough analysis of the stranger in Deuteronomy see Glanville, *Adopting the Stranger*; M.

illustrated in Israel's own story – remember how the Hebrews dwelt as strangers in Egypt and were subsequently enslaved there (Deut 26:5-8). The stranger appears no less than 22 times in Deuteronomy. The book describes protection for the stranger in legal proceedings (e.g. Deut 1:16-17) and ensures that the stranger's needs are met via various social and economic stipulations (e.g. Deut 5:12-15; 24:19-21). At the heart of Deuteronomy's response to forced displacement is a movement towards adopting the stranger as kindred.

Deuteronomy 10:18-19 proclaims Yahweh's ongoing covenant commitment to the stranger:⁶ “Yahweh executes justice for the fatherless and the widow, and loves the stranger, giving them food and clothing” (NRSV, adapted). The word “love” in this text refers to the steadfast loyalty of a covenant. Love is a key motif in ancient covenants. Subordinated kings were required to love the great king, demonstrating absolute loyalty.

But this isn't the only time the word “love” is used in Deuteronomy 10. The very next verse requires God's people to love the stranger, mirroring the love of Yahweh their God: “You shall love the stranger, for you were strangers in the land of Egypt” (10:19). And only a few verses earlier Deuteronomy has affirmed Yahweh's love for Israel: “Yet the Lord set God's heart in love on your ancestors alone and chose you, their descendants after them, out of all the peoples, as it is today” (Deut 10:15).

Here, then, are three loves: God loves Israel, God loves the stranger, and Israel is to love the stranger.

What does it mean to love in Deuteronomy? First, love refers to covenant loyalty. Second, love also announces kinship connections. People who were bound in covenant referred to one another with familial terms.⁷ Displaced people, both then and now, are in need of protection and belonging. Yahweh adopts such people in covenant solidarity, becoming the divine kinsperson not only of Israel, but also of vulnerable immigrants seeking a home. Correspondingly, God's people are to step into the gap and enfold people seeking a home as family, following God's lead! Third, love also has an emotional dimension (see Deut 10:15). God's people are to feel affection for refugees seeking a home. These three aspects of love – covenant, kinship, and emotion – provide a warm hearth within which the stranger can be enfolded as makeshift family.

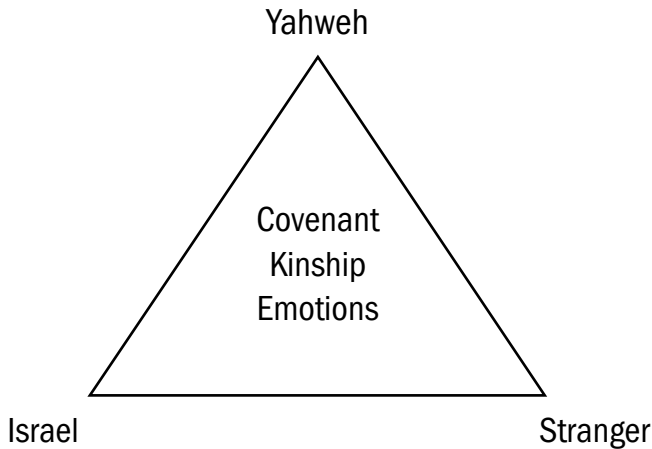
Glanville and L. Glanville, *Refuge Reimagined*, 25-50; Mark Awabdy, *Immigrants and Innovative Law: Deuteronomy's Theological and Social Vision for the “gr,”* FAT 2.67 (Tübingen: Mohr Siebeck, 2014).

⁶ I provide a thorough analysis of Deuteronomy 10:18-19 in *Adopting the Stranger*, 214-21. See also Glanville and Glanville, *Refuge Reimagined*, 41-50.

⁷ See D. J. McCarthy, “Notes on the Love of God in Deuteronomy and the Father-Son Relationship Between Yahweh and Israel,” *CBQ* 27 (1965):145. See also Deut 1:31; 8:5; 14:1.

We can represent these three loves pictorially as a triangle. Yahweh, Israel, and the stranger, in a network of belonging, are represented by the sides of the triangle. The three dimensions of love (covenant, kinship, and emotion) are represented in the centre of the triangle.

God makes a covenant commitment of protection and belonging to displaced people. What a remarkable revelation! What a wonderful reason to worship our God, the Father of our Lord Jesus Christ! God calls the people of God into covenant



with those with whom God covenants, to extend solidarity and kinship to vulnerable people (Deut 10:19). This theological reality should birth imagination and tenderness for responding to vulnerable immigrants.

Deuteronomy 16:1-17 calls God's ancient people into celebratory worship at seasonal harvest festivals.⁸ Yahweh's generosity in giving the land and the harvest in its season inspires the community to share in feasts of thanksgiving, and the refugee is right there with them. Deuteronomy's festival calendar is timed in sync with the agricultural seasons. It begins at the dawn of spring as the community makes its pilgrimage to the "chosen place" for the Passover meal and the feast of Unleavened Bread (16:1-8). Next, seven weeks after the wheat and barley harvest there is grateful celebration in the Feast of Weeks (16:9-11). Then, following the olive and grape harvest comes the most joyful celebration of all, the Feast of Booths or Tabernacles

⁸ For a detailed analysis of Deuteronomy 16:1-17, see Mark R. Glanville, "'Festive Kinship': Solidarity, Responsibility, and Identity Formation in Deuteronomy," *JSOT* 44, no. 1 (2019):141-43.

(16:12-15). Deuteronomy 16 is quite a foodie chapter, even though probably, the last time you read it, you skimmed over it as dull!

The list of participants in the feasts is emphatic, occurring twice in all their detail: “Feast, before Yahweh your God! You, your son, your daughter, your male slave, your female slave, the Levite who is in your gates, the stranger, the fatherless, and the widow who is in your midst!” (Deut 16:11, 14, AT).

When the family feasts before the Lord, it becomes a crowd, for the refugee comes right along beside them. Cultural anthropologists tell us that people are united as kindred at feasts, knit together as makeshift family.⁹ Feasting before the Lord, the refugee is again enfolded at the hearth of the community.

These rituals and feasts had one main purpose: to forge a worshipful, inclusive, and celebrative community responding to the generosity of God. There is a four-part movement in Deuteronomy 16:1-17 that takes us right to the heart of a biblical worldview. First, the festival calendar begins in lament, with Passover and Unleavened Bread. These two feasts lament the suffering in Egypt (Deut 16:3). It is remarkable that Israel’s festal year begins with lament. Israel is reminded that only as it faces its own story of displacement and slavery can it begin to seek the world’s healing. For us today, the feasts of Passover and Unleavened Bread prompt us to ask: how can the church lament the suffering of more than 82 million displaced people,¹⁰ and how can we repent of our self-interested apathy and our failure to respond?

The second movement is a divine gift: Yahweh gives the land and its produce (Deut 16:10, 13, 15). The life and worship of God’s people start with divine supply. This reminds us today that we too have received abundant blessings from God. Third, in light of the divine supply, God’s people respond in thanksgiving with celebration. Thanksgiving and feasting are a spiritual response to God’s gifts. How can we teach one another to be thankful? Fourth, the other side of the coin of thanksgiving – the natural reflex of gratitude, as it were – is creative kinship. Thankfulness leads us to share our lives together as family, bringing the weakest among us to the centre of the community – namely, the refugee, the fatherless, and the widow.

Note that the people of God are *at worship* in Deut 16:1-17. Before the Lord, they share in food, laughter, singing, and dancing, as well as in thanksgiving and prayer. How, then, should God’s people come before God in worship? With the refugee by our side. Worship that excludes the refugee or the vulnerable immigrant is not biblical worship.

⁹ Feasts can also function to divide communities and establish hierarchical arrangements; however, this is not Deuteronomy’s goal. For further discussion, see Glanville, “Festive Kinship,” 142, n. 51.

¹⁰ United Nations High Commissioner for Refugees, *Global Trends* (2020). Available at: <https://www.unhcr.org/flagship-reports/globaltrends/>.

1.4 Pulling it all together

We have seen that God makes a covenant commitment to each and every people group, and that God's covenant and kinship tilt strongly towards vulnerable people who are seeking a home (Deut 10:18-19). Israel is chosen as God's people within that frame, towards the goal of God blessing every people group. God's people are deeply interdependent with strangers. People who are culturally non-Hebrew are a part of the people of God and even contributed some of the words of the Pentateuch itself. Most significantly, Deuteronomy calls God's people into creative kinship with people who are seeking a home, sharing in bonds of familial love and protective solidarity.

1.5 But what about the Canaanites?

But if God commanded Israel to slaughter Canaanites, then maybe the Old Testament wasn't so inclusive after all, was it? For a full discussion of the so-called Canaanite destruction texts in Deuteronomy and Joshua, you can read either my extended academic analysis or a 2,000-word summary.¹¹ In a nutshell, the stranger and the Canaanite associate with the Israelite reader's reality differently. The stranger was a real person within the community in front of the text, a concrete person in need of protection and belonging. The Canaanite, however, was a figure that had long ceased to exist in the land by the time of writing – a symbolic figure that in fact stands for unfaithful Israel. The message of these texts is that, should Israel be unfaithful to Yahweh and fail to be the community of tenderness that Torah is shaping them to be, then they have become Canaanite and will lose possession of the land accordingly. The Canaanite destruction texts in Deuteronomy and Joshua are all about Israel, connecting Israel's faithfulness to their possession of the land.

2. The New Testament

2.1 Kinship in the Gospels

In the Gospels, Jesus established an eschatological people of God.¹² That is to say, Jesus was gathering a renewed Israel in fulfilment of the Scriptures (Mt 5:1). We have already witnessed the ethic of kinship in the Old Testament, and so as we come to read the Gospels (where Old Testament anticipation is realized), we could be forgiven for thinking that this ethic might somehow be fulfilled here. Indeed, that is exactly what we find in the Gospels. Even as Jesus announced that God was

¹¹ Mark R. Glanville, "Hêrem as Israelite Identity Formation: Canaanite Destruction and the Stranger (Gêr)," *CBQ* 83 (2021): 547-70; Glanville and Glanville, *Refuge Reimagined*, 55-59.

¹² See further Gerhard Lohfink, *Jesus and Community: The Social Dimension of Christian Faith*, trans. John P. Galvin (Philadelphia: Fortress, 1984), 26. For a detailed discussion of Jesus' ethic of kinship in the Gospels, see Glanville and Glanville, *Refuge Reimagined*, 74-98.

at last becoming king through his own ministry, death and resurrection, Jesus was forming a community to live as a witness to that reality. We turn now to examine a biblical ethic of kinship in the Gospels, applying this ethic to people on the move.

Jesus' community was by necessity countercultural. First-century Judaism was deeply hierarchical, mirroring the honour-seeking practices of the wider Greco-Roman culture. Everyone knew who was on the inside and who was on the outside of the community. The high priest and other religious elites enjoyed their position at the top rung of the social ladder. The priests and scribes were not far behind. Tax collectors and sinners were, of course, shunned. Menstruants and lepers were excluded from worship and social engagement by virtue of their bodily impurity. People reduced to begging were customarily spat upon as a magical protection against the "evil eye," a supposed curse that unfortunate people could place upon the well-to-do.¹³ Outside the worshipping community, Gentiles and Samaritans were to Jewish religious society something akin to what Celine Dion is to jazz lovers.

Within this hierarchical context, Jesus formed his followers as a makeshift family, teaching them to pray, "*Our* Father in heaven" (Mt 7). "*Our* Father" means that God's people are a "we." And by addressing God together as "Father," Christ's followers learned that they existed not only as a group, but as a family no less. Jesus' sisters, brothers, and mothers were those people who put his words into practice (Mk 3:31-35). By their distinctive shared life, they were to live as a sign of Jesus' healing reign (Mt 5:14-16). The key point is that the Kingdom of God "drew near" just as much by the community Jesus was forming as by Jesus' healings, teachings, nature miracles, and so on. And as we will see, a key feature of the makeshift family Jesus was forming is that it was composed especially of those who experienced marginality, the "least of these."

2.2 Jesus' meals

Jesus engaged in much of his ministry around meals. Some New Testament scholars have reflected that Jesus literally ate his way through the Gospels! Jesus certainly seems to do as much eating as teaching in Luke's Gospel, or more accurately Jesus teaches as he eats. Sharing in meals with one another shapes who we are together; meals rarely leave us untouched. We have already seen that meals can be kinship-forming rituals. Meals can join, and meals can also divide.¹⁴ Both of these capacities are seen in the Gospels.

¹³ See John H. Elliott, *Beware the Evil Eye: The Evil Eye in the Bible and the Ancient World, vol. 2: Greece and Rome* (Eugene, OR: Cascade, 2016), 176.

¹⁴ Michael Dietler, "Theorizing the Feast: Rituals of Consumption, Commensal Politics, and Power in African Contexts," in *Feasts: Archaeological and Ethnographic Perspectives on Food, Politics, and Power*, ed. Michael Dietler and Brian Hayden (Washington, DC: Smithsonian Institution Press, 2001), 77.

And Jesus had a reputation for *whom* he ate with. In the eyes of the religious elite, Jesus ate with all the wrong people – but they turned out to be the *right* people according to the Kingdom of God. “This fellow welcomes sinners and eats with them!” The scribes and Pharisees grumbled (Lk 15:2). Jesus’ meal with Matthew the tax collector and other “sinners” gathered at Matthew’s house is a case in point (Mt 5:9-13). It was scandalous for Jesus to attend this meal, as sinners such as Matthew effectively possessed negative honour. And yet Matthew was grafted into Jesus’ kinship group through this fellowship meal. It is curious to think that Jesus didn’t invent these meals. We have already encountered this kind of festive kinship in the festival calendar of Deuteronomy. In effect, Jesus was being and doing what Israel was always supposed to have been and done, enfolding the weakest as family. Another meal occurs at a Pharisee’s house in Luke 14:7-24, where Jesus challenges the honour-seeking behaviour of the Jewish elite.

Yet what was the place of repentance at Jesus’ meals? To be sure, Jesus called for repentance throughout his ministry (Mk 1:14-15). And yet repentance was not a prerequisite for sharing in Jesus’ fellowship meals. Jesus seems to maintain a deliberate tension in this regard. Although Jesus resolutely called his hearers to repentance, indeed to costly discipleship (e.g. Mt 8:18-22), nonetheless the edges of Jesus’ kinship group were blurry, enfolding people in unexpected ways and always tilting towards the margins. To illustrate, consider the example of the rich young ruler. This young elite man wasn’t willing to loosen his grip on wealth, and Jesus nonetheless “looked at him and loved him” (Mk 10:21). And as we have seen above, “loved” is a term for kinship in first-century Judaism. Jesus enfolded this man and loved him, despite his inability to truly follow Jesus. What might this mean for the church today, as we consider a biblical response to refugees? For one, as we come to embody the biblical ethic of kinship with people on the move ourselves, we must welcome not only other Christians but also those who are not Christians.

2.3 Healing miracles

At first glance, Jesus’ healing miracles may seem to have little to do with kinship and welcome. Yet, as Gerhard Lohfink has astutely reflected:

Inseparable from the eschatological horizon of Jesus’ miracles is their relationship to community: they served the restoration of the people of God, among whom, in the eschatological age of salvation, no disease is permitted.¹⁵

Consider, for example, Jesus’ healing of the leper in Mark 1:40-45. From the day of his diagnosis, this leper would have been estranged from the worshipping commu-

¹⁵ Gerhard Lohfink, *Jesus and Community: The Social Dimension of Christian Faith*, trans. John P. Galvin (Philadelphia: Fortress, 1984), 13.

nity and even from family. Yet according to Mark, Jesus “reached out his hand and touched him.” In touching the leper, Jesus was doing more for him than even his own family could do. Following his healing, the leper was restored to the worshipping community via priestly examination and the requisite sacrifices (Mk 1:44). In healing people, Jesus restored them to community and to kinship, while also acting as their kin in order to do so. Jesus’ healings can open our imagination: how can the church offer the healing of Christ and the kinship of Christ to people who are seeking a home?

Jesus’ parable of the Good Samaritan amplifies the ethic found in the golden rule: “Love the Lord your God with all your heart and with all your soul . . . and love your neighbour as yourself.” Jesus answers the lawyer’s self-righteous question, “Who is my neighbour?” with a parable that undermines the question itself, for neighbours are defined not by self-serving social maps but in response to their need. The message of the parable is multidimensional:

On the one hand, Israel’s distorted piety is shown up by a Samaritan; on the other hand, Jesus implies that Israelites should welcome outsiders such as this Samaritan by virtue of the ethic that this Samaritan is exemplifying! Jesus is destabilizing his hearers, in their self-assumed piety.¹⁶

This story obliterates the boundary markers between those who should and those who should not receive our love, compassion, and service. How might this parable intercept the various “but what about . . . ” questions that all too often drown out the Bible’s call to welcome the stranger today? We object, “But what if they take our jobs?” and so forth. While we can and should give these questions due consideration,¹⁷ Jesus’ response to the lawyer in the parable of the Good Samaritan should be a sober warning for us. Consider, for example, that one in every three people in Jordan and one in every four in Lebanon is a refugee. These majority-Islamic nations are demonstrating the kind of Good Samaritan welcome that could put to shame many churches and many so-called Christian nations.

A related Lukan parable is that of the sheep and the goats, where Jesus identifies with the stranger with the famous words, “I was a stranger and you welcomed me. . . . Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me” (Mt 25:35-36). Another example is the parable of the rich man and Lazarus (Lk 16:19-31).

¹⁶ Glanville and Glanville, *Refuge Reimagined*, 88.

¹⁷ For a discussion of the impact of refugee welcome on the employment sector, see Glanville and Glanville, *Refuge Reimagined*, 171-174.

2.4 Mutuality

When we slow down and read the Gospels for all they are worth, we come to see Jesus' beautiful way with people. Relationships were a two-way street for Jesus. He was both host and guest. He would serve *and* he was served (e.g. Lk 7:38). Jesus enjoyed a deep mutuality with those he shared life with. Think, for example, of the love Jesus received from the woman who anointed him on the night when he would be betrayed (Mk 14:1-11). And think of the festive and generous response of some tax collectors (e.g. Lk 19:8).

In *Becoming Neighbours: Five Values for a World of Welcome*, my friend Anika Barlow reflects on the mutuality of her relationships as she lived with refugee claimants. Anika formerly worked as Lead Host at Kinbrace Community Society, an organization that supports refugee claimants in Vancouver that was birthed by our church. She tells a story of Leila, a mother from Lebanon with one daughter who lived at Kinbrace. Leila and Anika lived together in the Kinbrace community, and Leila quickly began calling Anika "my daughter." And Leila also embraced another Kinbrace resident from West Africa as her daughter. Leila now had three daughters, Anika explains.¹⁸ The joyful mutuality of Jesus' welcome shows us how welcoming newcomers is far from a burden; rather, it is a blessing. Newcomers shape us and enrich our lives. "Truly, in the stranger we meet Christ!" is the testimony of so many Christ-followers who share in the work of hosting and supporting newcomers.

Newcomers are not only a blessing to those individuals who roll up their sleeves to do the work of enfolding and hosting them, but also for their communities. Newcomers greatly enrich our culture, and they even benefit our economies. Empirical evidence consistently shows that welcoming refugees is a net gain for the economies of welcoming nations.¹⁹ And yet even if this were not the case, even if we had to bear a cost to welcome the stranger, the cross of Christ shows us that it is right to bear a cost for the sake of another person. God's way is cruciform. At the Last Supper, Jesus said, "I am among you as one who serves" (Lk 22:27). With these words, Jesus was teaching his disciples about the meaning of the cross for their relationships with one another. And according to John's Gospel, Jesus' sacrifice is given for the life of the *world* (John 6:51). As Christ-followers we must follow in our master's footsteps, willing to go the extra mile to provide a home for people who are on the move. This ethic is for the church, but it is not for the church alone. For Christ's way of loving service, reflected throughout all of

¹⁸ Anika Barlow, *Becoming Neighbours: Five Values for a World of Welcome* (Vancouver: Kinbrace Community Society, 2021), 36.

¹⁹ Glanville and Glanville, *Refuge Reimagined*, 171-173.

Scripture, is in fact God's desire for all humanity. As Christians who are willing to make sacrifices for vulnerable people seeking a home, we should also advocate at a societal level for just and welcoming policies.

2.5 The Gospel

At this point, it is helpful to bring all that we have said about welcoming refugees into conversation with the gospel itself. This will help us grapple with how the biblical ethic of kinship for people on the move fits into Scripture as a whole. We take Mark 1 as our starting place, where the word "gospel" appears three times:

The beginning of the good news [gospel] of Jesus Christ, the Son of God. As it is written in the prophet Isaiah. . . . Now after John was arrested, Jesus came to Galilee, proclaiming the good news [gospel] of God, and saying, "The time is fulfilled, and the kingdom of God has come near; repent, and believe in the good news [gospel]." (Mk 1:1, 14-15, NRSV)

Reading this text carefully, you can see at least five aspects of the word "gospel" for Mark:

1. The gospel is about Jesus Christ, his life, death, and resurrection.
2. The gospel is the fulfilment of Old Testament expectation. As such, the gospel is not removed from the ethic of kinship we have seen in the Old Testament; rather, through Christ's death and resurrection, this ethic is secured.
3. The gospel is about the Kingdom of God, God's sovereign and saving rule; now at last in Christ, God is healing the whole creation from sin's curse.
4. The gospel requires people to repent of their sins and get on board with what God is busy doing in the world, in union with Jesus.
5. The gospel announces a new era, in which sin is defeated and God reigns in peace (incompletely for now).

Evidently, the gospel is comprehensive in its scope, taking in the whole world and all human life in its scope. So a biblical ethic of kinship for refugees isn't a sidecar to the gospel. Rather, as the power of the gospel rides through the creation from end to end, God's desire for every person to have a home is crucial, as one part of God's healing of creation and restoring human life to flourishing. The gospel encompasses refugee welcome.

2.6 The Pauline Epistles

The apostle Paul uses the word "gospel" in much the same way as Mark. I do not have space to analyse the texts in detail, but we might summarize that in the Pauline

Epistles the word “gospel” captures three themes: (1) the gospel is about Christ and his life, death and resurrection; (2) the Christ-event is the fulfilment of the Old Testament story, including all of creation in its scope; (3) Christ is the long-awaited Messiah of Israel (e.g. Rom 1:1; 1 Cor 15:1-5; 2 Tim 3:8). For Paul, not only the cross but also the resurrection is crucial to the gospel. For Paul, Christ rose from the dead as the firstfruits of the whole creation renewed (1 Cor. 15:20, 23).

The biblical ethic of kinship that we have traced through the Old Testament and the gospel accounts is also central to the Pauline Epistles. Consider, for example, Paul’s letter to Philemon, which Paul wrote while in chains in Rome. Onesimus, Philemon’s slave, had escaped and fled from Colossae to Rome. In Rome, Paul introduced Onesimus to Christ. And now Paul is sending Onesimus back to Philemon, carrying the letter that we know as “Philemon.” Paul appeals to Philemon that, far from punishing Onesimus, he should no longer even consider Onesimus a slave, but a brother:

For this perhaps is why he was parted from you for a while, that you might have him back forever, no longer as a bondservant but more than a bondservant, as a beloved brother – especially to me, but how much more to you, both in the flesh and in the Lord. (Phlm 15-16, NRSV)

In the punitive and hierarchical culture of the empire, Paul’s request to Philemon creates a totally different sphere for human relations, that of family. People are no longer to be viewed in terms of what they deserve or their given lot in life, but as our beloved sister or brother in Christ.

Again, it is helpful to ask: to whom do Christians owe their care? To be sure, Paul envisioned that Christ-followers should be sisters or brothers to one another with a unique intimacy. But Paul nonetheless expected that the church would extend Christ’s generosity and solidarity to those outside of the community (Rom 12:20; 2 Cor 9:13; Gal 6:10).

The Pauline Epistles bring the biblical ethic of kinship to its climax in the joining together of Jews and Gentiles in Christ. If Jesus challenged honour-shame structures in first-century Judaism, then Paul challenged the ethnocentric covenantalism that infused many Jewish communities, eminent New Testament scholar Bruce Longenecker explains.²⁰ So Paul famously declares to the Galatian church, “There is neither Jew nor Greek, there is neither slave nor free, there is no male and female, for you are all one in Christ Jesus” (Gal 3:28).

Paul is pastoring and theologizing at a transitional moment in salvation history. For the first time, God’s salvation is not expressed and embodied in terms of only

²⁰ Bruce Longenecker, *Remember the Poor: Paul, Poverty, and the Greco-Roman World* (Grand Rapids, MI: Eerdmans, 2010), 139.

one (Israelite) culture, but in the terms of many cultures. Transitioning and adjusting to a variety of cultural expressions of the gospel, along with their diverse cultural artifacts, was a giant step for the early Christians. Paul taught that their unity in Christ meant that Jew and Gentile alike were sons of God and children of Abraham. Christ-followers are “all one in Christ Jesus” (Gal 3:24-29).

In our journey through Scripture, we have travelled a full circle, for the unity of Jew and Gentile in Paul’s Epistles fulfils and embodies the beautiful vision of the human race that we saw at the beginning of the story. Finally in the church, the joy and kinship for which humanity was created in the first place can be realized. As US Hispanic leader Denae Pierre puts it, “This new humanity affirms, subverts and challenges the identity of the existing tribes by uniting them to those who think and behave differently and asking them to radically and tangibly love one another, most especially the weakest, poorest, and marginalized among them.”²¹ In the Pauline Epistles this ethic is displayed especially within the Christian community. And yet God’s desire to heal the fragmentation of human community is also embodied as God’s people extend kinship protection beyond the church into their neighbourhoods. Today, we who follow Christ must allow other people to break the surface of our lives, to enter the waters that make our lives meaningful, as rippled and turbulent as these waters can be. Indeed, as we share our lives with refugees and as we call our societies to do the same, we are witnessing to the reconciliation of Christ, the kinship of God.

2.7 Witness

We conclude our discussion of the New Testament by revisiting the question of the mission of the church. What is the nature of witness? What is the mission of the church? Jesus shows us the nature of witness in his Farewell Discourse, his words given to his apostles on the night when he was betrayed and recorded in John’s Gospel: “Jesus said to them again, ‘Peace be with you. As the Father has sent me, so I send you’” (Jn 20:21).

Jesus is teaching that his followers are a *sent* people. Christ sends us in witness, in much the same way as the Father sent Christ. This has to do with our very identity. Witness isn’t just one thing on the church’s agenda, or merely one of our many tasks. No, in the terms of biblical theology, witness is the very identity of the church: we have been sent by Christ to bear witness to his tender Lordship while we await his return to renew all things. One implication is that we bear witness to the gospel of Christ. Even as the gospel is comprehensive in its scope, embracing the

²¹ Denae Pierre, “Pastoring through Polarization,” *The Front Porch* (2020). Available at: <https://thefrontporch.org/2020/10/pastoring-through-polarization/>.

whole creation and the whole human person, so does the church's witness. Thus, we witness to Christ's healing rule through our lives, words, and deeds. We are to *be* the witness, *say* the witness, and *do* the witness, as Darrell Guder put it.²² Because the witness of the church encompasses every aspect of God's creation, it certainly includes welcoming refugees. As Christ-followers offer protective solidarity with people who are seeking a home, as we are knit together as makeshift family with them, we are bearing witness to Christ our brother and to the Father our divine kinsperson.

At this point in our journey, we have traversed vast territory. We have discerned a biblical ethic of kinship for refugees in the Old and New Testaments. We have examined the gospel and explored the nature of witness. Sometimes it can be difficult to hold all the moving pieces together in our mind. So let's take a moment to capture the biblical story in a nutshell to help us synthesize all we have said. We might summarize the biblical story in this way: *This is my Father's world (as the song goes). Broken and corrupted it may be, but it belongs to God. And in Christ the Father is recovering the divine purposes for the creation. "For from him and through him and to him are all things. To him be the glory forever. Amen" (Rom 11:36).*

3. Conclusion

In this essay, we have discerned a biblical ethic of kinship for people on the move. God calls the church to enfold people who are seeking a home as makeshift family, extending protective solidarity within a context of mutual relationships. Because the Father of Jesus Christ is not a tribal God but the very God of gods, and because the gospel encompasses all creation in its scope, God's desire for human flourishing extends beyond the church into every culture and every society. The biblical ethic of kinship in Scripture expresses God's desire not only for the church but also for nations and even for the global community of nations.

Enfolding outsiders as our kin is a matter of great joy. Think of the joy of Deuteronomy's inclusive feasts! The stranger is enfolded as family amidst eating and dancing, all before Yahweh who has provided the abundant supply of the harvest (Deut 16:1-17). And think of the joy of Jesus' feasts with tax collectors and "sinners"! Think of the conversation, the laughter, the stories, kinship! (e.g. Mt 9:9-13). Today, too, those of us who welcome refugees and vulnerable immigrants in our neighbourhoods and churches are deeply blessed by our new friends and their generosity, wisdom, ingenuity, humour, and cuisine!

²² Darrell L. Guder, *Be My Witnesses: The Church's Mission, Message, and Messengers* (Grand Rapids, MI: Eerdmans, 1985), 91.

Thomas Schirmacher

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Political repression of religious leaders' manifestations of faith in Nicaragua

Rossana Muga and Teresa Flores¹

Abstract

This article analyzes the increasing restrictions on freedom of religion and freedom of expression in Nicaragua since 2018. It explores church-state relations and concludes that expressions of faith have become a risk for religious leaders and for the church as an institution if they contradict the political interests of the Nicaraguan dictatorship. There has been violence against religious leaders. Over 200,000 people have left Nicaragua, including religious leaders and Christians in general.

Keywords Nicaragua, freedom of religion, freedom of expression.

1. Introduction

Since the 2018 social crisis in Nicaragua, the tension between the state and the church has been escalating, especially as religious leaders have demonstrated their disagreement with the authoritarian and repressive tendency of the government.

After the November 2021 elections, which consolidated the Sandinista dictatorship in power and therefore also the abuses against opposition voices, the Church has found itself exposed to various types of harassment because its position – in accordance with its religious principles – contradicts the guidelines of the Sandinista party.

For this reason, we will analyze how both the right to freedom of religion and freedom of expression have been violated at the same time. We will then present various scenarios to illustrate how religious expression has motivated political reprisals. The information has been obtained from research done by both the World Watch Research Unit (WWR) of Open Doors International and the Observatory of Religious Freedom in Latin America (OLIRE).

2. The role of religious leaders since the 2018 social outburst

A series of civil society claims against the pension system in April 2018 culminated in anti-government protests demanding the president's resignation. The manifesta-

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tions of citizen dissatisfaction were and still are violently repressed by the authorities. Along the way, various actors have been involved, either on the government's side, justifying the regime's violent reactions, or as part of the so-called "opposition" calling for respect for democracy and human rights. Among the latter, we can include the Catholic Church, one of the last institutions that enjoys credibility and legitimacy in the country, and which has suffered all kinds of hostilities that have affected the viability of its projects and activities, the integrity of its churches, and the human security of its members.

To understand the reason behind these reprisals, we must understand the role the church has played during the social crisis² and how it has been perceived by the Ortega-Murillo regime. From our point of view, the church, especially the Catholic Church, has fulfilled three roles.

2.1 Mediator and witness

From the beginning of the crisis, the Catholic Church participated in attempts at dialogue convened by various civil society organizations, political and business coalitions. However, since the beginning of the negotiations, the government's refusal to comply with the demands of these groups was evident. Among the demands were respect for the rule of law, new elections, a return to democracy, and the separation of powers to achieve peace and national reconciliation, as well as the release of political prisoners and the abandonment of the use of paramilitaries as agents of repression.

In addition, given the continuation of violent repression against protesters and any dissident voices, the Episcopal Conference of Nicaragua made known in March 2019 its decision not to accept the invitation to participate in a new dialogue process. It instead chose to focus on accompanying the people by exercising its pastoral mission. The Apostolic Nuncio Waldemar Stanislaw Sommertag, representing the Vatican, remained as the only witness on behalf of the Catholic Church at the Dialogue Table, which was definitively suspended in 2019.

2.2 Shelter and agent of humanitarian assistance

In this aspect, a distinction must be made. In the case of the Catholic Church, most leaders directed their efforts toward assisting the people not only with material but also with spiritual care. Bishops and priests mingled with the demonstrators to help the injured or to prevent police or paramilitary groups from continuing with the violent attacks. From the churches, the priests rang bells as a form of warning,

² In Nicaragua, the relationship between the government and the various religious groups has undergone changes over time. In this article, we will focus on the political tension that has influenced the church-state relationship since the social crisis of 2018.

so that the people would be protected from the violence of the police, paramilitary, and regime sympathizers. They also acted as intercessors in the liberation of missionaries and students stationed in sanctuaries besieged by paramilitaries. As a result, the Catholic Church was accused of not really being a mediator, but of being committed to supporting the coup plotters.³

With respect to other Christian denominations, such as Protestants and Evangelicals, the relationship with the government is far from homogeneous. Some have been wrongly labeled as party sympathizers due to the regime's attempt to create a false image of its close relationship with them. Some evangelical church leaders pointed out that, due to this misconception, many of the participants in the 2018 protests felt afraid to come to them and accept their help. Unlike the Catholic Church, their church buildings did not serve as shelters because in many cases these denominations do not have permanent staff, which did not allow them to open their buildings during the most critical moments of the protests. In many cases, young people attending evangelical churches went to the homes of friends who were members or leaders of the church. In these instances, help was provided on an interpersonal level rather than an institutional one.⁴

During the 2018 crisis, members of the evangelical church also were accused by paramilitaries of collaborating with enemies of the government. Even the young volunteers distributing food were harassed and accused of participating in the protests. Some evangelical groups also faced challenges due to the government's repression, although the extent of their vulnerability is not clear due to their uneven structure and lack of information. Clearly, the religious sector has expressed opposition and has therefore suffered reprisals. It is threatened with losing its status to operate legally in the country, as is the case with other civil society organizations.

In both cases, any work of care for the needy and material and/or spiritual attention that the Church provided to the demonstrators and their families was interpreted by the government as a challenge to its authority and a declaration of opposition to its political interests, so that religious leaders (mostly Catholics) were labeled and dealt with as if they were coup plotters, terrorists and/or enemies.

2.3 Defender of human rights and critic of the government

The Catholic Church – through the Episcopal Conference of Nicaragua (CEN) and the Episcopal Commission for Justice and Peace of the Archdiocese of Managua, as well as through the voices of many other bishops and priests – has directly and

³ Carlos Salinas Maldonado, "Ortega Attacks the Church and Calls the Bishops of Nicaragua Coup Plotters," *El País*, 21 July 2018. Available at: <https://bit.ly/3SoGoE6>.

⁴ Open Doors International World Watch Research Unit, "Nicaragua: Full Country Dossier" (2022). Available at: <https://opendoorsanalytical.org/?s=nicaragua> (password: freedom).

openly called for peace and justice and has severely questioned the undermining of state institutions and democracy, the multiple violations of human rights (including the limitations on the social, civil, and political rights of citizens), and the violent repression against anyone perceived as a dissident or opponent.⁵ Even during the presidential electoral process of November 2021, members of the Catholic clergy warned about the lack of conditions for democratic elections; on the other hand, they also encouraged the people to fulfill their civic duties while following their conscience and tried to discourage non-participation.⁶

As described in this section, during the 2018 social outburst, the Church (both Catholic and some evangelical groups) supported the protesters and endorsed their petitions, urged the government to stop the unbridled violence, and denounced human rights violations. Nonetheless, due to the increasingly critical stance of church authorities, since June 2018 and especially after Daniel Ortega's disputed electoral victory in November 2021, pressure and attacks on sanctuaries and clergy, especially of the Catholic Church, have increased.

Along the way, the Catholic Church became the institution with the greatest support and legitimacy in the country, which is why the government began a campaign to weaken the sense of unity against the regime, delegitimize the civil dissent, and, above all, intimidate the Church.⁷ In general, repressive actions against religious groups, although they have mainly targeted priests and church leaders, have also impacted committed lay people and parishioners who publicly defend them.

3. Politically motivated religious freedom violations due to religious leaders' expressions against the regime

We will now reflect on the tensions between the protection of the right to freedom of expression and the right to religious freedom in Nicaragua, taking into consideration the interconnection between both rights and how reprisals against speech, expressions, or manifestations of faith, especially when they are not in line with

⁵ Christian Alvarenga, "Nicaragua: Church Advocates 'Respect for Human Rights,'" *Exaudi Catholic News*, 8 July 2021. Available at: <https://bit.ly/3Sr9gvo>; *Diario Las Américas*, "Nicaragua: Catholic Church Calls for the Release of Political Prisoners," 22 December 2021. Available at: <https://bit.ly/3z08Q8g>.

⁶ Swiss Info, "In Nicaragua There Are No Conditions for Democratic Elections, Says the Diocese," 10 August 2021. Available at: <https://bit.ly/3gtAILC>; *El Diario AR*, "The Church of Nicaragua Leaves 'to the Conscience of Each Citizen' to Vote or Not in the Elections," 22 October 2021. Available at: <https://bit.ly/3F1W1hC>.

⁷ Álvaro Augusto Espinoza Rizo, "Las Iglesias ante la violencia estatal en las protestas contra el gobierno sandinista en Nicaragua (desde abril de 2018 hasta la actualidad)," in *¿Latinoamérica y paz? Propuestas para pensar y afrontar la crisis de la violencia*, edited by Christine Hatzky, Sebastián Martínez Fernández, Joachim Michael and Heike Wagner (Buenos Aires: Teseo, 2021), 351–394.

the interests of the government, become politically motivated forms of violation of religious freedom.

At the national level, among the constitutional provisions that protect freedom of conscience, thought, and religion in Nicaragua are Articles 14, 29, 49, 69 and 124. The Constitution establishes that the state has no official religion, and it recognizes that Christian values are principles of the Nicaraguan nation, but also socialist ideals. It indicates that everyone has the right to freedom of conscience, thought, and religion, but it also states that no one can evade observing the laws or prevent others from exercising their rights and fulfilling their duties by invoking religious beliefs. In most cases, the national interest is thereby placed above the observance of the right to religious freedom under the terms of Article 18 of the Universal Declaration of Human Rights (UDHR).

Article 18 of the UDHR, Article 18 of the International Covenant on Civil and Political Rights (ICCPR), and General Comment 22 on Article 18 of the ICCPR illustrate the multidimensional nature of the right to religious freedom. The full exercise of this right to practice and express one's faith also involves the exercise of other rights, such as freedom of expression, freedom of assembly, freedom of association, and the right to education, among others.

On the other hand, Article 19 of the UDHR states that everyone has the right to freedom of opinion and expression. This includes the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of borders. According to the Inter-American Commission on Human Rights, freedom of expression has a three-part function in any democratic system: (1) it is an individual right without which the right to think for oneself and to share one's thoughts with others would be denied; (2) it strengthens the functioning of pluralistic and deliberative democratic systems through the protection and promotion of the free flow of information, ideas, and expressions of all kinds; and (3) it is a key tool for the exercise of other fundamental rights.⁸

In this sense, it is legitimate to make use of free forms of opinion and expression to manifest one's faith. Under the concept of interdependence and multidimensionality of human rights, in this way both the right to freedom of expression and the right to religious freedom are exercised.

Moreover, the possibility for religious leaders to express their opinions regarding public affairs, including political affairs, cannot be considered a violation of the principle of separation of Church and State. Rather, given the important role of religious communities in democratic societies and in the construction of the com-

⁸ Inter-American Commission on Human Rights (IACHR), Office of the Special Rapporteur for Freedom of Expression, "Inter-American Legal Framework on the Right to Freedom of Expression," (2010). Available at: <https://bit.ly/3BUJeSE>.

mon good, especially in scenarios that include a humanitarian crisis, such opinions are recognized to encourage discussion and dialogue, in order to contribute to the restoration of peace. These expressions must be not only respected but guaranteed, even more so if one considers that in the case of religious leaders, the possibility of denouncing injustices and acting in favor of those most in need is a duty inspired by their religious doctrine.

However, in Nicaragua, the legitimate exercise of the right to freedom of expression based on one's religious principles by religious leaders, especially the Catholic clergy, has been constantly limited, resulting also in limitations of the multiple dimensions of the right to religious freedom. In recent years, the Church has become one of the institutions most critical of abuses of power, human rights violations, and the lack of democratic guarantees. For this reason, with the strengthening of the Ortega regime in its fifth term in power, there has been an increase not only in threats against the Church, but also in the materialization of harassment against its religious leaders, its church buildings, and its affiliated institutions or organizations. The regime's objective is to establish a culture of terror in which censorship and intimidation take effect not only among religious leaders, but also among their followers. The level of politically motivated religious freedom violations has worsened over time.

Based on the review of the WWR weblog "The Analytical," the Violent Incident Database (VID), and the OLIRE database, we will present a summary of the various scenarios identified in which this right has been limited from October 2021 (one month previous to the last national presidential elections) to August 2022 (date when the article was written).⁹ As of the date of the publication of this article, it is most likely that the cases have increased, given the spiral of repression in the country.

3.1 Arrests

According to the Mechanism for the Recognition of Political Prisoners, since April 2018, there are approximately 200 political prisoners of the regime. Since the beginning of the crisis, opponents have been subjected to arbitrary imprisonment.¹⁰

Through the National Assembly, reform of the criminal code has been promoted to toughen the penalties for the crimes of "treason against the fatherland" and "undermining national integrity." As a first step to finalize this reform, the Justice and Legal Affairs Commission submitted to the Assembly a report on the "Analysis of the Legal Norms Applicable to People Who Commit Crimes That Undermine National

⁹ To obtain more detailed information about the incidents mentioned in this section, visit the following links: <https://opendoorsanalytical.org/?s=nicaragua> (password: freedom) and <https://bit.ly/3CZpkP1>.

¹⁰ Mechanism for the Recognition of Political Prisoners, "List of Political Prisoners: Nicaragua." Available at: <https://bit.ly/3DUJnZx>.

Integrity – Hate Crimes, among Others.” The reform proposal bases its justification on the need to have measures to “generate trust and hope for the people’s demands for justice.” In the working document presented, the “contributions” to the reform proposal are detailed, among which there is talk of a consultation carried out with the “victims of the coup.”¹¹

Among these alleged victims are deputies of the National Assembly, members of the Sandinista party, and police agents who claim to have been injured and even tortured in one case by coup leaders. Religious leaders, priests, and other defenders of human rights have been designated as coup participants.

The victims who participated in the consultation conducted by the commission stated that the penalties should be more severe for the religious leaders and directors of human rights organizations who were involved in the coup attempt as leaders. Through this proposal, the regime makes the representatives of the Catholic Church an explicit object of its measures of repression and censorship. In this sense, the exercise of the right to freedom of expression has become a reason for arrest, not only of leaders in civil society, but also of representatives of the Catholic Church, especially those most critical of the government.

From May to August 2022, about 12 priests and 12 parishioners were arrested by the National Police. Among them, the case of Monsignor Rolando Álvarez is perhaps the most emblematic since the security forces, after more than 15 days of besieging the Episcopal Curia, entered the building by force to arrest him. As of this writing, he is under house arrest, while the rest of the priests and parishioners are still in the “El Chipote” center, which is known for the constant abuse and violation of the civil and political rights of detainees, especially political and/or Christian prisoners known or perceived to be opponents of the regime. In most cases, arrested priests and parishioners are not afforded any of the guarantees of due process.¹²

3.2 Restrictions on freedom of the press

Freedom of expression and freedom of the press are fundamental components of the exercise of democracy. In a democratic society, the press has the right to freely inform the public and criticize the government, just as the people have the right to

¹¹ National Assembly of Nicaragua, “Report on the Analysis of the Legal Norms Applicable to People Who Commit Crimes That Undermine National Integrity – Hate Crimes, among Others,” 2022. Available at: <https://bit.ly/3shNyPB>.

¹² CNN, “Police put Catholic Bishop under house arrest after raid on diocese in Nicaragua,” 19 August 2022. Available at: <https://cnn.it/3CUz6SQ>; Nathali Vidal, “Trasladaron a centro de torturas a Oscar Benavidez, sacerdote detenido el 14Ago,” Punto de Corte, 16 August 2022. Available at: <https://bit.ly/3TsfIsD>; 100% Noticias, “Police monitor the town in Sébaco with drones, Father Uriel Vallejos is kidnapped by the regime,” 2 August 2022. Available at: <https://bit.ly/3TL3oOZ>.

be informed of what is happening in the community.¹³ Expressions, information and opinions relating to matters of public interest, including all matters concerning the state and its institutions and its officials, including denunciations of human rights violations, have a special level of protection under the American Convention.

According to the organization Nicaraguan Independent Journalists and Communicators (PCIN), between April and June 2022 alone, 48 complaints of attacks on journalists and independent media in Nicaragua were registered.¹⁴ During 2021, the organization registered 205 complaints, which translated into 1,520 attacks on press freedom.¹⁵ Reporters Without Borders indicated that, with the re-election of President Ortega in November 2021, independent media continue to be censored, harassed, and threatened. Journalists are constantly stigmatized and subjected to harassment campaigns, arbitrary arrests, and death threats, which is why many journalists have had to flee the country.¹⁶ These and other measures, including arrests of journalists and closures, raids, or confiscations of media facilities, limit the right to freedom of expression. In Nicaragua, the state makes use of criminal law, the most severe and restrictive resource, to punish protected forms of expression, since legislative reforms have been implemented that seek to “legalize” the repressive enforcement actions.¹⁷

Among the media sources that are not pro-government, Catholic radio and television outlets have been sanctioned for broadcasting events concerning the Catholic Church in the country, especially when they refer to the regime’s attacks against it or have been reprimanded in retaliation against the religious leaders who manage them.¹⁸ Thus, it has become common practice for the Nicaraguan Institute of

¹³ Inter-American Court of Human Rights, *Caso Ivcher Bronstein vs. Peru*, judgment of 6 February 2001, clause 143.

¹⁴ Nicaraguan Independent Journalists and Communicators Organization, “Report of the Observatory of Aggressions against the Independent Press of Nicaragua,” April-June 2022. Available at: <https://bit.ly/3MYxSdU>.

¹⁵ Nicaraguan Independent Journalists and Communicators Organization, “Report of the Observatory of Aggressions against the Independent Press of Nicaragua,” 2021. Available at: <https://bit.ly/3ToU7M9>.

¹⁶ Reporters without Borders, “World Press Freedom Index: A new era of polarisation: Nicaragua.” Available at: <https://rsf.org/en/country/nicaragua>.

¹⁷ As part of the persecution of independent media, dissident journalists or journalists perceived as opponents have faced difficulties due to the Foreign Agents Regulation Law that aims to prevent “crimes against the security of the state” and obliges any person or entity that receives funds from abroad (including journalists working for the international media) to register as a “foreign agent” with the Ministry of the Interior. The Cyber Crimes Law (Law 1042 of 2020) includes four types of crimes in relation to damage to systems and data and seeks to sanction certain actions carried out on the internet or through electronic means, affecting freedom of expression.

¹⁸ Artículo 66, “The Ortega regime harasses the Nicaraguan Catholic press,” 22 August 2018. Available at: <https://bit.ly/3TtYaXK>.

Telecommunications and Postal Services (TELCOR), the regulator of telecommunications and postal services in Nicaragua, to shut down Catholic radio stations, as well as to order cable companies to stop transmitting Catholic channels. The government agency usually bases the order on a series of alleged irregularities that disqualify them from operating. Even reporters who have covered stories on cases of violence, raids, or any situation that involves denouncing acts against the church by the government have been detained. For various religious denominations, the use of social networks and independent media that have not yet been shut down is the only means by which they can share and receive truthful and timely information.

From November 2021 to August 2022, the police, by order of TELCOR, seized and closed around seven Catholic radio stations, most of them managed by Monsignor Rolando Álvarez. Similarly, the official channel of the Episcopal Conference of Nicaragua was removed from cable television programming, in addition to other two Catholic channels, the latter also administered by Monsignor Álvarez. We should further note the cancellation and suspension of the frequency of one non-Catholic Christian channel directed by the former presidential candidate Pastor Guillermo Osorno.

3.3 Refusal of visas, impediments to enter the country, forced displacement and exile

As a result of the social and political crisis, around 200,000 people have chosen to flee the country.¹⁹ In many cases, the repression has led to the exile of politicians, young protesters, journalists, directors, or members of civil society organizations, among others. In recent months, this phenomenon has also affected the Nicaraguan church. Similarly, impediments to the entry of religious leaders have been verified.

Considering the role they play, not only through their ministry in their respective congregations but also through the social work they carry out, the exile of religious leaders or their inability to enter the country also has a direct impact on the social welfare of entire communities. Beyond this, the removal of a religious leader from a diocese or specific territory also constitutes a practical limitation of the right to congregate in connection with a faith or the right of each religious group to choose its own religious leaders.

From November 2021 through August 2022, three priests were transferred from their parishes for security reasons, 18 nuns and the Apostolic Nuncio Waldemar Stanislaw Sommertag have been expelled from the country, and one priest was prevented from leaving the country. Meanwhile, two pastors were prevented from entering the country, while another two sought refuge in Costa Rica.

¹⁹ UN Refugee Agency. "Desplazamiento en Centroamérica." Available at: <https://bit.ly/3D2rUnG>.

3.4 Closure and/or confiscation of institutions, confessional civil society organizations or those related to faith ministers

In recent months, many civil society organizations have been shut down. Although it is difficult to determine an exact number, various national and international sources indicate that approximately 900 organizations have been prevented from operating since 2018.²⁰ Some report more than 1,500 closures.

Catholic institutions and civil society organizations continue to be monitored and watched, especially through the legislation passed to harass and prevent any kind of opposition voice.²¹ The legal framework aims to attack these organizations through legal complaints regarding actions against the sovereignty of the state or alleged coups. In recent years, the executive branch enacted laws that would oblige all natural or legal persons to declare to the government the economic funds they receive from abroad and would exclude them from participating in the political life of the country if they are part of or related to the opposition. The legislation seeks to sanction those who receive financing from international cooperation. This has put at risk not only the finances of many organizations, but also the legality of their operations in the country. The restrictive regulatory framework means that civil associations – the main legal status adopted by non-Catholic religious groups – with members linked to the opposition face heavy registration procedures, permits or authorizations.

On the other hand, those associations related to the Catholic Church have faced discrimination and challenges that have hindered their functioning. Christian non-profits and NGOs are generally not seen as fit to work with the government or are unable to freely provide aid to the most vulnerable or show support for protesters.

The government is imposing different oversight, through the Ministry of the Interior, on evangelical, Catholic, civil society, and even humanitarian organizations. The legal scrutiny can include requesting account statements, transaction histories, and details on collaborative alliances with other organizations. In the end, the suspension of the organization's license is determined, with the consequence of preventing them from providing their services. It is apparently a common practice that the assets and shares belonging to associations should become state property. The serious limitations on the right of association, the right to property, non-discrimination, and equal treatment before the law, among others, are evident.

From December 2021 to February 2022, the cancellation of the registration and legal status of eight organizations has been reported, including universities, techni-

²⁰ Human Rights Watch, "Nicaragua: Government Dismantles Civil Society," 19 July 2022. Available at: <https://bit.ly/3MSdnPW>.

²¹ See Annex A for a list of relevant legislation.

cal institutes, an association of parochial schools, cultural centers, associations that promote educational programs, justice and peace commissions, and seminars. Other forms of pressure have included the defunding of the Jesuit-run Central American University and the expropriation of assets donated to the church.

3.5 Police siege inside and outside church buildings

Other common reports describe the monitoring, by officials, paramilitaries and party sympathizers, of religious leaders and of the activities carried out at worship sites. This includes the surveillance and monitoring of people in attendance. Some of these situations have hindered liturgical celebrations, as parishioners are prevented from entering the churches.

From October 2021 to May 2022, various situations have been reported involving regime sympathizers, the national police and other shock groups monitoring and guarding the surroundings of Catholic churches, and undercover agents inside houses of worship listening attentively to sermons or identifying attendees. Sometimes this surveillance has also led to physical attacks and threats (in the context of the last presidential elections) against priests and laity. This type of hostility is difficult to document because it is a permanent strategy of the government.

3.6 Smear campaigns

There are official media in the country, in charge of reporting everything that coincides with the political interests of the regime. These media outlets are financed by Daniel Ortega and his closest circle.²² Since the April 2018 crisis, the construction of a communication strategy in support of the president and to justify the government's repressive actions has intensified. During the most recent election, according to the organization Urnas Abiertas, only the official media were accredited to cover the voting process.²³

In general, the content transmitted by the media aligned with the Sandinista National Liberation Front party aims not only to exalt the regime but also to manipulate the facts, delegitimizing the information presented by the opposition and launching defamation campaigns against opponents of the government and their integrity.

In this scenario, due to its firmness in denouncing the injustices committed by the regime, one of the most recurrent targets of the official media is the Catholic Church, represented by priests and bishops, especially the most critical ones.

²² Nicaragua Investiga, "More money allocated to official media for 'communication strategies'" 4 October 2021. Available at: <https://bit.ly/3MYAijw>.

²³ Urnas Abiertas, "Ninth Report: Study of an electoral farce," 1 November 2021. Available at: <https://bit.ly/3TsMx3a>.

Since the April 2018 protests, government discourse has frequently referred to such church leaders as “coup plotters,” “demons,” and “terrorists,” describing them as agents who seek to destabilize the government and as enemies of peace.²⁴ Also, lay people close to Catholic leaders have been depicted as subversive and undesirable, with the aim of presenting them as responsible for the country’s crisis. On the other hand, journalists have also been pressured and sanctioned when they have not agreed to contribute to smear campaigns or accusations against religious leaders.²⁵ During the arrests or trials of detained priests, the pro-government media always portray these individuals as conspirators and/or terrorists.

Among the aggravating circumstances of these actions, we must note the criminal nature of the attributed conduct, which generates greater social devaluation, along with the use of mass media such as radio and television to cause great damage to the image of religious leaders and of the church as an institution.

4. Conclusion

The relationship between the right to religious freedom and the right to freedom of expression is unique in the Nicaraguan case, as Christian believers’ attempts to exercise freedom of expression have led to infringements of their religious freedom. Thus, the legitimate exercise of expressions of faith has become a risk for religious leaders and for the church as an institution if they contradict the political interests of the Nicaraguan dictatorship. Politically motivated violations of both religious freedom and freedom of expression are the regime’s response when manifestations of faith take the form of political statements. If dissident positions are expressed, they become the trigger of repressive actions from the government.

Nevertheless, we find that despite the substantial adversities they have faced and the hostile treatment received from both state and non-state agents, religious communities (1) are not losing hope, still believing that a better future is yet to come; (2) have not renounced their faith; and (3) are continuing to accompany the most vulnerable and persecuted populations in the country, even though they themselves are a target under permanent siege.

We encourage religious communities and invite other civil society actors, not just Christian ones, to make known the violations to which they are exposed, including situations that affect them directly or that affect other denominations. Not everyone has the same opportunity, means, or confidence to share their concerns

²⁴ Despacho 505, “Rosario Murillo: ‘Killing, besieging and kidnapping is not for Christians,’” 4 December 2019. Available at: <https://bit.ly/3SFPPEB>.

²⁵ Nicaragua Investiga, “Journalist denounces that they searched for him to falsely accuse Monsignor Álvarez,” 17 August 2022. Available at: <https://bit.ly/3F5EGED>.

or challenges; it is the task of the entire community to protect the fundamental rights of their peers, whether they share the same religious beliefs or not.

Even when it seems that documentation, denunciation, and advocacy actions are not effective in generating international concern about the human rights situation affecting faith communities in Nicaragua, especially the right to religious freedom, these efforts must not stop. On the contrary, this situation demands firm stand and dedication from those concerned about it. Our calling is not to abandon the Nicaraguan church but to trust and to accompany it spiritually and materially as it courageously resists the Sandinista dictatorship in unarmed fashion.

Finally, it is essential for the international community, including academics, human rights defense organizations, and the global church, to recognize the real vulnerability of religious leaders in these circumstances. The Nicaraguan church's leaders and members deserve the same guarantees of and respect for their fundamental rights as any other citizens, and even more so when the risks they are facing result from actions motivated by their faith.

Annex A: Relevant legislation in Nicaragua

Amnesty Law. 1985. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3F2iHhp>.

Law against Money Laundering, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction, with its incorporated reforms. 2019. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3VQmJQg>.

Law of the Financial Analysis Unit, with its incorporated reforms. 2019. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3MYE2L4>.

Foreign Agents Regulation Law. 2020. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3D00jmO>.

Special Cybercrime Law. 2020. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3eXVbba>.

Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace. 2020. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3gtQKoL>.

Law amending Article 37 of the Political Constitution of the Republic of Nicaragua. 2021. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3z62LXT>.

Law of Amendment and Addition to Law No. 406, Criminal Procedure Code of the Republic of Nicaragua. 2021. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3F5vFeI>.

General Law for the Regulation and Control of Non-Profit Organizations. 2022. National Assembly of the Republic. Available at: <https://bit.ly/3D01ra2>.

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Why religious freedom matters for asylum seekers and refugees

Kareem P. A. McDonald¹

Abstract

This article advances a three-pronged argument to demonstrate why religious freedom matters for asylum seekers and refugees. First, it is a fundamental human right owed to everyone. Second, the global crisis of religious freedom, marked by increasing persecution and government restrictions on religion around the world, has a particularly damaging impact on asylum seekers and refugees. Third, higher levels of religiosity tend to be found among asylum seekers. For these reasons, religion should hold a greater place in policies governing the reception of asylum seekers and refugees.

Keywords forced migration, refugees, asylum seekers, human rights, religious freedom.

1. Introduction

Freedom of religion or belief and forced migration are inextricably linked.² The persecution of religious minorities around the world plays a central role in asylum seeker and refugee flows. Religious persecution looms large in international refugee law's definition of a refugee, representing one of the grounds on which asylum seekers may apply for refugee status. The fundamental human right to freedom of religion or belief is a *human* right owed to all asylum seekers and refugees, irrespective of their religious beliefs, nationality or immigration status. As the preamble to the Universal Declaration of Human Rights (UDHR) states, this right is a consequence of their membership in “the human family.” Moreover, religious beliefs and practices sustain millions of asylum seekers and refugees at all stages in the forced migration process, from displacement to the migration journey, and in the process of settlement in host countries.³

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² Forced migration refers to the involuntary migratory movements of asylum seekers and refugees from their home countries to other so-called host countries as a result of a myriad of factors, among which religious persecution is a primary factor.

³ The terms “asylum seeker” and “refugee” are frequently used interchangeably with the latter in particular often used to include the former. In international law, however, there is a clear distinction bet-

Religious freedom, then, matters greatly for asylum seekers and refugees.⁴ The purpose of this article is to present a robust justification and defence of that contention with a three-pronged argument. First, as I demonstrate in the next section through an analysis of international human rights law and international refugee law, asylum seekers and refugees have a fundamental human right to religious freedom, which the vast majority of the international community has recognised as of particular value and importance for asylum seekers and refugees. Second, a decline in religious freedom around the world, characterised by increases in religious persecution and in restrictions on religious practice, has resulted in a global crisis of religious freedom, which is having a particularly harmful impact on asylum seekers and refugees. These empirical realities should compel further recognition of the necessity and importance of religious freedom, especially for asylum seekers and refugees. Third, asylum seekers and refugees exhibit relatively high levels of religiosity. Countless studies in the fields of sociology and anthropology have shown the myriad of ways in which religious identity, beliefs, and practices are of significant value and importance to these groups. Accordingly, a reformulation of the dominant version of the hierarchy of needs used to assist asylum seekers and refugees is called for. Such a reformulation should give religion and religious freedom their appropriate place at the heart of reception and assistance policies governing asylum seekers and refugees.

2. The human right to religious freedom

Religious freedom has been described variously as a “classical” human right (Bielefeldt and Wiener 2020:1), as “one of the preeminent fundamental rights (Lindholm et al. 2004:xxxvi), and, along with freedom of thought and conscience, “probably the most precious of all human rights” (Krishnaswami 1960:vii). Moreover, it has been said that religious freedom is “the oldest human right to be internationally recognized” (Cross 2012, cited in Venter 2010:5). While the historical origins of religious freedom can certainly be traced back thousands of years to ancient Greece and are found in a myriad of different religious, philosophical, and cultural traditions (Dickson 1995; Witte and Green 2012; Sternberg 2021), the modern right to freedom of religion or belief has its origins in the Allied campaign against fascism during World War II. Lindkvist explains that the promotion of religious freedom was “an official rationale for engaging in total war against the Axis forces” (Lind-

ween an asylum seeker who is someone seeking international protection but whose claim for refugee status has not yet been determined, and a refugee who is someone who has been recognised as a refugee under the terms of the 1951 Convention Relating to the Status of Refugees.

⁴ Religious freedom is commonly used as a shorthand for freedom of religion or belief and is used in this way here. It is defined in reference to international human rights law, as discussed in this section.

kvist 2017:1) and, in the aftermath of the war, religious freedom was central to the “post Second World War reconfiguring of the world order” (Evans 2013:567).

The repeated affirmations in support of religious freedom during World War II culminated in the 1948 UDHR, of which Article 18 on religious freedom has been described as “one of the most influential statements of the religious rights of mankind yet devised” (Lindkvist 2017: 4, cited in Evans 1997:192). In the subsequent decades, the religious freedom protections afforded by the UDHR have been reaffirmed, further clarified, and developed, most importantly in 1966 when the United Nations (UN) General Assembly adopted the International Covenant on Civil and Political Rights (ICCPR) and in 1981 when it issued the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which importantly led to the creation of a UN Special Rapporteur on freedom of religion or belief in 1986.

Religious freedom, as protected by these international human rights documents, includes the right to “have or adopt a religion or belief” (Article 18 (1) ICCPR). This “entails the freedom to choose a religion or belief” (General Comment No. 22, para 5) and what has been termed the “negative corollary of the right to change” (Bielefeldt 2016:65) – that is, the right not to change or be forced to change religious beliefs (Article 18 (2) and General Comment No. 22, para 5). Moreover, this right protects not only traditional religions but also “theistic, nontheistic and atheistic beliefs” (General Comment No. 22, para 2).⁵

Freedom of religion or belief, however, is not limited to the right to *hold* religious beliefs, or what is described in the legal literature as the *forum internum*, but also necessarily includes the right to *practise* those beliefs, otherwise known as the *forum externum*. The right to practise comprises, among other things, the right to worship and assemble for religious practices; the right to display and wear religious symbols, including religious clothing; the right to observe religious holidays and festivals; the freedom to teach and disseminate religious materials (including missionary activity); and the right of parents to ensure the religious education of their children in accordance with their own religious beliefs.⁶

In contrast to the *forum internum*, which is an absolute and unconditional right subject to no limitations whatsoever (General Comment No. 22, para 3), the *forum externum* can be subject to certain limitations prescribed in Article 18 (3) of the ICCPR. However, as Bielefeldt explains, “It cannot be emphasised enough that

⁵ Across most disciplines, “religion” is a notoriously difficult concept to define, and no universally accepted definition of “religion” exists. International human rights law and international refugee law do not provide a precise definition of “religion”, but the UN Human Rights Committee’s General Comment No. 22 indicates that “the terms ‘belief’ and ‘religion’ are to be broadly construed.”

⁶ See Bielefeldt et al. (2016:107-305) for an elaboration of each of these manifestations.

the *forum externum* aspects of freedom of religion or belief are not in any sense less important than the *forum internum*, even though only the latter is protected unconditionally under international human rights law” (Bielefeldt 2016:93). Bielefeldt further explains, “In order to do justice to freedom of religion or belief these two dimensions should always be seen in conjunction. Although they differ in their degrees of legal protection, they are usually deeply interwoven in practice” (93). Finally, freedom from discrimination on religious grounds, among others, is also prohibited by international human rights law (ICCPR, Article 2 (1), Article 5 (1), Articles 26 and 27).

The right to religious freedom has thus been affirmed and reaffirmed as a fundamental human right countless times in numerous international and regional human rights documents, and it is also protected in the national constitutions and legislation of the vast majority of countries around the world (Finke and Martin 2012). Indeed, religious freedom is so commonly accepted as a fundamental human right that it is generally considered to constitute customary international law (Lindholm et al. 2004).

As religious freedom is a fundamental human right, it is obviously possessed by asylum seekers and refugees. The concept of human dignity, which lies at the heart of international human rights law, is the belief that “all members of the human family” (UDHR, preamble) possess a special value by the simple fact that they are human, regardless of their race, gender, religion, nationality or legal status. As Article 1 of the UDHR declares, “All human beings are born free and equal in dignity and rights.” Article 2 adds, “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” The concept of human dignity also serves as the foundation of all the major international human rights instruments that have appeared in the nearly 75 years since the promulgation of the UDHR.

Moreover, the United Nations Human Rights Committee, which monitors states’ compliance with the ICCPR, has repeatedly made clear that human rights are also asylum seeker and refugee rights. In General Comment No. 15 (1986), the Committee reaffirmed the principle that “the rights set forth in the Covenant apply to everyone, irrespective of reciprocity, and irrespective of his or her nationality or statelessness.” Additionally, in General Comment No. 31 (2004), the Committee made this point even more explicit when it explained that rights may not be limited to citizens of a state but rather “must also be available to all individuals, regardless of nationality or statelessness, such as asylum seekers [and] refugees.”

While the “inclusive” and “universal” characteristics of international human rights law (Chetail 2014:44) mean that all human rights, including the right to religious freedom, are owed to asylum seekers and refugees, these groups’ right to religious

freedom is also protected by international refugee law and specifically by the 1951 Convention and 1967 Protocol Relating to the Status of Refugees. Scholars of international human rights and refugee law have engaged in extensive debate over the precise relationship between these two sources of law and particularly with regard to the efficacy of these regimes for protecting asylum seekers and refugees.⁷ It is not necessary here to rehearse this debate in detail; it should be sufficient to observe that both sources of law generally provide supplementary and complementary sources of protection for refugees and asylum seekers. With regard to religious freedom protections, international human rights law arguably provides a greater level of protection, but international refugee law also contains a highly significant and symbolic statement of religious freedom's importance for asylum seekers and refugees.

The Refugee Convention represents the cornerstone of the international refugee protection regime, and religious freedom has an important and special place in it. Religion is a protected category for seeking asylum, in recognition of the role that religious persecution plays in creating asylum seeker and refugee flows. As Hathaway explains, freedom of religion was included "as a basic matter of principle . . . since a lack of religious freedom was frequently a cause of refugee flights" (Hathaway 2005:571). Moreover, religious freedom appears first in the list of substantive rights granted to asylum seekers and refugees, and it is the only one regarding which states are required to take measures to protect asylum seekers and refugees beyond those in place for their own citizens (Hathaway 2005; Walter 2011). As such, at the time of the Convention's formulation, a distinction was made between, on one hand, simple formal equality of treatment with the nationals of the host country and, on the other hand, substantive equality that compels states to consider "the specificity of the religious needs of refugees" and the fact that "they would in some instances need to make special efforts to enable refugees to practice their religion" (Hathaway 2005:573). However, in practice, states are not legally bound to provide religious freedom protection to asylum seekers and refugees beyond the national treatment standard, because the idea of substantive equality has instead taken the form of an "abstract recommendation" or "moral principle" (Hathaway 2005:573; Walter 2011:662). Nevertheless, the idea of substantive equality highlights the unique vulnerabilities and particular challenges faced by asylum seekers and refugees in their access to and enjoyment of religious freedom in host countries, as well as the crucial importance of this freedom to many members of these groups.

Although religious freedom for asylum seekers and refugees is a fundamental human right, a clear expression of the overwhelmingly will of the international

⁷ For a discussion of the main arguments and points of contention in this debate, see Chetail 2014; Hathaway 2005; Harvey 2015.

community, and a recognition of its significance and value in the lives of millions of people, unfortunately there is still a gap between the commitments made in these legal documents and the reality of religious freedom violations around the world. As Jonathan Fox explains, religious freedom “is often present in theory more than in practice” (Fox 2021:321).

3. The global crisis of religious freedom

Many have recently remarked that religious freedom is in a state of global crisis (Farr 2019; Friedman and Shah 2018; Thames 2014), and the evidence shows that the situation is generally not improving. In 2015, the non-partisan Pew Research Center reported that approximately 75 percent of the world’s population was living in countries with “high” or “very high” government restrictions on religion and social hostilities related to religion. More recently, Pew has found that while social hostilities related to religion, which includes violence and harassment against religious groups by private individuals and groups, have slightly declined in recent years, the total number of countries with “high” or “very high” levels of government restrictions has increased and is at the highest level in a decade (Pew Research Center 2021).

Around the world, religious minorities are frequently targeted because of their religious identity, beliefs, and practices. In some countries, they are subject to state-sponsored brutality and violence. Grimm and Finke write that in the twenty-first century, violent religious persecution is “pervasive” and “pernicious” (Grimm and Finke 2013:18). Religious minorities also face arbitrary arrest and imprisonment, illegal seizures of their houses and land, and the destruction of their religious property and cultural heritage. In other cases, they lack access to effective legal protections on an equal footing with the wider population and their religious practices are restricted or completely suppressed.

The situation of the mostly Muslim Rohingya in Myanmar represents a particularly egregious example of the persecution of religious minorities. The government and military have engaged in the systematic discrimination and violent persecution of the country’s minority Rohingya population. The situation has led the Rohingya to be called “the most persecuted minority in the world” (Faye 2021). Recently, a UN-mandated fact-finding mission has found enough evidence of “genocidal intent” against the Rohingya to warrant an investigation and prosecution of senior military officials in the country (UN Human Rights Council 2018). At the start of 2022, the International Court of Justice began hearing allegations of a Rohingya genocide (“Myanmar Rohingya Genocide Case to Resume” 2022). The situation has forced thousands of Rohingya to flee Myanmar and seek sanctuary in neighbouring Bangladesh. The latest figures indicate that nearly one million Rohingya asylum seekers

and refugees are in Bangladesh alone, with others seeking asylum in other countries in the region (“Bangladesh: New Restrictions on Rohingya Camps” 2022).

In the Middle East, the ability of Christians and other religious minorities to freely practice their religious beliefs is severely restricted or completely prohibited, and they are routinely discriminated against on account of their religious identity and beliefs. The horrific atrocities carried out by the terrorist group called Daesh against Muslims, Christians, Yazidis, and other religious minorities has been labelled a genocide (“Yazidi Genocide” 2021) and as constituting crimes against humanity and ethnic cleansing (“Iraq Crisis: Islamic State Accused of Ethnic Cleansing” 2014). The result of these varied forms of religious violations and persecution has been referred to as an “exodus” of religious minorities seeking asylum in other countries. The dramatic decline in the Christian share of the population of most countries in the region, as a result of forced migration, has resulted in Christians in the region being referred to as “a vanishing people” (Rasche 2020).

According to Kolbe and Henne, “There is a discernible connection between the level of religious restrictions in a country and the number of individuals leaving the country as forced migrants” (Kolbe and Henne 2014:666). It should therefore not be surprising that countries with some of the worst religious freedom records in the world, including Syria, Iraq, Iran, and Pakistan, are also some of the primary countries of origin for the large numbers of asylum seekers and refugees who have arrived in Europe since 2015. Religious freedom is, of course, not the only cause of forced migration and often there is a complex interplay involving a range of different causes such as culture, nationality, and politics. However, religious persecution is frequently a root cause precipitating asylum seeker and refugee flows.⁸

Restrictions on religious freedom are by no means limited to the Middle East and Asia. Indeed, one can speak of a global crisis of religious freedom precisely because even in Europe, where human rights are generally better protected,⁹ religious freedom generally and the religious freedom of asylum seekers and refugees specifically are subject to significant restrictions. Indeed, in a study by Jonathan Fox, no country in Europe was found to fully protect freedom of religion (Fox 2021). Moreover, the hundreds of thousands of asylum seekers and refugees who have arrived in Europe, particularly since summer 2015,¹⁰ have contributed to the intensification of xenophobic rhetoric and rising levels of far-right extremism and populism across

⁸ See also the reports from the AMAR Foundation, such as Winterbourne and Quilliam (2018).

⁹ According to the 2021 Human Freedom Index, Europe is one of the regions in the world with the highest levels of freedom, and seven out of the ten countries with the highest freedom index are located in Europe. See Vásquez et al. (2021).

¹⁰ Fewer than 10 percent of all the world’s refugees live in Europe, and they account for only 0.6 percent of the total population of the EU. See European Commission 2021.

Europe that have often focused on the religion of asylum seekers and refugees. The overwhelming majority of asylum seekers and refugees reaching Europe since 2015 have come from Muslim-majority countries, and this fact has been repeatedly highlighted by European politicians (Goździak 2019; Monella 2019) to claim that Europe's supposedly Christian roots are under threat (Schmiedel and Smith 2018). Consequently, many governments in Europe have adopted increasingly restrictive asylum policies, and some have even declared their intention to prioritise Christian over Muslim asylum seekers simply on the basis of religion, despite the obvious illegality of any policy to this effect (Eghdamian 2017). Moreover, the right to asylum on the grounds of religious persecution has come under increasing focus as national asylum authorities have employed so-called religious tests or "Bible tests" in an attempt to ascertain the veracity of asylum applications from recent converts to Christianity (*The Economist* 2016; Sherwood 2016; Zatat 2017).

Furthermore, reports have detailed harassment, intimidation and, in some cases, even violent attacks against religious minority asylum seekers and refugees, particularly people who have exercised their human right to convert from Islam to Christianity, at asylum centres in Germany (Open Doors Germany 2016) and Sweden (Open Doors Sweden 2017). My own investigation found the managers of Red Cross-operated asylum centres in Denmark to have very limited knowledge and understanding of the right to religious freedom and highly inconsistent and contradictory approaches towards the regulation of religious practice at their centres (McDonald 2019). Moreover, in 2016 Heiner Bielefeldt, then UN Special Rapporteur on freedom of religion or belief, warned against "excessively cautious" approaches towards religion and "unduly restrictive" approaches to religious practice employed by Danish asylum centre managers. In 2019, Ahmed Shaheed, then Special Rapporteur on freedom of religion or belief, identified similar religion-related restrictions at asylum centres in the Netherlands.

These developments have caused asylum seekers and refugees in Europe to experience a "double penalty" (European Evangelical Alliance 2017): having fled religious persecution in their countries of origin, they are discriminated against at their new location on account of their religious identity and beliefs, and restrictions are placed on their ability to practise their religious beliefs in their host countries in Europe. In other words, they have been forced to accept the denial of the very freedom the lack of which forced them to become asylum seekers and refugees in the first place. These developments stand in strong contrast to the largely non-restrictive and compassionate responses towards Ukrainian asylum seekers and refugees since the Russian invasion of Ukraine in February 2022, thereby reinforcing the religiously influenced variation in Europe's responses to asylum seekers and refugees (Jakes 2022; John 2022).

The specific vulnerability of asylum seekers and refugees to violations of their right to religious freedom has also been acknowledged by the UN General Assembly (Resolution 65/211, para 8, 2010) and highlighted by successive UN Special Rapporteurs for freedom of religion or belief.¹¹ Religious freedom, then, is clearly in a state of global crisis, and the consequences are particularly damaging for asylum seekers and refugees. This simple empirical reality alone should be enough to illustrate the particular importance of religious freedom in limiting the need for forced migration, and for asylum seekers and refugees to be able to enjoy freedom from further persecution, restrictions, and discrimination.

4. Reformulating the hierarchy of refugee needs

Third, religious freedom matters for asylum seekers and refugees because religion is highly likely to play an important and valuable role in their daily lives. Most of the asylum seekers and refugees coming to Europe since 2015 have arrived from countries in Africa and the Middle East, where levels of religiosity are much higher than in most of Europe. In particular, countries in these regions have much higher weekly worship attendance and daily prayer than most countries in Europe. Asylum seekers and refugees are therefore more likely to be religious than the populations of most European host countries (Pew Research Center 2018; see also Cesari 2017; Ager and Ager 2017).

Moreover, countless studies from the fields of anthropology and sociology have demonstrated the myriad of ways in which religious identity, beliefs, and practices represent a powerful and beneficial force in the daily lives of asylum seekers and refugees. For example, religious beliefs can be an important source of strength in dealing with trauma and stress (Kaiser et al. 2020). Religion is also often a source of emotional support and an important way to deal with loneliness and depression (McMichael 2002). Religion can serve as a fundamentally important and enduring part of an asylum seeker's identity through a time of great upheaval and change (Fiddian-Qasmiyeh et al. 2010). Religious beliefs are a source of resilience and a method of coping (Khawaja et al. 2008) while also providing asylum seekers with an alternative framework within which they can understand their suffering (Goździak 2002).

Recent years have seen an increase in the volume of literature exploring the role of religion at asylum centres in Europe. Robleda (2020) has highlighted the importance of religion in everyday life for female asylum seekers at Norwegian centres. Another study in Norway (Abraham 2018) has shown the importance of religious beliefs in coping, resilience, and post-traumatic growth among Eritrean

¹¹ See the "Rapporteur's Digest on Freedom of Religion or Belief" for excerpts from reports by the UN Special Rapporteur on freedom of religion or belief from 1986–2011. In particular, see the section on "Refugees," pp. 72–76. Available at: <https://bit.ly/3pFjTYD>.

female refugees. Mim's empirical study of eight asylum camps in Bangladesh demonstrates how Muslim refugees rely on their faith to, *inter alia*, "protect their cultural identities, negotiate with local governing agents, and maintain solidarity with the host communities in their camp lives" (Mim 2020:422). Mim's research also highlights how refugees in these camps often challenge and reject secular humanitarian projects because they do not address the prospective recipients' religious identity and needs.

Despite the higher levels of religiosity found among asylum seekers and refugees and the demonstrable value and benefits of religious identity and beliefs for asylum seekers and refugees, the hierarchy of refugee needs, as generally constituted at present, fails to recognise and take into account the role that religion and religious freedom can play in the reception and care of asylum seekers. This neglect hinders their long-term integration in the host countries. Trigg, in remarks about society generally but which can certainly be applied to this hierarchy of refugee needs, writes that "any idea of freedom in the context of human society has to take a realistic view of what it is that drives all humans. Just as no policy can ignore the fact that people need food, drink, and shelter, it will be critically important to face up to the force of religion in human lives" (Trigg 2012:17). Although physical needs such as food, clothing, and physical protection are undoubtedly important, the religious and spiritual needs of asylum seekers and refugees cannot be ignored, especially when these concerns are of demonstrable importance to so many of them. As such, we need a reformulation of the refugee needs hierarchy and the secular worldview that dominates much of the humanitarian assistance delivered to asylum seekers and refugees. The present approach views religion and religious beliefs and needs as, at best, secondary concerns or, even worse, as of no concern at all, as largely irrelevant, and belonging entirely to the people's private and individual lives. Secular approaches that relegate religion entirely to the private sphere will not make sense to asylum seekers and refugees for whom religion is an important part of everyday life. Consequently, the effectiveness of humanitarian assistance framed in a secular lense can be seriously limited (Mim 2020; McDonald 2019; Ager and Ager 2017; Wilson and Mavelli 2014).

5. Conclusion

Religious freedom matters for asylum seekers and refugees for three primary reasons. First, it is a fundamental human right. Second, the global crisis of religious freedom is a primary cause of forced migration, and the so-called "double penalty" denies asylum seekers and refugees the very freedom they fled their home countries in search of. Third, religious identity, beliefs, and practices are highly important and valuable for asylum seekers and refugees and therefore, engaging with the religiosity of asylum seekers and refugees can result in more effective reception policies.

Religious freedom is an important human right, but it is routinely violated in various ways and to varying degrees around the world. Thus, we must make continued efforts to promote and encourage support for all human rights, recognising their inter-connectedness, and strengthening the effectiveness of protections of these rights – including religious freedom – around the world. We need to create a culture in which religious freedom is respected as a right relevant to everyone, everywhere – including governments around the world that are interested in fostering peaceful and prosperous societies, as well as those seeking to welcome and care effectively for asylum seekers and refugees. A true atmosphere of inclusion and a culture of genuine plurality will encourage the use of various approaches, including religious approaches, to serve these populations.

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Islamic insurgency in the Sahel as the root of mass displacement in Burkina Faso

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Abstract

The Islamic State's emergence in the Sahel region has triggered violence resulting in a large-scale refugee crisis. This paper focuses on the instability and refugee situation in Burkina Faso, which has received less attention than other Sahel countries such as Mali and Nigeria. In academic debates, IS-instigated terrorism tends to be examined as a multi-layered conflict with non-religious reasons in the background. However, religion is a key factor fueling terrorist activity in the Sahel region and determining its outcome, as the idea of creating an Islamic State or caliphate is inherently religious in nature. Islamic insurgents target all non-compliant community members and Christians in particular.

Keywords terrorism, religion, Sahel, refugees.

1. Introduction

The name "Islamic State" reflects the desire of the organization bearing this name to re-establish a caliphate as a crucial element of their vision of an ideal world. This desire has had a physical expression in Syria, where the name was used to refer to the subdued parts of the country and evolved also to more specific forms like Islamic State of Iraq and the Levant (ISIL) or Islamic State of Iraq and Syria (ISIS). Presently, the name is used in two contexts. One of them encompasses the totality of terrorist groups related to Islamic State in Iraq and Syria that are continuing the war in Syria; the other is a more generic title for all similarly minded jihadist groups that share the common goal of reinstating of an Islamic caliphate. This article adopts the broader usage. Following the fall of the physical Islamic State in Syria, IS-minded groups have been seeking another territory where they could establish the caliphate. They have found one in the Sahel region.

Delidji Eric Degila refers to this ISIL-like form of terrorism as a "religious-based mode of violence" (2020:80). Degila attributes its spread in the region to the local upsurge of Islam in the 1970s and to global Islamic expansion. This statement is significant for two reasons: it depicts the territorial form of violent terrorism sweeping

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across Africa's Sahel region as religiously rooted, and it recognizes this local upsurge of terrorism as a part of a global movement. At present, both theses are denigrated or even denied by much of the extensive academic research on IS. Thus, this article seeks to demonstrate that the religious component of IS's vision is the main cause of the outbreak of violence in the Sahel, which has spawned a large-scale refugee crisis.

Whereas the situation in other Sahel countries such as Mali and Nigeria is widely discussed, less attention is devoted to Burkina Faso. In Nigeria, the Boko Haram insurgency has displaced about 2 million people, in a nation of 216 million, since 2009. But in Burkina Faso, with a population of just 22 million, almost the same number of people have become internally displaced, making the country most deeply affected by the degradation of peace due to Islamic insurgency.

2. Religious roots of terrorist activity in the Sahel region

2.1 Relations to al-Qaeda

The presence of terrorist organizations in the Sahel has a long-standing history. An analysis of the groups involved and their makeup and mobility provides clear evidence of their inherently religious and global character.

In 2007, al-Qaeda in the Islamic Maghreb (AQIM) became recognized as a new terrorist network operating in the North African theatre (Celso 2014). AQIM's creation marked the culmination of previous cooperation between al-Qaeda's central headquarters and Maghreb-based groups. The latter deployed their Algerian, Moroccan and Tunisian fighters to participate in the al-Qaeda-led insurgency in Iraq (Pham 2011). AQIM, based in Algeria, brought together the Salafist Group for Preaching and Combat with al-Qaeda forces (Celso 2014). Facing strong opposition from the Algerian government, AQIM was forced to relocate to the Sahel region. There, it found a much more supportive environment among Tuareg tribes, who offered space for training and financial sponsorship (Celso 2014).

The Arab Spring turmoil of the 2010s further fueled the ranks of al-Qaeda in Iraq (AQI) and AQIM, with thousands of Islamic radicals being released from prisons following the dismantling of intelligence and security infrastructure in Tunisia, Egypt, and Libya (Celso 2014). In late 2011, upon returning from post-Gaddafi Libya to their native northern Mali, heavily armed Tuareg recruits were determined to follow their agenda, including jihadist activity. Their initial local ambitions "metastasized into violence across the vast region linking the Maghreb with Sub-Saharan Africa" (Pham 2021:424; see Celso 2014). Among the groups that formed a terrorist coalition supporting the separatist Tuareg's claim to northern Mali was Ansar Dine, founded in 2012. Linked to this group was the Macina Liberation Front (FLM), which appeared on the scene in 2015. Both constitute a part of the coalition of groups tied to al-Qaeda and called Jama'at Nusrat al Islam wal Muslimin (JNIM) (Institute for Economics & Peace 2021).

2.2 Relations to ISIL

Besides al-Qaeda-affiliated AQIM brigades, the conflict in the Sahel region, spreading systematically to the closest sub-Saharan countries, attracted affiliates of ISIL such as the Islamic State Greater Sahara (ISGS) and Islamic State West Africa Province (ISWAP), necessitating the French army and UN intervention in Mali (Pham 2021). ISGS was formed in 2015 as a breakaway faction from AQIM-allied Al Mourabitoun. Its activity area encompasses the borderlands of Burkina Faso, Mali, and Niger (Africa Center for Strategic Studies 2020). ISIL recognized ISGS as a regional branch in October 2016 (Institute for Economics & Peace 2020:52). In April 2019, with the growing presence of its affiliates, ISIL leader Abu Bakr al-Baghdadi officially identified the Sahel as a new primary setting for the group's operation, welcoming new branches in Burkina Faso and Mali.

However, despite the evident religious character of the groups involved and their objective of building an Islamic caliphate, religious fervor is rarely highlighted in academic discussions, not even as one of the critical factors contributing to the spread of Islamic insurgency, as explained below.

3. Factors encouraging terrorism in Africa

3.1 Non-religious factors

Funmi Abioye indicates, echoing other authors, that “the factors encouraging terrorism in Africa are complex and multidimensional, and as such cannot be limited to particular facts or events” (2019:9). The most frequently cited factors include the proliferation of used and new arms from World Wars I and II, the more recent conflict in Libya, and the ready availability of foreign arms suppliers and trainers (Mentan 2004, cited in Abioye 2019:9). Abject poverty is another factor, as many people in the Sahel region and neighboring sub-Saharan countries live below the World Bank international poverty line of \$1.90 a day (Blake 2019, cited in Fafore 2019), with minimal access to basic amenities such as good roads, healthcare, and adequate housing, among others. Abject poverty and high unemployment rates are significant factors underlying extremist Islam's popularity in West Africa (Fafore 2019).

Youth appear to be the most vulnerable to extremist appeals. Members between 19 and 35 years old filled the ranks of IS foreign and domestic (i.e., Iraqi and Syrian) fighters. Young people are usually attracted by IS recruiting techniques based on social media outreach (Celso 2015). In Sahel and the closest sub-Saharan societies, the population is predominantly young, with average ages ranging from 15 to 23. Inadequate local education systems and job markets fail to absorb the youth bulge, leading to economic deprivation. The resultant sense of grievance among the youth makes them an easy target of Islamic recruiters (Aniruddha and Jomon 2018). Deprived of education, illiterate youth readily absorb ideological brain-

washing, especially when lured by the prospect of shelter, food, and income. That is one reason why Mali, a country with one of the world's lowest literacy rates, constituted such a fertile ground for al-Qaeda-led Islamic radicalization (Fafore 2019).

According to Funmi Abioye, the roots of terrorism's spread in Africa go beyond the problems of poverty and unemployment. They are also attributable to "usually deep-seated socioeconomic and historical inequalities that lie at the roots of some of the most violent conflicts" (2019:10). Degila distinguishes two types of inequalities as root causes of terrorism in the Sahel region and neighboring Sub-Saharan countries: vertical (between individuals) and horizontal (disproportionate distribution of resources inadequately suited to the group size) (Stewart et al., cited in Degila 2020). Horizontal inequalities might be economic (income, access to land, job opportunities), social (human capital, access to health or housing), political (top-level government positions), or cultural (exclusion of specific cultural traditions by the state) in nature (Degila 2020). States that are corrupt and incapable of good and sovereign governance further intensify the impact of horizontal inequalities and abject poverty on the spread of terrorism. Boko Haram's impact on the Lake Chad basin countries, such as Nigeria, Cameroon, Niger, and Chad, serves as the best example (Degila 2020).

Incapacitated by corruption, the fragility of judicial institutions, and under-equipped law enforcement and security services, states are unable to properly secure their borders and vast open spaces. Resultant state weakness facilitates the expansion of groups such as ISGS, JNIM, and Boko Haram in the Sahel zone and around the Lake Chad basin (Mentan 2004, cited in Abioye 2019:9; Degila, 2020).

3.2 Religious factors

Despite relative concurrence as to the contribution of non-ideological factors to the expansion of terrorism in the Sahel region and neighboring Sub-Saharan countries, scholars adopt a diverse approach to the role of religious motives. Some recognize them as a leading causative factor in terrorist activity. The Institute for Economics and Peace (2020) found that religious tensions are closely linked to terrorism in nations with underdeveloped economies. The *Mail and Guardian's* staff reporter (2013) linked militant religious groups such as Boko Haram in Nigeria, al-Shabab in Somalia, and AQIM in Algeria to religious fundamentalism and extremist ideologies, with their primary objective of transforming the states into Sharia-governed Islamic territories. In the same vein, Eizenga and Williams (2020) present the objectives of FLM leadership as overtly oriented toward the forced spread of Islam, including the killing of local imams and traditional leaders in central Mali and northern Burkina Faso if those figures did not follow the FLM's interpretation of Islam. Aniruddha and Jomon (2018) found a positive correspondence between domestic terrorism and religious fractionalization.

Some authors describe the rhetoric of religious tensions or grievances as the facilitating factor for Islamic terrorist recruitment in Africa (Seequeh 1996:9, cited in Abioye 2019:9). However, more often religious factors are given a secondary role. For example, Gow, Olonishakin and Dijxhorn assert that in Nigeria, “a deep desire on the part of people to defend their religion and beliefs” (2013, cited in Abioye 2019:10) only occasionally inspires terrorist activity and appears on top of the horizontal inequality motives. Religious motives are also described as coupled with ethnic grievances and thus difficult to distinguish from the latter (Institute for Economics and Peace 2020:69).

Huckabey cites reports of rhetoric mixing ethnic and religious causes. Omar Ould Hamaha, in his Timbuktu-based campaign, eloquently played to both religious sentiment and ethnic and racial inequalities: “Our combat is in the name of Islam, it is not Arab or Tuareg or black or white” (Huckabey 2013). This proved to be an effective recruitment technique. A remarkable response ensued as hundreds of youths from Senegal, Nigeria, Burkina Faso, and the Ivory Coast arrived at the training camps. The motives were mixed: some were driven by a sincere commitment to the ideological cause, others by the prospect of monetary gain.

Other scholars question the genuineness of the religious factor and interpret religious discourse utilized by terrorist groups as a mere ideological coverup (Degila 2020). They attribute the real success of jihadist insurgents to their promises to restore socioeconomic well-being, justice, and better governance. “From this point of view, they are therefore not only violent identity actors and can also offer a politico-ideological label,” Degila (2020:81) explains.

Granted, even in the recruitment process, religious drives are coupled with non-religious ones that appeal more directly to the current economic or social needs of prospective fighters. However, one cannot overlook the more general ideological agenda of the jihadist coalition. For the coalition’s leaders, a shared jihad-driven rationale was the key motive behind its formation and activity. This point of view is shared, for instance, by Pauline Le Roux, who suggests that FLM leaders “were likely inspired and mentored by AQIM and Ansar Dine’s fundamentalist theoreticians.” Both FLM’s leader, Amadou Koufa, and Ansar Dine’s leader, Ag Ghaly, joined the Islamic Dawah Movement of Southern Africa (IDM), propagating political Islam, back in the 1990s in Mali, following their exposure to a conservative brand of Islam preached by Gulf-sponsored “humanitarian organizations” (Le Roux 2019).

Presently, the intensity of religious drive may seem not to be evenly manifested across the coalition. Koufa seems to exhibit a more radical approach, which stems from his adoption of more extreme views due to his visits to Afghanistan, India, and Qatar prior to the 2012 Malian war (Zenn 2015). He seeks “to force . . . an extremist version of Islam onto these communities” and thus “may desire to break away from

JNIM's less ideologically motivated contingents" (Eizenga and Williams 2020:5-6). At the same time, Ag Ghali "appears satisfied with increasing his influence over northern Mali" (Eizenga and Williams 2020:5-6). However, this statement takes on a special meaning in relation to his close ties to radical Islamists (Salafist and mafia networks), which were evident and even formed the basis for his expulsion in 2010 from Saudi Arabia, where he served as a Malian consul (Diarra and Sidibe 2015).

The apparent discrepancy between the two sole figureheads of the coalition may be misleading. Without underestimating other drives such as political and socioeconomic concerns, the difference in policies adopted by the two leaders may also result from AQIM's strategy of concealing its real agenda so as to evade the attention of international counterterrorism efforts (Le Roux 2019). Following the 2013 French military intervention in Mali, AQIM leader Abdelmalek Droukdel instructed his militants and those of related military groups to "pretend to be a 'domestic' movement has its own causes and concerns" and to avoid "showing that we have an expansionary, jihadist, al Qaeda, or any other sort of project" (Associated Press, 15 February 2013, cited in Zenn 2015:4). Thus, the adoption of liberation rhetoric may be motivated by a desire to downgrade the coalition's connections with global jihadist groups rather than by any actual departure from ideological motives.

Another argument that supports the thesis that the ideological component is inherent to the final objective, even if hidden behind other motives, is the idea of humanitarianism. Islamic sects such as the IDM use it to attract recruits, concealing their jihadist rhetoric at the same time. In the impoverished Sahel region, this approach has ensured the fast spread of the jihadist agenda. The first missionaries of the IDM in Mali (Pakistani preachers) became known to the general public as faithful patrons who invested in mosques and madrasas. In 2000, this Pakistan-originated preaching took shape in Mali by sending emissaries to all the cities in the interior, mainly in the north. Under the guise of humanitarianism, they have succeeded in convincing many of their recruits to leave their families and jobs. The best followers are then sent to religious centers known for radicalism, such as in Pakistan or Qatar, for further indoctrination (Diarra and Sidibe 2015).

4. The case of Burkina Faso

4.1 The push/pull factors and first signs of religious radicalization

While the situation in Mali remained unstable, Burkina Faso stood out as a beacon of religious tolerance and peace. A report from 2014, probing the risk of violent extremism in Burkina Faso, presented it as a country that had "gained a reputation for relative peace and stability" and displayed "remarkable success in avoiding extremist violence and protracted armed conflict" (Loada and Romaniuk 2014:2). This is not to

say that the country had averted its share of problems. The report evidenced the presence of all typical push (local) factors of violent terrorism: both political (corruption and impunity) and socio-economic drivers (rural poverty, the high cost of living, an unwieldy educational system), resulting in unemployment and underemployment of youth, as well as tensions at the local level (the governance of land resources and mining, tensions between Mossi farmers and Fulani herders and also between natives and immigrants). These push factors seem to be permanent in Burkina Faso. They were mentioned in later reports on the humanitarian crisis in this country (International Crisis Group 2020; Institute for Economics and Peace 2020). According to one such report, the creation of the Koglweogo self-defense groups served only to further diminish the capacity of state institutions. They were recruited from among victims of land disputes and highway banditry, mainly Mossi people. This process is seen as “Mossi expansionism” (International Crisis Group 2020:65).

In the context of the threat of terrorism in Burkina Faso, Loada and Romaniuk (2014) also considered cultural factors, including religious ones. They may be both push and pull factors, with a tendency toward the prevalence of the latter. Push factors are mainly categorized as structural and pertain here to the state’s incapacity to supervise religious activity. For instance, the inability to oversee religious schools and their teaching content started to raise concerns in society. Unable to enroll in public schooling, some Fulbe students were left with no other option than to find a place in Koranic schools. Enjoying curricular autonomy, religious schools refused to integrate their curricula with secular school content. Consequently, their students were left unprepared for their professional careers. Thus, identity-based grievances started to arise due to the lack of job opportunities for Islamic school graduates, forcing them to pursue further education in the Persian Gulf. Some cracks in the veneer also started to emerge amidst allegations about societal discrimination against Muslims with regard to religious attire, as some secular schools imposed veil bans. In turn, a Christian element seen in the public square could arouse frustration fueled by a perceived crossing of the boundaries of official secularism. However, despite these local religious factors, the likelihood of religious extremist movements posing a security threat seemed low.

The important conclusion from the 2014 report is that push factors, considered alone, were incapable of producing violent extremism in Burkina Faso. Thus, the possibility of bottom-up radicalization leading to extremism in Burkina Faso appeared distant and possible only with the additional influence of pull (external) factors. “Despite this broad risk, the threat of violent extremism in Burkina Faso is not imminent and remains low by comparison to neighboring states. Burkinabe people tend not to express their grievances in extremist terms” (Loada and Romaniuk 2014:2), the report authors concluded.

The 2014 report revealed mounting pressure toward Islamic radicalization in Burkina Faso, coming particularly from Mali. However, broader regional instability, including the presence of active extremists in Côte d'Ivoire, Niger, and Nigeria, was also identified as a possible point of entrance for violent extremism into Burkina Faso (Loada and Romaniuk 2014:26). At that time, the pressure seemed modest, as the country enjoyed a widely cherished, peaceful interfaith coexistence. Nevertheless, signs of religious radicalization could be noticed in Burkinabe society before 2014. In the western region, well-resourced religious leaders would appear and sermons denigrating other religious communities could be heard. The MUJAO's (a split from AQIM) extremist recruitment practices started to occur, with potential candidates being offered monetary incentives. Foreign religious leaders would occasionally attract locals' attention by preaching extremely conservative religious views or by reproaching them for not following Islam more strictly. Even though the recruitment was generally not successful, there were instances of young Muslim men adopting strict religious dress codes or Muslim women embracing strict Islamic precepts. There were cases of self-mobilization of young Muslims and attempts to engage in acts of violence, with some crossing over to the regions of Mali occupied by armed Muslim groups (Loada and Romaniuk 2014:2).

Eight years later, according to the Global Peace Index 2021, Burkina Faso evidences the single largest deterioration in peacefulness of all indexed countries. The ongoing conflict, obviously fueled by the Islamic insurgency against the state, is said to amount to a low-level civil war. However, contrary to the 2014 report's conclusions, the rhetoric of present reports stresses local push factors rather than external pulls, and it undermines or even excludes the religious factor. "Far from representing a global jihad guided by a religious agenda, jihadist groups in Burkina above all consist of Burkinabe insurgents, and the reason for the shift toward violence has local origins" (International Crisis Group 2020:6). Thus, these authors attribute the source of the armed conflict to a multifaceted internal crisis in Burkina Faso's rural areas, claiming that "The jihadist threat is more the consequence of the country's problems than the cause" (International Crisis Group 2020:9).

In view of this discrepancy, it seems appropriate to pose some questions concerning the role of the religious factor in the developments in Burkina Faso. The first logical question to ask is what pull factors contributed to the developments in the country and whether they were ideological in nature.

4.2 Religion as a strong external pull factor

Instrumental in the spread of Jihadist groups into northern Burkina Faso was Ibrahim Malam Dicko, a radical Fulani preacher. Raised to become an Islamic scholar, he became supportive of the jihadist ideology during his stay in Mali, where he

traveled during the 2012 crisis (Malka 2020:127). He became a protégé of Amadou Koufa, a future founder of the FLM (Belanger et al. 2020; Eizenga and Williams 2020). The confluence of ideological objectives seems not to be coincidental as the FLM strives to restore the Fulani Macina kingdom (Eizenga and Williams 2020; Malka 2020:127), which in the nineteenth century covered an area from central Mali to northern Burkina Faso. This Macina kingdom is also referred to as a Fulani jihad state.

Following his return to Burkina Faso in 2016, Dicko managed to win support among marginalized Remaibé youth and Fulani herdsmen, appealing to their grievances against the more prominent Fulani noble class. Additionally, horizontal inequality affected the Fulani tribe in the northeastern part of the country, which was recognized as separate from the majority Mossi and Foulse tribes (Belanger et al. 2020:7).

Dicko's first attack on a military camp in Noussoumba, in the northern province of Soum, on 15 December 2016, marked the beginning of the terrorist insurgency in Burkina Faso. It led to the formation of the first homegrown Burkinabe militant Islamist group, Ansaroul Islam, a day later (Eizenga and Williams 2020). One factor facilitating its formation was "the influx of jihadi-salafi ideology," a narrative that offered a justification for anti-Christian violence (Malka 2020:131).

In the surge of incursions, targeted killings, and abductions that followed, religious leaders were among those targeted, including imams and priests (Belanger et al. 2020). The attacks were also launched against other representatives of societal structures that benefited from their cooperation with the government and former colonizers, such as educational institutions teaching in French, tribal chiefs, marabouts, suspected informants, and local politicians (Belanger et al. 2020). However, this large spectrum of targets does not necessarily mean that political motivation prevails over the religious one, as one may claim. In fact, a political goal of all jihadist groups, namely the building of a global caliphate, is at the same time strictly religious. If attained, it will bring the domination of Islam over the conquered area, the imposition of Sharia law, and obvious political and societal benefits for the winners.

Apart from shaking the country's stability, Ansaroul Islam proved the government's incapacity to contain the increasing border-zone insurgency, thus encouraging more experienced militant groups pressurized by the French and G-5 Sahel military intervention to relocate to Burkina Faso (Belanger et al. 2020). Following Dicko's death in 2017, his militants either filled the ranks of existing criminal networks along the Niger border or joined FLM as it launched operations in northern and north central Burkina Faso (Eizenga and Williams 2020). Most likely, Ansaroul Islam defectors also integrated with both JNIM and ISGS due to their previously established relationships (Belanger et al. 2020).

By the end of 2019, the attacks had increased in lethality (with an increase in total fatalities of more than 600 percent between 2018 and 2019), and the number of civilian casualties outnumbered military fatalities by 725 to 185 in 2019 (Belanger et al. 2020). Belanger et al. claim that the shift toward village raids may have resulted from the rise in ethnic conflict and may aim at cleansing the area of control. They justify the latter thesis by pointing out the geographic shift of attacks' locations, from the Sahel region to the east and north central regions and then to other provinces, particularly in the north and the Boucle du Mouhoun, that are mainly Mossi-dominated regions (International Crisis Group 2020). Mossi people are said to be targeted because of their privileged position within the government, which translates to favored access to land managed by elected officials. This suggestion seems reasonable; however, one should also take into account that the jihadist groups in Burkina Faso are just spreading the jihad to new areas, and Mossi may be simply a target on their way.

Without question, there is a jihadist uprising in Burkina Faso. Despite the fact that jihadism is religious in nature, several reports have marginalized or even de-fused religion as a causative agent. For instance, the International Crisis Group states, "Religious fervor is not the motivation for most fighters and unit commanders, who are usually Burkinabe and have other priorities" (2020:13). The religious influence of recruiting sermons delivered by preachers such as Malam and Jafar Dicko in Soum is downplayed on the grounds of lack of religious education among Burkinabe jihadist fighters and commanders and the appeal to non-religious recruitment drivers such as land- or mines-related grievances, banditry, or taking revenge on state institutions and Koglweogo self-defense groups. As the report's authors claim, the criteria for target audience selection are mainly deprivation of goods or the ability to carry arms, and are thus non-religious.

Also, it is claimed that the leaders' ambition to impose Sharia law is not shared by the fighters and supporters, whose interests are more locally based (International Crisis Group 2020). Even if the sermons link local grievances with references to the global Islamic agenda, the leaders are "willing to relax their discipline in order to accommodate those who join their ranks for more prosaic reasons." They also allow the fighters to "pick their fights" as long as they "do not directly contravene the jihad's global principles" (International Crisis Group 2020:15).

Another argument concerns the alleged non-uniformity of attacks' motives. As the authors contend, of the two main organizations operating in Burkina (ISGS and JNIM), only the latter targets religious minorities and has authorized attacks against Christian places of worship. Similarly, Moussa Soumahoro rejects the relevance of religious factors, stating that "the causes and trajectories of the phenomena vary from region to region" (2020:5) and constitute only 20 percent and 5 percent of the cases related to radicalization and violent extremism, respectively.

As noted above, prior to the upsurge of jihadism, Burkina Faso was considered a place of peaceful interfaith coexistence. Just as with tribal disputes, the state agents were successful in mitigating religious divisions (Belanger et al. 2020). Apart from instances of land discrimination (in which Christians were offered farmland distant from the village) and expulsions of believers from family homes after their conversion, there were no recorded instances of violence. As we have seen, jihadism in Burkina Faso is a strong pull (external) factor, even if it also benefits from the multifaceted internal crises this country has been facing for a very long time. And this factor finally destroyed this interfaith coexistence, victimizing Christians living in the country.

4.3 Targeting of Christians

4.3.1 Scarcity of reliable data

Although Christians are not the only targets, in numerous cases they are singled out for attacks. Once identified, they are often “killed on the spot” unless they agree to “convert to Islam or abandon their homes” (International Institute for Religious Freedom 2020). As shown above, the role of religious motives as the trigger of violent terrorism in the Sahel region is highly contested by scholars. Unfortunately, scholarly literature rarely considers the victimization of Burkinabe Christians, a potentially decisive consideration, in its analyses.

One reason for this negligence is the scarcity of available data. The Sunday, 28 April 2019 raid on the Church of Sigaldji was widely reported by local and international media (BBC News 2019), but other attacks get far less notice. Local media do not typically cover such issues, and the government and the recently overthrown president, Roch Kabore, officially claimed that the attackers were not religiously motivated. For a few years, they were even not identified as jihadists or terrorists but as so-called HANI (*hommes armés non-encore identifiés*, or armed men not yet identified), the term that the media typically use when an attack is not claimed by any known armed or terrorist group. Another hindrance to the circulation of data has been the modification of the country’s Penal Code, amended 20 June 2019, and signed into law on 31 July 2019 (Title I of Book III of the Penal Code of 2018, Articles 312-13 to 312-16). This regulation imposes a prison sentence and a fine for publishing information not authorized by the state. The law took effect amidst concerns about its potential for violating the media’s freedom of speech.

In some cases, official information about attacks and their victims was not entirely reliable, as it was published only after some delay. The government agency CONASUR regularly publishes reports on casualties of the attacks and numbers of internally displaced persons. It collects information from local officials, who often face difficulties in reaching the survivors because of the general situation of insecurity. Thus, one

cannot expect the CONASUR database to present an accurate number of victims. This is not to say that the government does not acknowledge the religious motives of the attacks. To stop the spread of jihadi violence, it launched two initiatives related to religious activity: the creation of an Office of National Religious Affairs (ONAFAR) to monitor religious activity and an attempt to pass a bill to regulate religious organizations and activities (Malika 2020:132). Moreover, during the last months of 2021 and in early 2022, major cities and towns of Burkina Faso witnessed waves of riots. To avoid the civil war and the putsch, the government banned Internet data on mobile phones, making it impossible to collect data. The only source of information about the present state of affairs was interviews with local partners and field workers.

The next section of the article will present the missing part of the research in other reports – namely, the voice of Burkinabe Christians. The data was collected through interviews with local Christians. For security reasons, most of the interlocutors will be identified by pseudonyms or will remain anonymous.

4.3.2 The voice of Burkinabe Christians

Ézéchiél is a Burkinabe pastor and teacher. Both positions qualified him as a target of jihadist attacks. More than twice, heavily armed jihadists surrounded his workplace and home, searching for him. Fortunately, heavy traffic slowed his return to the office from the capital, giving the villagers enough time to warn him of the danger. In this case, the religious motive was combined with the jihadists' intention to destabilize state institutions. Considered in isolation, the case does not conclusively determine that the religious factor was decisive. However, when it is considered in the context of a jihadist hit list that included all pastors and not necessarily all state officials, it becomes clear that a religious motive was prevalent.

Samuel, an active local church member, was married and a father of five. He enjoyed ordinary Burkinabe life in a village in the northeast part of the country. The family heard about the attacks and insecurity in the north but did not expect it to come to their home. One day, coming back from the field, Samuel and his family witnessed a group of jihadists setting his house on fire. The family went into hiding. Since the other houses remained intact, they considered returning to their village a viable alternative. However, some neighbors informed them that jihadists were intentionally seeking to kill the family. Upon hearing that, Samuel and his family decided to seek refuge in a safer location 100 kilometers from their home. Even though Samuel was not the only Christian in the village, he was singled out for attack as an active member of the church community. The attackers' sole motive appears to have been religious.

Among the tactics terrorist groups have employed to identify Christians and single them out for killing, one involves inquiring about people's religion. A report

of a jihadist attack in a northern village provides a typical illustration. Jihadists appeared early in the morning and gathered all the men in one place. The only question they asked was about the men's religion. While people of other faith traditions were permitted to walk away untouched, those who claimed to be Christians were killed on the spot.

Some interviewed contacts reported that jihadists would also use neutral informants to identify Christians. For instance, prior to an attack, jihadists would send young men to a village to bribe orphans in return for revealing the whereabouts of the local pastor or Christians. Unaware of their motives and encouraged by the offer of a portion of rice or money, the children would typically grant the request. More information of this sort was collected during 100 interviews with local Christians via local partners whose identities cannot be revealed for security reasons. The interviews were conducted in 15 cities, towns, and villages hosting refugees from various parts of the country.

The targeting of Christians is not limited to vicious one-time attacks. Jihadists show up regularly in attacked villages to check whether the Christians have returned home, with the intention to kill the returnees. In some areas, they go a step further toward establishing the desired Islamic caliphate by attempting to impose Sharia law on the local community.

4.4 The refugee crisis

The increasing number of jihadist attacks has resulted in a growing refugee crisis in Burkina Faso (OCHA 2022:33). Survivors of attacks were forced to flee and seek refuge in cities or refugee camps (International Institute for Religious Freedom 2020; Lamarche and Bentley 2022). As reported by the Global Peace Index, "Over 4.6 per cent of the total population are now either refugees or internally displaced" (Institute for Economics and Peace 2021:20).

Christians constitute fewer than one-quarter of internally displaced persons (IDPs), a percentage proportionate to their representation in the overall population of Burkina Faso (23 percent). Religious factors are clearly identified in reports by groups that advocate for religious freedom (Open Doors International 2022; U.S. Department of State 2021) but are not listed among displacement drivers in any of the documents cited in this article (International Crisis Group 2020; Institute for Economics and Peace 2020; Soumahoro 2020). However, occasionally the function of religion is hinted at in international (IDMC 2020) or state reports (CGRA 2019). Looking at the refugee statistics alone, it would be difficult to identify a primary anti-Christian motive behind the attacks. However, the religious aspect emerges as the essential trigger when individual stories are considered. Instances of Christians being singled out for attacks are self-evident. On the other hand, in

some cases all residents of a village, including Muslims, were displaced, because nominal or non-radical Muslims who oppose the imposition of strict Sharia law are also targeted. Whether these Muslims were also targeted or were alarmed to see their Christian neighbors slaughtered, they too decided to flee for their lives.

The refugee crisis continues to evolve. Additional factors are added to the list and evidenced in reports. Some recent reports point to collective punishment for presumed complicity with the government or army, or to economic reasons, as rationales for the attacks (ACLED 2022; CARITAS 2020; UNHCR July 2022). However, the underlying reason for the current refugee crisis in Burkina Faso is rooted in Islamic expansion.

4.5 Lost peace and unity

Burkina Faso has been a model of tolerance in the Sahel. Political and religious authorities and the wider community are doing their best to preserve it, but the country may have been irreparably affected by the insurgency because of its fragility and the security forces' inability to deal with the threat. The interviewees stressed the increased fragmentation of a relatively united Burkinabe society. Prior to the Islamic insurgency, local communities, supported by the regional offices, maintained peaceful coexistence and overcame local linguistic, tribal, or cultural divisions. But recently, previous divisions have started to intensify, and new ones have emerged. The traditional structure of society is being shaken at its foundation. Local communities have been scattered as the crisis forced many to flee from their hometowns. Even some families decided to escape separately to increase the chances that at least some individual members would survive.

In the IDP community, a new structure is taking shape. There is no more "us" and "them." Every IDP has the same goal: to benefit from the scarce aid supply in order to survive. However, even at this stage, religious motives emerge and work to the Christians' disadvantage. At aid distribution locations, some social workers are trying to profit from their position or to prioritize their "brothers in faith." As a result, these staff decline to provide help to Christians solely because they are not Christians. Instead, the Christians are easily identified and sent away empty-handed.

5. Conclusion

Religiously motivated violent terrorism has been plaguing the Sahel region in recent years, resulting in a major refugee crisis. Even Burkina Faso, a country of peaceful interfaith coexistence, has not been spared. The resulting lack of trust and unity, connected with the high level of insecurity, will affect the future generations of Burkinabe. Hopefully, with the ongoing political transitions, unity can be rebuilt there in a more vital form. However, many consequences of the jihadist activity are dif-

ficult or impossible to reverse. The imbalances and community divisions will have a long-term effect on the country's socioeconomic situation.

To provide adequate assistance to Burkinabe Christians, one must be aware of the complexity of the changes taking place. As a WEA Religious Liberty Commission (2019) report states, to effectively curb violence against Christians, one must consider “the larger context of spiraling communal violence, increasing Islamist activity in the region, and a weak security apparatus in the country.”

Many members of the Christian community, including clergy, have been killed or kidnapped, and churches have been burned down or closed for security reasons. Mounting evidence points to a dire need to address the situation of Christians and to highlight the religious agenda underlying the violence perpetrated against them. First, to provide adequate protective measures for Christian churches, “it is critical for the Burkinabe government to recognize the threat to Christian populations” (WEA Religious Liberty Commission 2019). Many times, Christians were forced to flee their communities first, yet for some reason, they were sometimes excluded from government help (which is not openly spoken about). They could count only on the limited resources of local churches.

Second, Christians in the free world should view the present state of affairs in Burkina Faso as a matter of particular concern. Burkinabe Christians' voice is being silenced by the new Penal Code and lack of media access. At the same time, academic research undermines or denies the connections between the attacks and the victims' Christian faith. In the face of this neglect, it is necessary to recognize the religious motives of jihadist attacks and to note that Christians are singled out for violence. That recognition should be followed by an assessment of the needs of internally displaced Christians and by the launching of aid projects. International Christian communities should reach out specifically to Burkinabe Christians with aid, satisfying their urgent needs such as food, drinking water, and education.

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Religious syncretism and the inclusion or exclusion of women in peacebuilding in northeast Nigeria

Olanike S. Adelokun and Adedayo Adelokun¹

Abstract

This article examines the role of religious practices in limiting women's participation in peacebuilding processes in northeast Nigeria. A human rights-based approach is adopted to examine how Nigerian laws seek to balance religious beliefs and practices with women's inclusion in state rebuilding processes. The study finds a correlation between religious practices and patriarchy. It connects the inadequate inclusion of women in peacebuilding and rebuilding processes primarily to religious beliefs and perceptions that have been embedded in cultural values. The article concludes that the exclusion of women in peacebuilding and reconstruction processes threatens sustainable peace and may lead to the recurrence of conflict.

Keywords inclusion, exclusion, religion, peacebuilding, reconstruction, Nigeria.

1. Introduction

Nigeria is a country of about 140 million people with a diverse culture in which different religious sects coexist and mix freely in their daily business (Yin 2007). Christianity and Islam are the two leading religions in Nigeria, with 53.5 percent of the population following Islam, 45.9 percent identifying as Christians, and 0.6 percent adhering to other faiths, including African traditional religion. The northwest and northeast areas of Nigeria are dominated by Islam, while the southsouth and southeast regions are dominated by Christianity, with a diverse mix of Christianity and Islam in the southwest and north central regions (Adelokun 2021). However, many Nigerians practice their religion in a way that cannot be completely detached from their traditional and cultural norms, to the extent that it can be difficult for an observer to distinguish between religious and cultural norms. Cultural practices have gained so much acceptance within Nigerian religious practices that cultural values are often

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projected as religious norms in ways that infringe on the rights of other members of the community.

Nigeria has seen a succession of violent conflicts in the previous several decades, including the Niger Delta war, the Boko Haram insurgency, communal disputes, conflicts involving Fulani herdsman, and the Indigenous People of Biafra (IPOB) separatist agitation, to name a few. Hundreds of lives have been lost, thousands of children have been orphaned, women and young girls have been sexually molested, millions of Nigerians have been uprooted, and numerous private and public facilities have been damaged as a result of armed conflicts. Since the Boko Haram insurgency started in 2009, the northeast region has witnessed a series of violent attacks which have led to the loss of lives, mass displacement and property damage. The Nigerian states most directly affected are Borno, Adamawa and Yobe (sometimes referred to as the BAY states) in northeast Nigeria. Because of the strife, several initiatives and interventions have been undertaken to restore and maintain peace as well as to rebuild the affected region.

In theory, the integration of vulnerable victims into society is a common goal of peacebuilding and reconstruction procedures. Many reasons have been asserted in favour of achieving gender balance and representation in peacebuilding and reconstruction efforts. However, gender balance has been widely misinterpreted to mean simply the quantity of women engaging in peacebuilding processes, rather than considering broader implications of their participation. Women are invaluable actors in peacebuilding and development because of the complex social responsibilities and burdens placed on them during and after violent conflicts, and this role can be fulfilled only if concrete planning and programming activities take place to facilitate women's participation in these processes. Gender inequality and exclusion in education, work and financial support have been proven to contribute to such factors as intimate partner violence and adolescent fertility, which in turn drive and refuel violent conflicts (Davis 2020). Beyond the well-known gender-specific effects of violent conflicts on women, such as trauma, sexual violence, inadequate reproductive healthcare, lack of educational opportunity, displacement and exploitation, among other heinous human rights violations, this article examines the impact of religious practices on the inclusion or exclusion of women in peacebuilding and reconstruction processes in northeast Nigeria.

2. The legal framework for right to religion and protection of women in Nigeria

Nigeria is a signatory to several international and regional instruments that guarantee the fundamental rights to freedom of thought, conscience and religion, including the International Covenant on Civil and Political Rights, the Convention on

the Rights of the Child, the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child. Specifically, section 38 of the Nigerian Constitution provides as follows:

1. Every person shall be entitled to freedom of thought, conscience, and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.
2. No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction, ceremony or observance relates to a religion other than his own, or a religion not approved by his parent or guardian.
3. No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.
4. Nothing in this section shall entitle any person to form, take part in the activity or be a member of a secret society.

The freedom of religion provided by the Constitution is a composite right encompassing other freedoms that characterize religion as involving cognitive processes and as a social reality that flourishes in interpersonal dynamics and concrete civil presence, rather than simply the right to maintain one's faith privately (Jude et al. 2016). That is, religious liberty entails not only the freedom to maintain one's beliefs and faith, but also the freedom to express and share them with others. The right to change one's faith or to have no religion at all is also recognized globally and in Nigeria as part of religious freedom.

Along with religious freedom itself, the Constitution further grants a number of rights that support religious liberty, such as freedom of association, the right to private and family life, and the right to freedom of movement. Section 42 of the Nigerian Constitution states that no one shall be discriminated against because of their religious beliefs. This right not only protects people's ability to practice whichever religion they like but also ensures that all religions are treated equally. As a result, the right to religious liberty must be exercised in an environment where no specific faith is preferred. This principle is reinforced by section 10 of the Nigerian Constitution, which provides that "the government of the Federation or of a State shall not adopt any religion as state religion." Thus, constitutionally, Nigeria is a secular state.

However, the right to freedom of religion is not absolute or inviolable. Individual and collective considerations are allowed under section 45(1) of the Constitution. Thus, in the interests of defence, public safety, order, morality or health, as well as to protect the rights and freedoms of others, the right to freedom of religion can be

limited. Constraints on religious freedom can be enforced to maintain national security, including economic, political, and other forms of security that may endanger a nation's territory (Jude et al. 2016).

In many African societies, cultural and religious practices conflict with human rights concepts, primarily where they seek to maintain patriarchy at the expense of women's rights. Female genital mutilation, domestic abuse, child marriage, restricting attire, preference for male child education, witch hunts, and seclusion of women as housewives are only a few of these discriminatory traditions. In a bid to protect women's rights in Africa, the Assembly of the African Union, on 11 July 2013 at Maputo, Mozambique, adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), which had originally come into force on 25 November 2005 (Adelakun 2019). Nigeria was among the first 15 states to ratify the Maputo Protocol. Article 17 of the Maputo Protocol states that women have the right to live in a favourable cultural milieu and to participate in the formulation of cultural policies at all levels. While cultural rights ensure that people of a community have access to the culture of their choosing, the culture must be in a good context for community members to benefit from the protection and promotion provided by the law. This provision can be extended to call for participation by women in every aspect of societal development, including peacebuilding and reconstruction processes.

Also, Nigeria ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985, which is aimed at preventing and eliminating all forms of discrimination against women and girls, without reservation. Although the CEDAW and Maputo Protocol have not been expressly domesticated in Nigeria in line with the requirements of section 12 of the Nigerian Constitution, section 42 of the Constitution prohibits discrimination on the basis of sex, religion, origin or political opinion. The Federal legislature also enacted the Violence Against Persons (Prohibition) Act (VAPPA) in 2015, which seeks to protect every person, not just women, in Nigeria against all forms of violence. Unfortunately, the VAPPA focuses only on acts of violence and does not address core issues that affect the realization of women's rights in Nigeria, such as religious and cultural practices modelled after patriarchy, which promotes oppression and marginalisation of women. One example of legislation that promotes violence against women under religious and cultural guise can be found in section 55(1) of the Penal Code, which is applicable in northern Nigeria and which permits a husband to "reasonably" correct his wife provided that it does not lead to "grievous harm". Also, section 353 of the Criminal Code, which is applicable in Southern Nigeria, criminalizes assault as a felony if committed against a man, but only as a misdemeanour if committed against a girl or woman. It further proscribes adultery for a married or divorced

person, with a death sentence as penalty for conviction, but says that such proof can consist of pregnancy in a woman's case but can be achieved only with four independent witnesses in the case of a man. Similarly, both the Penal Code and the Criminal Code recognize unlawful carnal knowledge of a woman or girl as rape if committed outside wedlock, but they reduce the same offence to assault if committed within a marriage.

Religion and culture have often been cited as reference points for the justification of the various double standards contained in provisions of the Penal Code (Ekhatior 2015). These provisions originated largely from the Sudanese Penal Code of 1899, which was in turn based on the Indian Penal Code of 1833 and 1837. However, whereas religion has been defined as a “unified system of beliefs and practices relative to sacred things, that is to say, things set apart and forbidden – beliefs and practices which unite into one single moral community called a Church, all those who adhere to them” (Durkheim 1995:47), Nigeria exhibits a more syncretistic context, which has affected the religious norms and values in the country.

One may argue that since the VAPPA was enacted in 2015, it should take priority over both the Penal Code and the Criminal Code. However, the VAPPA is a product of the residuary legislative authority of the Constitution whereas both the Penal Code and the Criminal Code are federal laws that apply uniformly to the various regions of Nigeria (Adelakun 2019). In essence, each state of the Nigerian Federation is required to domesticate its own version of the VAPPA before it can take effect in the state. Not surprisingly, some northern states have resisted domesticating this law, despite civic advocacy in favour of its acceptance. It is therefore imperative to have gender-balanced and gender-sensitive laws and policies that will not discriminate against women on religious or cultural grounds.

3. Religion, peacebuilding and women in Nigeria

Islamic religion has a strong religious influence in Nigerian society, influencing its socio-political and socio-ethnic environment. This could be due to the manner by which Islamic religion was introduced into Nigeria. It first reached northern Nigeria in the 11th century (Honarvar 1988). The region was formerly composed of Hausa kingdoms. Usman Dan Fodio, an Islamic scholar, conducted a victorious Fulani war against the Hausa kingdoms in Nigeria from 1804 to 1808. The kingdoms were transformed into Islamic communities as a result of this jihad. The caliphate established by Fodio was based on pre-existing political and socio-economic foundations. It did, however, provide new legal and political institutions in the shape of a federation between a caliphate located in Sokoto, Fodio's homeland, and new emirates, which helped to change the traditional Hausa political and social structures. Northern Nigeria has had the most robust and most prominent Islamic tradition

in sub-Saharan Africa since the formation of this Hausa-Fulani Muslim political regime in the 19th century (Vaughan and Banu, 2014). The foundations for the development of peace and order, enhancing the position of women, and the subject of fair inheritance and succession are all covered by Islamic laws, which are recognized as one of the world's greatest legal systems (Udoh et al. 2020).

Christianity, the majority faith in Nigeria's southern areas but a minority in the north, first reached the country in the 15th century through the activity of European missionaries, and it has since expanded throughout the nation, having a significant impact on the country's behavioural patterns and constitutional legislation (Kolapo 2019). Christianity is purportedly governed by religious regulations found in the Bible, which contains clear commands and instructions from God, received via prophets, on how followers should act, as well as doctrines from Jesus Christ and his apostles (Udoh et al. 2020). Again, the principle of equality of all human beings is emphasized in the Bible, but women's rights have been subjected to diverse interpretations by theologians, scholars and local traditions (Radford 2000). For instance, some mission-oriented denomination churches in Nigeria such as the Anglican, Methodist, Catholic and Evangelical Church Winning All (ECWA) exclude women from church leadership completely while some denominations such as the Baptist include women at the lower level of church leadership (Ademiluka 2017). On the other hand, most Pentecostal denominations such as Christ Embassy, Christ Apostolic Church, and Redeemed Christian Church of God, include women at every level of church leadership (Ademiluka 2007). The diversity in the interpretation of biblical laws has been influenced by the prevalent sociocultural legal systems of the time. This diversity continues today in the context of Nigerian society.

Since the focus of this article is on northeast Nigeria, which is predominantly Muslim, we will pay closer attention to the impact of Islamic practices, with some reference to Christian practices where appropriate. Both traditions will be examined in the light of syncretism, which as noted above is quite prevalent in Nigeria. The interpretation and application of Sharia law in northern Nigeria seems to be in the hands of a few male scholars and traditional leaders, as well as judges and lawyers who may not be fully aware of the complicated laws and processes that constitute Sharia norms and principles. This has led to interpretations designed to suit the interpreter's purposes. For instance, religious leaders and scholars often cite religion as a justification for limiting women's participation in private and public life based on the doctrine of submission, which is often emphasized by both religious and traditional leaders (Bawa 2017).

Religion is used to defend patriarchal society and the class system. As such, it is a strong force influencing the practice of human rights in Nigeria. Historically, both the Muslim and Christian communities in northeast Nigeria have been highly

patriarchal. To date, patriarchal norms and values continue to manifest themselves in religious practices, not only in the northeast but across Nigeria. Despite women's considerable engagement in farm work, religious practices and cultural traditions in the northeast have defined women's role substantially in terms of procreation and have generally limited them to a domestic life as caregivers while men are the breadwinners (Imam et al. 2020).

Due to the obviously theocratic nature of the northern Nigerian government prior to colonization, Islam has become institutionalized as a culture for the vast majority of the region's people. Islam, like most religious ideologies, offers members the possibility of a beautiful paradise (Makama 2013) but many believe that this can be achieved to the detriment of women based on misconceptions and misinterpretations of the scriptures. The infiltration of cultural norms and beliefs into the practice of Islam in some northern states of Nigeria has gained legislative acceptance in such states, even leading some states to adopt Sharia law, which apparently challenges the country's secular foundation and greatly restricts the realization of women's rights. It is therefore a welcome development that several religious groups such as the Federation of Muslim Women Association of Nigeria (FOMWAN) are standing up to fight oppression of women in the name of religion. These groups are embracing "reinterpretation" activism to campaign against the exclusion and oppression of women in the northern region by "adopting sophisticated interpretations of complicated religious texts from which *Shari'a* is derived to successfully defend their clients" (Vaughan and Banu 2014:5).

The Boko Haram insurgency has thrived for over a decade in Nigeria, deeply affecting women and children in the northeast. While the insurgency has changed the societal roles of women from mere domestic functions to include informal roles in defence, reconciliation, advocacy and as heads of households, women are still largely excluded from political decision-making processes (Imam et al. 2020). Perhaps, the misconceived notion that females are not the main perpetrators of violence contributes to their exclusion from peacebuilding processes. Despite evidence that women have played active roles in the Boko Haram insurgency, as suicide bombers or in covering up the identities of the insurgents (Bloom and Matfess 2016; Matfess 2017), women's contributions to peacemaking are frequently limited to minor, aesthetic or logistical efforts, reinforcing their status as wives and mothers rather than as active participants in society. In the same way, many have claimed that the Boko Haram insurgency has provided an avenue for women to actively fight oppression by relying on religion to advance their human rights (Zena 2019; Bloom and Matfess 2016; Imam et al. 2020). It has therefore been argued that women's exclusion from formal peacebuilding programs and processes reflects their absence from public life in general (Kolawole, 2021). The conflict with Boko Haram

has revealed the relegated lifestyle of women, which is maintained in the name of cultural and religious practices. For this same reason, women in the northern states have started a coalition to advance their rights (Imam et al. 2020).

Women make up nearly half (about 49 percent) of Nigeria's population, with about 45.5 percent of the labour force in Nigeria being female (World Bank Group 2019), yet their important responsibilities as mothers, workers and executives, among others, are not taken into consideration in peacebuilding processes so as to ensure inclusion. Due to their dual responsibilities in the productive and reproductive domains, females' contribution to society's economic and social growth is only about half of that of males; nevertheless, their involvement in official and informal institutions and procedures, where choices about the use of society's resources created by both men and women are decided, is minimal (Makama 2013). Thus, beyond their economic and political marginalization, women in northeast Nigeria are further marginalized in social, religious and cultural life, thereby leading to high rates of female illiteracy and child marriage (Adelakun-Odewale 2018). Early marriage of girls, which is closely connected to religious beliefs, and the age disparity between spouses in the conflict-prone areas of the northeast contribute to the perception that women lack the ability to contribute significantly towards sustainable formal peacebuilding processes (Garba 2016). These factors have impacted the inclusion of women in peacebuilding in the northeast.

Recently, there have been calls from the international community regarding the need for women's participation in the peacebuilding process in Nigeria (UN WOMEN 2012). While this call is being embraced gradually, the involvement of women is still largely limited to activism through non-governmental organizations (NGOs). Women are becoming more involved in registering and leading NGOs that speak out on behalf of women and advocate for their inclusion in peacebuilding and development processes; many women are playing significant mediator roles at the community level and recently, with the intervention of the United Nations, some men are also beginning to stand up for women's inclusion in peacebuilding processes (Nwadinobi 2017).

However, gross underrepresentation of women persists in formal peacebuilding and reconstruction processes, creating a wide gender disparity. For instance, the membership of the Presidential Committee on the North East Initiative (PCNI), which was set up to promote peace and development in the northeast, had fewer than two percent female representation at the time of its formation in 2016. Similarly, the membership of the North East Development Commission (NEDC), which was statutorily established to reconstruct and develop the region, includes only one female. Politically, to sustain peace and achieve adequate reconstruction in any conflict situation, effective laws and policies are needed that take the true nature

and causes of the conflicts into consideration. In the current 9th parliamentary assembly in Nigeria, there is only one woman among the 13 legislators representing Borno state, one of 11 in Adamawa state and one of nine from Yobe state. As these are the states most directly affected by the insurgency in the northeast, the rate of women's inclusion in this region's political life remains low. As a result, it is not surprising that gender-related concerns, such as gender-based violence and marginalization, keep cropping up in several peacebuilding and reconstruction efforts.

4. The inclusion and exclusion of women in peacebuilding

Inclusion in the context of peacebuilding and reconstruction connotes the principle of equal as well as fair representation of women in key positions in peacebuilding and reconstruction processes. A starting point for this inclusion is the recognition that peacebuilding and reconstruction initiatives often provide opportunities to introduce new laws and policies into political and social processes, allowing for the inclusion of gender equality goals (Domingo and Holmes, 2013). Women must be actively included from the beginning of such processes, which include peace agreements, legal reforms, political participation, social reconstruction and cultural rehabilitation through creating significant quotas for women, access to justice, service provision, and economic recovery. Even though it has been shown that inclusion of women is vital for decision-making and good governance, their participation has generally been viewed as optional and not necessarily required for democratic, inclusive and accountable governance. Thus, the peacebuilding and reconstruction processes in the northeast continue to exclude women from formal participation.

In recognition of the need for greater inclusion of women in peacebuilding processes, the United Nations unanimously adopted UN Security Council Resolution 1325 on women, peace and security on 31 October 2000. It reaffirmed the importance of equal participation and a stronger voice in decision-making for women. Furthermore, the African Union Gender Policy was adopted in 2009. The Nigerian government demonstrated commitment towards the UN Resolution and the AU Gender Policy by launching the National Action Plan of the United Nations Security Council Resolution 1325 in 2013. Although these steps are commendable, their implementation is not very encouraging because since the launch of the National Action Plan in 2013, very little has been achieved in terms of women's inclusion. Beyond a formal declaration of the government's commitment, the actual participation level remains rudimentary and basically only in non-formal spheres at community levels, usually promoted by civil society organizations.

While emphasis has been placed on cultural, economic and gender-stereotype barriers to women's inclusion (Garba 2016; Nwadinobi 2017), little attention has been paid to barriers created by religious practices, possibly because of the sensitivity

around discussing religious issues in Nigeria. An increasing number of studies have revealed that religious practice has a significant impact on women's poor political engagement. Though the two major religions promote various values, have different organizations, and rely on diverse cultural and historical roots, they still have significant commonalities (Sarumi et al. 2019). Thus, while the cultural factors driving women's exclusion from peacebuilding processes cannot be completely detached from religious factors, it appears that religious factors, especially Islam, are more dominant in reinforcing patriarchy in northern Nigeria, because religious norms and beliefs have been codified in several laws of the region, reflecting the decision by some states to adopt Sharia law. Some of these laws place stiff restrictions on women's rights (International Crisis Group 2016) which could constrain their empowerment and economic liberation after conflict situations. It has been argued that religion and culture have been misrepresented in Nigeria, especially in northern Nigeria to limit women's potential by oppressing and repressing them, as can be seen in such provisions as the imposed dress culture and exclusion from development process (Ajelurou 2017).

Religion therefore has a role to play in both the inclusion and exclusion of women in peacebuilding processes in the northeast and across Nigeria. Religious leaders wield enormous power and influence in their communities, and they have utilized their moral authority to steer debates in diverse directions. Appleby observes that "religious actors build peace when they act religiously, that is when they draw on the deep wells of their traditions and extract the depths of the spiritual instincts and moral imperatives for recognizing and embracing humanity" (Appleby 2000:9). It therefore follows that religion can be used to promote human flourishing and inclusion, just as it can also be used to promote doctrinal differences and exclusion, depending on how religious leaders choose to interpret their faith's various Scriptures and doctrines. Thus, while peacebuilding and reconstruction processes in the northeast have succeeded in fostering religious tolerance by bringing diverse religious leaders together to foster a common good, the same cannot be said with regard to religion's role in fostering women's inclusion in the peacebuilding and reconstruction processes.

5. Rethinking sustainable peace

The continual exclusion of women in aspects of public life such as education and cultural and political decision-making processes in northern Nigeria has affected their capacity to meaningfully and effectively engage in peacebuilding processes. Young girls are not encouraged to attend school or develop any occupational skills but are instead left at home to perform domestic tasks such as farming, cooking, caring for younger siblings, washing, cleaning the house, and so on, or are forced into early marriage. As a result, they develop a mentality that keeps them bound

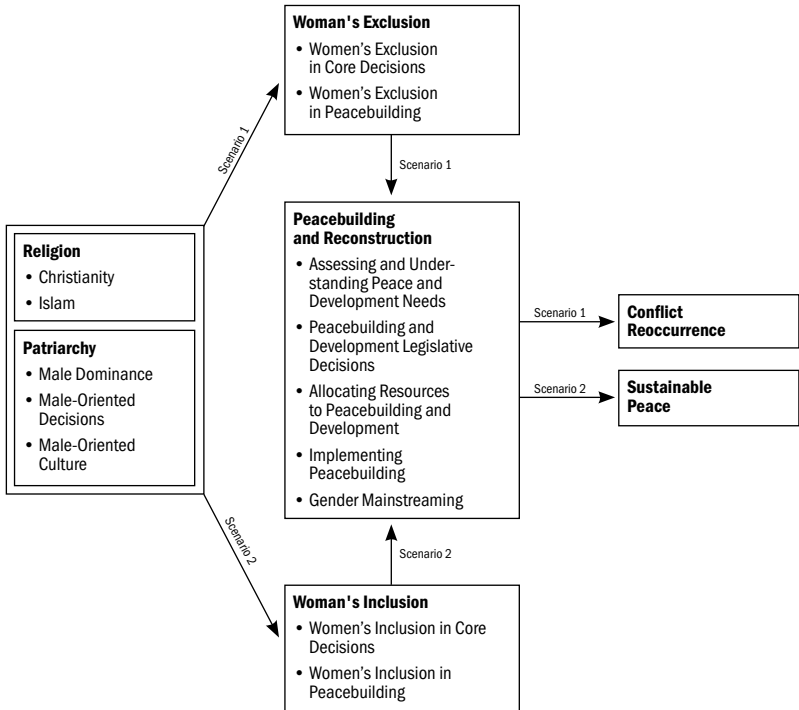


Figure 1: A model of women's inclusion or exclusion in peacebuilding and reconstruction

to this outdated way of life. They grow into women who are trapped in a life of poverty, permanent reliance, and an inferiority complex as a result of prejudice (Adelakun-Odewale 2018). Should their husbands become accidentally injured or be killed in a conflict, the women must care for themselves and other members of their families, but without suitable economic empowerment, they find their plight very difficult to manage. Thus, to engage productively in the peacebuilding process, girls must be trained on an equal footing with boys.

The model in Figure 1 summarizes the discussion and the findings of this study based on two scenarios. The study draws on the correlation between religious practices, particularly Islam and Christianity which are the two leading religions in Nigeria, and patriarchy. The correlation in both religion and patriarchy is deeply rooted in the traditions of the people of northeast Nigeria, firmly establishing male dominance which influences male-oriented decisions and cultural norms.

Also, the peacebuilding and reconstruction processes in the northeast entail assessing and understanding the peace and development needs of the people, taking religious and

cultural norms into consideration. To achieve this goal, we realize the need for gender-sensitive and gender-responsive legislation that aims to promote peacebuilding and reconstruction in the northeast. This has been achieved somewhat by the enactment of the North-East Development Commission Act of 2017 (NEDCA) and the National Commission for Refugees, Migrants and Internally Displaced Persons Act of 2019, but the gender language and inclusion of the legislation remains a question of practicality because the language of the NEDCA is not gender inclusive and adopts the male pronoun in most of its representations. We also identified the need to allocate resources to peacebuilding and reconstruction projects and programs as well as ensure effective implementation of these projects and programs. Lastly and most importantly, to achieve inclusion of women in these processes, there is a need for gender mainstreaming in every initiative and process related to peacebuilding and reconstruction. Gender mainstreaming in this context is “a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated” (Heidi 2010:298).

Scenario 1 in the figure therefore illustrates a situation in which religion and patriarchy are allowed to permeate the peacebuilding and reconstruction process, to the extent that the religious and cultural roles of women prevent them from having a say in key decisions. This situation, which may bring about temporary peace, is nevertheless likely to lead to recurring conflict situations fuelled by the consequences of disempowerment of women, such as poverty, gender-based violence, poor reproductive health, illiteracy and gross human rights violations. On the other hand, scenario 2 shows a situation in which peacebuilding and reconstruction processes take advantage of the conflicts that have made peacebuilding necessary to change some deeply rooted religious and cultural perceptions by adopting a gender mainstreaming approach and including women in the process. In such a situation, women and men play equal roles, especially in core decision-making processes. In the adoption and implementation of decisions, gender mainstreaming would involve interpreting religious scriptures in the most appropriate way that truly reflects the rights of women, without any form of manipulative influence. Where this occurs, the end result will be a higher level of peace because some of the factors contributing to violent conflicts would have been eradicated in the process of educating and empowering women.

6. Conclusion

The patriarchal framework in Nigeria, which has found its ways into religious practices, restricts women’s mobility and plays on conservative notions of gender. This makes peacebuilding, reconstruction and particularly women’s full participation in these processes more difficult. It is clear that women’s participation in informal peacebuilding

reflects their organizing and advocacy for a better future, despite the fact that they are usually perceived as victims in need of protection. If women are given the platform to apply their skills in formal peacebuilding and reconstruction processes, an entirely different result, bringing about a sustainable peace and notable development, could ensue.

It is therefore imperative that in all activities aimed at reconstructing the north-east, a paradigm shift from an exclusionary approach to a gender-responsive, sensitive, inclusive approach is required. Gender mainstreaming should be used to make all policy and programmatic interventions in the northeast meaningfully gender-inclusive. To establish lasting peace and prevent a reoccurrence of violent conflicts in Nigeria, it is crucial to pursue complete inclusion of women in all peace and reconstruction processes, including in religious spaces and, more critically, to eliminate impediments to Nigerian women's full inclusion and engagement in peacebuilding by strengthening their capacities.

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The Specific Vulnerability of Religious Minorities

DENNIS P. PETRI

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The plight of vulnerable refugees

What have we learned from the Syrian settlement scheme in the United Kingdom?

Paul Diamond¹

Abstract

In 2021 the UK set up the Afghan Citizens Resettlement Scheme (ACRS). In view of experiences with the 2014 Syrian Vulnerable Persons Resettlement Scheme (VPRS), it is feared that religious minorities and the most vulnerable groups will be virtually excluded. This article examines the implementation of the VPRS for the purpose of drawing conclusions about the likely fate of religious minorities, such as the Christian community in Afghanistan, and the likely problems associated with the ACRS. Again, there is reason to expect a wilful blindness to the fate of the most vulnerable people including Christian communities.

Keywords Afghan refugees, Syrian refugees, religious minorities.

1. Introduction

The 2011 Syrian civil war had a profound impact on Western societies. Many governments established specific measures for the reception of refugees. In 2014, the government of the United Kingdom established the Syrian Vulnerable Persons Resettlement Scheme (VPRS), according to which 20,000 Syrian refugees selected by the UN High Commissioner for Refugees (UNHCR) would be resettled in the United Kingdom by 2020. Only one percent of those accepted have come from religious minorities, including Christians. In 2020, a claim for judicial review was made, on the basis that the VPRS's operation discriminated against religious minorities. The court held that the statistical evidence was inconclusive on the question.

The fall of the Afghan government in 2021 led to the Taliban's seizure of Afghanistan, and in response, the UK set up the Afghan Citizens Resettlement Scheme (ACRS), which is premised on the VPRS and thus is likely to have the same shortcomings, resulting in the virtual exclusion of religious minorities and of the most vulnerable.

This article examines the implementation of the VPRS for the purpose of drawing conclusions about the likely fate of religious minorities, such as the Christian community in Afghanistan, and the likely problems associated with the ACRS. The paper

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contains four parts: an overview of the Syrian war; a comprehensive overview of the VPRS; a discussion of *R (HNA) v Secretary of State for the Home Department*, because of this case's significance for future cases involving refugees; and some observations as to the likely implications for the Afghan settlement programme.

2. The Syrian civil war: an overview

The Syrian civil war commenced in or about mid-March 2011 with major disturbances and demonstrations in Damascus, Hama and Aleppo. These uprisings were part of the multinational Arab Spring movement² and were initially peaceful. However, they were violently suppressed by the government under President Bashar al-Assad.

The Syrian civil war was a multi-sided armed conflict involving various Kurdish, secular and Islamist groups. The government has restored order over much of the country, but the Kurds (in the northeast), the area along the border with Turkey and some armed groups in Idlib province continue to resist.

The 2019 Report of the US Commission on International Religious Freedom³ estimates the Christian population as 10%, Jews and Yazidis at less than 1%, the Alawites at 12%, the Druze at 3% and the Ismaili at 2%. The other 72% are predominantly Sunni Muslims. The exact definition of the Muslim community is problematic as many Islamic groups do not see other expressions of Islam as orthodox but as heretical.

President al-Assad's government is dominated by the Alawite sect of Islam, which sought to limit Sunni Muslim social hegemony through a degree of religious pluralism. The collapse of government control led to the seizure of territory by multiple Islamist forces. At one point, the Islamic State in Iraq and Syria (ISIS, also known as Daesh) was estimated to have control over 34,000 square miles of territory as it sought to re-establish a caliphate.

ISIS was just one of many Islamist factions involved in the war.⁴ These Islamist factions unleashed horrific savagery against religious minorities; slaughter of men, women and children, parents forced to eat children and one case of 250 children killed in a dough kneader have been reported.⁵ ISIS gave Christians and other re-

² The Arab Spring was a series of protests and uprisings protesting against authoritarian governments and socio-economic conditions that took place across the Middle East and North African commencing in 2010–2011. The Governments in Tunisia and Egypt were overthrown (Britannica 2011, 2012).

³ The last official census identifying religious affiliation in Syria was in 1960. Syria's pre-war population is estimated to have been 10% Christian. (USCIRF 2019:104–109).

⁴ One of these groups is the al-Qaeda affiliate Jabhat al Nusra Front, which has also specifically targeted Christians. It existed in Syria from early 2012, prior to ISIS.

⁵ See the debate of 20 April 2016 in the House of Commons on genocide of religious minorities. The House resolved that "Christians, Yazidis and other ethnic and religious minorities in Iraq and Syria are suffering genocide."

ligious minorities under their control three choices: dhimmitude (a permission to live), conversion to Islam or execution (MEMRI 2015).

During 2014, the media reported on the genocidal attacks taking place, particularly on the Yazidi and Christian communities throughout Syria and Iraq. In Iraq, scenes of Yazidi families clinging to the sides of mountains were broadcast by some media outlets. This reporting demanded a humanitarian response from the UK government, leading to the belief that the persecuted religious minorities would figure predominantly in any relief measures.

The Christians and Yazidis suffered the worst sectarian violence as these communities lacked a regional or international protector and, due to their geographical dispersion throughout Syria and Iraq, the capacity to form a militia. The Shiite Muslims had regional protectors (Iran and certain Gulf States) whilst the Alawites, Kurds and Druze had militias or control of the State apparatus.⁶ The Islamists were rumoured to be funded by Turkey, Saudi Arabia and others.

In Syria, the Christians both supported and were protected by the Assad government, as Assad had granted minorities a degree of protection. In Iraq, Christians and the Yazidis as minorities received limited but necessary protection from the state prior to the rise of ISIS. The emergence of ISIS in 2014 resulted in everyone other than Sunni Muslims (including Shi'a Muslims) being badly treated in the territory that they controlled.

Thus, the Christian community continued to experience targeted violence from both the Islamists and the general population in both Syria and Iraq (Savage, 2014). Women were singled out for sexual and gender-based violence (Nicolas 2016:10); Christians faced expulsion unless they converted to Islam or paid the *jizya* tax (ACNUK 2017a and 2017b; Nicolas 2016; Katulis et al. 2015; Hanish 2014). Other forms of persecution included attacks on churches and religious property, erasing of identity (Puttick and Verbakel, 2016), larceny, the illegal seizure of property (Kraft and Manar 2016; El Ashmawy et al. 2015), exclusion from educational programs (ACNUK 2017a and 2017b) and the targeting of religious leaders.⁷

In the post-war reconstruction in Syria and Iraq, the specific needs and injustices of the Christian community do not appear to be a priority. There have been some attempts to return properties to Christians (Agenzia Fides 2022), but not in any systematic way. Christians are reluctant to return to Syria after their experience of war and abandonment by their neighbours.

⁶ There are small exceptions, such as the Syriac Military Council (Assyrian) which is allied with the Kurds. The organization was established on 8 January 2013 to protect Assyrians.

⁷ In 2015 two Orthodox Bishops were abducted and almost certainly murdered. (Agenzia Fides 2020). In Khabour valley, 200 Christian were kidnapped by ISIS. (Hinnant 2016) 80,000 Yazidi have fled the Raqqa/Sinjar region (Cetorelli and Saretta, 2019).

3. The Syrian Vulnerable Person Resettlement Scheme

3.1 Background

The scale of the violence in Syria during the Arab Spring movement shocked the international community. The UK and US were deeply concerned by the humanitarian crisis and introduced a scheme to resettle some of the most vulnerable victims of this conflict. The US offered to settle 40,000 Syrian refugees and the UK 20,000 over five years. The US and UK, in that order, were the leading bilateral donors to the Syrian relief effort.⁸ In 2016, the UK Department for International Development (DfID) estimated that 13.5 million Syrians needed humanitarian assistance; of whom some 4.9 million Syrian were refugees outside their country of nationality.⁹

The establishment of the VPRS was formally announced by Theresa May, then British Home Secretary, on 29 January 2014; on 7 September 2015, the UK voluntarily agreed to accept 20,000 refugees of Syrian nationality by 2020, and in July 2017, people of all other nationalities who had fled from Syria as refugees were included.¹⁰ Initially, this extension of the scheme appeared to be for political reasons so that Palestinian refugees would not be denied access to the VPRS, but shortly thereafter the government determined that since an entire UN agency was dedicated to the Palestinians' welfare, they did not need access to the VPRS as well.¹¹

The UNHCR identifies refugees from Syria deemed vulnerable according to criteria set by the UK government. The Home Office decides on whether entry clearance will be given to any individual selected by the UNHCR and screens for security purposes. After selection for settlement, the Home Office places the individuals and families with local authorities; provision of housing and monies under a policy of integration is structured for the new arrivals, with the Home Office paying the cost for up to five years.¹²

The VPRS is a domestic policy programme established by the UK government. In case of any concern with the operation of the VPRS, such as an unexplained dearth of religious minorities being accepted, the scheme could have been simply amended by administrative action.

⁸ The United Kingdom has committed £2.3 billion. However, some estimates place the German contribution at equivalent to £2.4 billion. See "Donors pledge \$2.4 million to Syria at UN donor conference." Available at: <https://bit.ly/3CL8Onb>.

⁹ UN Office for the Coordination of Humanitarian Affairs, December 2016.

¹⁰ Only those of Syrian nationality could be considered under the Scheme between 2014-17. But after the amendment of the Scheme, for example, an Iraqi who had fled to Syria to avoid the violence in Iraq and who fled again to either Jordan, Lebanon or Turkey could be considered under the Scheme if they had passed through Syria.

¹¹ The exclusion of the Palestinians was challenged in the domestic courts, but the Governments decision was upheld by the Court of Appeal (Court of Appeal 2021).

¹² This tapers down from £8,500 in the first year of resettlement to £1,000 in the fifth year of resettlement. (UK Government 2018:19).

The scheme used the UNHCR as its partner in identifying suitable persons for resettlement in the UK. Individual applications could not be considered, and those selected for inclusion on the VPRS came solely via the UNHCR. The UNHCR has more than 16,800 personnel and works in 134 countries, with a budget of US \$6.54 billion in 2016.

As of 2022, the UNHCR supports some 5.6 million Syrian refugees outside the country,¹³ working with host governments and resettlement nations to secure asylum for as many Syrian refugees as possible.

The ability to resettle refugees overseas is problematic due to the advent of anti-migration sentiment in Europe; the 20,000 individuals to be accepted under the VPRS are thus close to insignificant considering the total number of Syrian refugees, but that is all the more reason why the scheme should operate fairly.

A similar story of anti-immigration sentiment is reflected in the United States in relation to their resettlement programmes. President Trump severely restricted resettlement access to the United States. President Biden has increased the number of refugees to be resettled as a whole, but such numbers are very small compared to the need.

3.2 The exclusion of any consideration of religion in the VPRS

A deliberate and specific decision was made, in the formulation of the VPRS, to exclude any consideration of religion as a distinct ground of vulnerability for granting access to the scheme. On 17 November 2015, Home Office Minister James Brokenshire stated to the House of Commons that the listed grounds for consideration for resettlement included, *inter alia*, sexual orientation and gender identity, but not religious affiliation.

This position was repeated to the House of Lords. On 3 August 2016, Baroness Williams of Trafford (Minister of State at the Home Office and Minister of Equalities) underscored the exclusion of religious minorities, stating, “It is important that we base our selection criteria on those most in need, rather than on the basis of membership of a particular religious group.”¹⁴

This exclusion of a religious criterion in a region of the world where religious identity is central, and where extreme acts of violence are premised on a group’s religious affiliation, unambiguously highlights the secularization that has taken place in Western society, as well as exposing the prevalent religious illiteracy towards those regions of the world where religion remains a predominant force.

The need to address this religious illiteracy has been advocated, but it is surmised that Western nations do not want to be seen in any way as favouring Christian

¹³ See UNHCR Data Portal. Available at: <https://data.unhcr.org/en/situations/syria>.

¹⁴ Written Question HL1383.

minorities (who are becoming the most persecuted faith group in the world) (BBC 2019; Open Doors n.d.).

3.3 Religious minorities and the VPRS

From 2016, there was increasing concern that the number of religious minorities selected under the VPRS had been disproportionately low. These concerns were expressed both in Parliamentary and in media comments.

Rumours began circulating that the Home Office appeared to be discriminating against religious minorities under the mantra of “need not creed,” and the Home Office appeared impervious to appeals to address this issue (Ahmad 2015). The former Archbishop of Canterbury, Lord Carey, raised the issue in Parliament and wrote widely in the national press on this subject, (Carey 2017; 2021) in relation to both Syria and Afghanistan.

Requests were made for the religious affiliations of those admitted under the VPRS. The Home Office delayed responding, and a Freedom of Information Request was made. On 19 September 2017, the Information Commissioner issued a formal notice for the Home Office to release the requested information by 23 October. The Home Office released the information on the next day, and it has continued to subsequently release the statistics (Barnabas Fund 2017).

The resistance of the Home Office to disclose the statistics until October 2017 may suggest that they were aware of this discrepancy and did not want the wider public to know. However, the Home Office said the delay was due to difficulties in collating the data.

The significance of these released statistics is not simply that Christians, Shi'a and Yazidis are vastly under-represented. Rather, where a group is specifically targeted as the religious minorities in Syria have been, one would expect them to be disproportionately *over-represented* in the refugee statistics. The statistics revealed these shocking patterns:

- In 2015, of 2,637 individuals recommended to the UK by the UNHCR for resettlement only 43 were Christians, 13 were Yazidis and there was a single Shi'a Muslim.
- In 2016, of 7,499 individuals recommended for resettlement, only 27 were Christians, along with 13 Shi'a Muslims and 5 Yazidis.
- In 2017, of 4,850 accepted for settlement by the UK, 11 identified as Christian and 5 as Yazidi.
- In the first quarter of 2018, of the 1,112 accepted for settlement in the UK, there were no Christians.

Some 99% of those accepted on to the VPRS were Sunni Muslim. As noted, they do represent some 72% of the Syrian population, so you would expect them to be a

high percentage. But 99%? In contrast, all religious minorities only accounted for 1% of those selected for the relocation scheme.

Figures in the US scheme appear similar. By the end of the fiscal year that closed on 30 September 2016, of 12,587 individuals admitted to the United States, only 68 were Christian and 24 members of the Yazidi sect (Shea 2016).

In a case seeking the release of the names of certain terrorist organisations, the judge summed up the disparity of the situation:

I write separately for a second critical reason, which is my concern about the apparent lack of Syrian Christians. . . . And yet, of the nearly 11,000 refugees admitted by mid-September [2016], only 56 are Christian. To date, there has not been a good explanation for this perplexing discrepancy. (US Court of Appeals 2016)

One significant factor may be the reluctance among religious minorities to enter UN Refugee Camps due to strict Islamist control of the camps. Refugee camps have been the recipients of considerable aid in the form of accommodation, food and educational provision. The Islamist control of the camps is well known (though formally denied); but simple measures such as the creation of camps specifically designated for individuals from religious minorities have been consistently resisted by the UNHCR.

It is suspected that the UNHCR overtly selected refugees for the VPRS from the camps for administrative convenience, resulting in the lack of religious minorities. Only 5% of all refugees are actually in the refugee camps, and it is harder to reach those refugees outside the camps with such aid. Therefore, aid from the UK and elsewhere is failing to reach vulnerable religious minority communities.

This dearth of religious minorities in the UK and US resettlement schemes has been questioned by both British Parliamentarians and US Congressmen, but to no avail. In fact, all the political pressure is on securing rights of the Muslim majority. The UK has even taken active measures to return orphaned children whose parents fought for ISIS. (UK Parliament 2019)

The UNHCR appears unable to discharge its functions impartially; the numbers speak for themselves. There is considerable anecdotal evidence regarding this discrimination from charities in the region, but they do not wish to endanger their presence in the country where they are seeking to give aid by voicing their concerns.

Before a subcommittee of the US House Foreign Affairs Committee in December 2015, the following evidence was given (Anderson 2015):

- Religious minorities are fearful of entering the UN refugee camps due to religiously motivated violence.
- Separate camps for religious minorities need to be created.

- Safe routes for the consideration for resettlement of religious minorities should be created.
- The UNHCR is “functionally discriminatory” and other partner agencies should be used.

Evidence from a visit by Lord David Alton and MP Fiona Bruce to Syrian refugee camps, states the following (Alton and Bruce 2015):

- Christians do not enter the UNHCR Refugee Camps due to religious hostility.
- Christian refugees receive less aid than Muslim refugees.
- Christians do not receive full consideration for the VPRS.
- The UNHCR focuses its efforts within the refugee camps.

3.4 Bishop Truro’s Independent Review and UNHCR failings

In 2018, Jeremy Hunt, then Secretary of State for Foreign and Commonwealth Affairs, under the auspices of the Bishop of Truro, commissioned an independent review on worldwide Christian persecution.

The Bishop reported on 8 July 2019 (Mounstephen 2019), and on 19 July, Foreign Office Minister Alan Duncan accepted every recommendation in full. Further, he stated:

Christians suffer more persecution than any other religious group in the world, yet we hear far less about this than one would expect . . . this is not just a Foreign Office thing. Indeed, it is not just an envoy thing; it is an everything thing, which means that all Departments, all the Government, and all Government policies must bear this in mind. (Duncan 2019)

This statement appears powerful; and not only does it specifically identify Christian persecution, but it undertakes to extend this awareness to all governmental Departments. At the time of this report, about 5,000 places remained to be allocated under the VPRS, which could have been redirected towards religious minorities.

The Bishop of Truro’s independent review recognized the failings of the UNHCR and directly addressed them. It is difficult to understand why the UK government has again entrusted selection for the ACRS to the UNHCR, since the Bishop’s report noted the discriminatory effect of the UNHCR process and added, “Other countries, including Australia and Belgium, have managed to achieve higher percentages of Christian refugees by not solely relying on UNHCR recommendations. Instead, they rely on local charitable institutions and churches.” (Mounstephen 2019:6)

The accepted recommendations include the following (summarized briefly) (Mounstephen 2019):

- Recommendation 3: Name the phenomenon of Christian persecution.

- Recommendation 4: Encourage the development of appropriate mechanisms, with international partners, using external sources.
- Recommendation 21: Policies should be consistent across all government departments. Specifically, when UK actions are delegated to international institutions or agencies (such as the UNHCR), minority visibility amongst beneficiaries should be a priority. Humanitarian law mandating no “adverse distinction” must not be used as a cover for making no distinction at all and letting the majority community benefit disproportionately. The Foreign and Commonwealth Office, in its international engagement, must resist any temptation to outsource its obligation in this regard.

4. R (HNA) v Secretary of State for the Home Department

4.1 The facts, issues and decision

On 17 March 2020, a claim for judicial review was made on behalf of HNA (the name is a pseudonym as the person is an apostate from Islam and lives in fear of reprisal), challenging the Syrian VRPS on the grounds that its operation discriminated against religious minorities. The claim argued that many non-Muslim refugees were fearful about the UNHCR because it was staffed by local Muslims who allegedly manifested similar societal animus to religious minorities as did the general population.

The statistics published on those granted entry into the United Kingdom and United States under the resettlement schemes showed that approximately 99% and 99.7%, respectively, were Sunni Muslims, who were the religious group least at risk of attack on grounds of religion, and most able to reintegrate into an Arab Muslim society on their own.

At the time, HNA was a 31-year-old Syrian national and a refugee in Jordan, together with his wife and three children. HNA sought, by challenging the VRPS, to ensure that Christians and other religious minorities (those most at risk) were at least considered for the scheme and proportionally represented amongst those accepted for settlement. HNA had converted to Christianity and had been barred by UNHCR officials from registering for the VRPS.

As a young man living in Syria, HNA stated, he had seen a vision of Jesus telling him to go to church, but he was uncertain what this meant as Islam was his faith. Local Christians were too fearful to explain the Christian faith to a Muslim. HNA was a general labourer who married and began a family. When the civil war broke out, he was horrified at the violence being committed in the name of Islam, its sectarian nature of the violence, and the sexual abuse of women (including an assault against his wife, whom he was able to protect). Two of his brothers went missing.

In 2014, on crossing the Jordanian border from Syria, HNA's family registered as refugees with the UNHCR. The husband and wife both came from orthodox Muslim

families in Syria. Initially, they were placed in the UN's Zaatari refugee camp; near Mafraq (north of Amman). Although a UN camp provides food, shelter, education and medical care, this camp was controlled by Islamists and had considerable violence. So HNA left with his family and began to seek work unofficially in Jordan.

In 2016, HNA and his whole family converted to Christianity. HNA and his family began to watch satellite television programmes on Christianity and HNA made contact with overseas evangelists. In HNA's own words:

From 2014 in Jordan, on the Satellite Channel I commence to watch Christian television channels. Christianity taught about love; and that the only way to change people was to change their heart. The words in Jesus in Matthew 24.11 and Matthew 7:15 about false prophets particularly struck me.

As apostates from the Islamic faith, they were in considerable danger of violence or even death. They also feared that their children could be removed by family members to be raised as Muslims. In Jordan, it is a criminal offense to leave Islam and convert to another faith.¹⁵

Their life as apostates from Islam (rather than as part of an indigenous Christian minority) was very difficult; the family attended churches some distance away, to avoid any risk of identification. However, their lifestyle changed. Previously HNA's wife, as a strict Muslim, would wear a hijab and/or chador, but she began wearing her hair long and often dressed in jeans. This activity came to the attention of family members and others, and HNA knew that his family was at risk.

In October 2018, HNA contacted the UNHCR in Amman and requested an appointment. He informed them that his family had converted to Christianity and related his concern about being discovered. He went to the UNHCR office at its request, but upon his arrival, a number of UNHCR junior staff blocked the entrance in a threatening manner and publicly mocked him. One UNHCR staffer stated, "You are not going into the Office. Go to your churches, let them take care of you." Another asked, "Why are you converting? Prove to me you are a Christian."

These comments were made in public and overheard by many individuals and other refugees in the UNHCR compound. Frightened and disoriented, HNA left.

Subsequently, in January 2020, family members in both Jordan and Syria discovered that HNA and his family had converted to Christianity and attempted to kill him. HNA presumed that the UNHCR, which works closely with the Jordanian security forces, had passed information about his conversion to the authorities. Since it is unlawful to leave the religion of Islam, the Jordanian State offers no protection,¹⁶

¹⁵ The wife would probably be forced to remarry a Muslim with the children brought up as Muslims.

¹⁶ Jordanian law prohibits conversion from Islam; and individuals who do so suffer severe detriment.

which meant that as a non-citizen of Jordan, HNA feared that the Jordanians would simply transfer him to the Syrian authorities, with the likely consequence of being killed.

With the assistance of local Christians, HNA was moved to a safe house for his own protection. The local church acted at considerable risk and at its own expense to aid the family. HNA has a very perilous existence in the safe house, unable to work or go out and reluctant to send his children to school, where they could be targeted for assault or abduction if it became known that they were converts to Christianity.

The issue before the court was whether the 99% selection rate of Sunni Muslims for resettlement in the United Kingdom raised a presumption of discrimination against religious minorities. HNA relied upon the case of *DH v Czech Republic*,¹⁷ wherein it was argued that when a public body was faced with statistical evidence so extreme, it (in this case, the Home Office) had a “duty to inquire” to ascertain the reasons.¹⁸ HNA also argued that apostates from Islam formed a unique class of vulnerable individuals who needed a safe passage to access the process for consideration in the VPRS.

The Home Office argued that “religion” is one of the five “Convention reasons” (under the 1951 UN Convention on the Status of Refugees) for determining whether someone is a refugee,¹⁹ and any further specific vulnerabilities and protection needs are considered after acceptance as a refugee. Thus, previous genocidal events or evidence of widespread discrimination on grounds of religion were irrelevant. Moreover, the Home Office averred that religious minorities have stronger local support networks and greater diaspora opportunities and that they dislike the stigma of registration as a refugee. For the Home Office, Christians and other minorities were not subjects of any discrimination in Jordan. The UNHCR claimed jurisdictional immunity and chose to present no evidence, thereby avoiding review by the court.²⁰ The UNHCR could not be questioned on the dearth of religious mi-

(Australia: Refugee Review Tribunal 2009).

¹⁷ (2008) 47 EHRR 31. In paragraphs 186-188 the European Court recognises that there should be less strict evidential requirements in cases of indirect discrimination as the issue was not neutrality of the law, but how the law was applied. In *DH*, indirect discrimination was established by the use of statistical evidence. In *Orsus v Croatia Appl. No. 15766/03* [152-153] supports the use of statistical evidence to establish discrimination, but on the facts of this case, the statistical evidence was not sufficiently clear in relation to Roma children.

¹⁸ *Secretary of State for Education v Tameside BC* [1977] AC 1014; *The Queen (on the application of Plantagenet Alliance LTD) v Secretary of State for Justice and Others* [2014] EWHC 1662.

¹⁹ ‘and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality...’ (UN General Assembly 1951: Art. 1A2).

²⁰ Article 105 United Nations Charter 1945.

norities selected for the VPRS, their selection processes or even their decision not to provide separate camp facilities for members of religious minorities.

Evidence from one charity that worked with refugees and from a Syrian Christian family who had settled in the United Kingdom was presented regarding the UNHCR's harassment of religious minorities.²¹ It was further submitted that the governments of Australia and Belgium do not use the services of the UNCHR because of multiple concerns.

On 26 July 2021, Justice Jacobs rejected the case for judicial review and an appeal was declined. Jacobs held that the statistical evidence was inconclusive on discrimination, and that further information was required as to the percentage of Christians who had sought refuge in Turkey, Lebanon, Jordan and Egypt.²² The adverse treatment of HNA at the UNHCR was likely committed by rogue officials, the decision stated, and HNA should have pursued a complaint about his treatment within the UNHCR. Not surprisingly, HNA had no faith in the availability or effectiveness of the complaint process and believed that pursuing such a complaint would bring further risk to his family.

4.2 The missing judicial notice of evidence of persecution

Justice Jacobs refused to take judicial notice of the plight of religious minorities in Islamic states, which is well known. The UNHCR should have been aware of the discrimination and addressed it. While this fact alone might not prove that the UNHCR was acting in a discriminatory manner, it should have created a presumption that needed to be rebutted by the UNHCR.

In *FG v Sweden*,²³ a case regarding an Iranian Muslim convert to Christianity, the European Court of Human Rights (ECtHR) imputed to contracting states the knowledge of discrimination against religious minorities in Muslim-majority states. Although this case involved the expulsion of an asylum seeker who elected to claim asylum on the basis of his political activity, rather than conversion to Christianity, after entry into Sweden, the ECtHR drew a distinction between general and specific risk when it interpreted the European Convention on Human Rights and Fundamental Freedoms (ECHR 1950).

²¹ The Christian family were phased to be settled in the United States, but on conversion to Christianity the UNHCR labelled them as a security risk (presumably terrorism). Because the United Kingdom Government would not disclose the reasons for their refusal for consideration on the scheme, a claim could be brought with Discovery of documentation. They were admitted to the United Kingdom without the need for a trial and Discovery.

²² Statistical evidence that cannot be obtained by a non- governmental agency; and unlikely to be obtainable at all.

²³ Appl. No. 43611/11 of 23rd March 2016: *Grand Chamber*. 41 *BHRC* 595 [2017]. See paragraphs 126-127.

The ECtHR considered the case under Article 2 (right to life) and Article 3 (risk of inhumane treatment) if FG were returned to Iran after having left Islam for Christianity. The ECtHR recognised that the claim was based on a “well-known general risk [and] when information about such a risk is freely ascertainable from a wide number of sources, the obligations . . . entail that the authorities carry out an assessment of that risk of their own motion.” The court further held that this requirement “applies in particular to situations where the national authorities have been made aware of the fact that the asylum seeker may, plausibly, be a member of a group systematically exposed to a practice of ill-treatment.”

The ECtHR has clearly established a principle that contracting states to the ECHR should be aware of the plight of apostates in Islamic states and of systemic discrimination against religious minorities. This fact is so self-evident that courts should consider this fact on *their own motion*, even if a party does not raise it.

In *AA v Switzerland* (2019), the fate of an Afghan Hazar Muslim who converted to Christianity was considered by the ECtHR, which found that a breach of the Convention would occur if the individual was returned to Afghanistan. The ECtHR noted that the death penalty for apostasy was applied in Afghanistan, and it considered the UNHCR Guidelines for Assessing International Protection in making its decision. This judgment was *prior* to the Taliban takeover of Afghanistan in 2021.

In *MAM v Switzerland* (2022), similar considerations arose in relation to a convert from Islam to Christianity who was facing removal to Pakistan. The ECtHR recognised the plight of religious minorities and particularly of converts from Islam. The ECtHR relied on the UK Home Office’s 2021 Policy on Pakistan Converts in determining that return to Pakistan would be in violation of human rights.

In *HNA*, Justice Jacobs could also have considered the many national regional resolutions declaring a genocide in Syria. These resolutions establish clear international recognition that the levels of violence against the religious minorities had risen to the level of genocide, in particular against the Christian and Yazidi communities.

Resolution 2091 (2016) of 27 January, by the Parliamentary Assembly of the Council of Europe, declared that “States should act on the presumption that Da’ish [Daesh] commits genocide and should be aware that this entails action under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide.”

Resolution 2016/2529 of 4 February 2016 by the European Parliament stated that genocide was being committed against Christians and Yazidis.

On 17 March 2016, US Secretary of State John Kerry designated that Christians, Yazidi and members of the Shi’a faith were subject to genocide following a congressional resolution from both the Senate and the House of Representatives.²⁴

²⁴ H. Con. Res. 75 of 393-0.

On 20 April 2016, the UK House of Commons resolved that “Christians, Yazidis and other ethnic and religious minorities in Iraq and Syria are suffering genocide.”²⁵ A resolution by the House of Commons is an act without direct legal effect but remains one of importance, as the government must maintain the support of MPs. After the passing of this resolution, the government responded that the House of Commons had no capacity to determine an occurrence of genocide, since this can be done only by the United Nations.²⁶

All the above resolutions refer to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which took effect in 1951.

5. Implications for refugees from Afghanistan

5.1 Background

The fall of the government of President Khazi of Afghanistan and the return to power of the Taliban in August 2021 brought to the fore the plight of the estimated 8,000 to 14,000 Christian converts²⁷ remaining in the country.

Religious freedom was already highly restricted under the Khazi administration,²⁸ but the Taliban’s strict interpretation of Islam placed apostates in a life-or-death situation.²⁹ All four schools of Hanafi shari’a in Sunni Islam, as well as the Ja’fari (Shi’a) which predominates among the Hazara in Afghanistan, state that any sane adult male who leaves Islam should be executed. Both the Hanafi and Ja’fari schools of Islamic jurisprudence regard apostasy as a *hudud* offence, i.e. a penalty articulated in the Qur’an and the Hadiths of Muhammad, and thus as one that must be carried out strictly.

The Taliban regard the entire Christian community as apostates and there has been no recognised church in Afghanistan at any time (as there is, for example, in Pakistan). The Hindu and Sikh communities have been recognized and in 2013 they were granted a seat in the Afghan Parliament (Jirga).³⁰

²⁵ Division 244 of Ayes: 278, Noes: 0.

²⁶ This statement by the Government is legally uncertain. It has prompted a peer to submit the Genocide Determination Bill (UK Parliament 2022a) but Parliament cannot grant jurisdiction to the Courts: it is for the Courts to determine jurisdiction or deference.

²⁷ In 2001 it was estimated there were approximately 7,500 Afghan Christians in 1995 prior to the Taliban coming to power. (Barrett et al. 2001:49) In January 2022 the USCIRF estimated there to be 10-12,000 Christians in Afghanistan. (USCIRF 2022) Some Afghan house church leaders have put the figure at 20,000.

²⁸ Article 2 of the Constitution of Afghanistan 2004 provides “Followers of other faiths shall be free within the bounds of law in the exercise and performance of their religious rituals”. Article 3 provides: ‘No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan’. The Shi’a Personal Status Law, 2009 addresses apostasy.

²⁹ There is no recognised indigenous Christian population in Afghanistan. Christians are viewed as apostates.

³⁰ Germany alone has granted asylum to some 6,631,000 individuals since 2015.

The lack of any formal recognition of the Christian community in Afghanistan has resulted in significant violations of their religious human rights even during the period of a Western-backed government. During this period, Christians collectively and individually were subject to assault by family members, the government and Islamists. Furthermore, the US government's agreement with the Taliban in February 2020 for the withdrawal of US forces sought no concessions on human and religious rights (USDOS 2020).³¹

During the period of the US-backed Afghan government, fatwas were issued against Christians (Sookhdeo 2021). In the 2004 Rahman case, the very concept of transforming Afghanistan into a pluralistic society was called into question. Abdul Rahman, a convert to Christianity, was convicted of apostasy by a shari'a court and sentenced to death, but due to media pressure he was declared insane by the Afghan authorities as a compromise and permitted to seek asylum in Italy (BBC 2006).

Currently, the Taliban are in the process of removing all non-Muslim religions from the country; the Hazara ethnic group are predominantly Shi'a and are also under strain. The main religious minorities are Shi'a Muslims,³² Ahmadi Muslims, Sikhs and Hindus. Prior to 1996, it was estimated that the Hindu and Sikh population numbered 250,000; current figures are now in the region of 300. The sole Jew remaining in Afghanistan left in 2021 (Steinbuch 2021).

Afghanistan's neighbours are also Muslim-majority states: Uzbekistan, Tajikistan, Turkmenistan, Iran and Pakistan. Thus, Afghan Christians who seek refuge in any of these states will still be regarded as apostates. Muslims seeking asylum can go to these Islamic countries whilst Christians cannot live freely there. For example, the Hazara have a regional protector in Shi'a Iran. There is a conflict between needing to leave Afghanistan and a desire to live in a Western country.

Many Christians have fled to Pakistan as the only realistic option. Whilst there is a Christian community in Pakistan, apostates remain in danger. Pakistani Christians live under extreme pressure from a number of long-standing issues, such as the country's blasphemy law, abductions, rapes, forced conversions and forced marriage of Christian girls to terrorists (ICJ 2015, Ackerman 2018, The Guardian 2013).

The UK's All Party Parliamentary Group on Freedom of Religion or Belief has published a report on Islamist violence against Christians between October 2001 and August 2015 in Pakistan. Terror attacks were recorded against Churches, leaders, and individuals (UK Parliament 2022b).

³¹ Although at that point in time, President Khazi was expected to remain in power post 2021.

³² Sunni and Shi'a Muslims split over the succession of Muhammed. 85% of Muslims are Sunni and the two sects have distinct theologies. There is often animosity between the sects; each regarding the other as non-Muslim.

5.2 The Afghan Citizen Resettlement Scheme

In August 2021, the British government announced the establishment of the ACRS, committing, in conjunction with the UNHCR, to the resettlement of 20,000 at risk individuals over a five-year period. The ACRS was premised on the VPRS, which had operated from 2015 to 2020. The government stated, “Priority will be given to women and girls, and religious and other minorities, who are most at risk of human rights abuses and dehumanising treatment by the Taliban.”

Whilst the ACRS pays lip service to religious minorities, there is great concern that the Christian community will be ignored as occurred in the VPRS, especially if the UNHCR is used as the partner agency.

On 6 January 2022, the ACRS came into effect with an announcement by Victoria Atkins, Minister for Afghan Resettlement. During debate on that day, the Minister informed the House of Commons that flights had been specifically arranged for LGBT individuals. She stated, “The Government are working with Stonewall, Micro Rainbow and other LGBT charities to support those cohorts and help them to set up their new lives in the UK.” The basis for the three cohorts of flights provided for the LGBT community was unclear, but it appeared likely that they constituted “leave outside the rules,” which is a discretionary prerogative power of the Crown. No religious minorities were accorded similar treatment and an MP stated during the debate that “people from religious minorities feel abandoned to persecution or worse.”

In the end, both LGBT and religious minorities have similar difficulties: both groups have a “lifestyle right” and suffer disproportionate persecution in Islamic States. Their situation is more serious than that, for example, of the plight of Afghan judges, who being Muslim are likely to be able to seek safety in surrounding Muslim states. Christians have no nearby safe haven, and the relationship of Islam to homosexuality is complex and multifaceted.³³

As the Afghan ACRS is based on the previous Syrian VPRS, from our examination of the background, operation, problems and criticisms of the VPRS, the ACRS will likely be plagued by the same difficulties.

6. Conclusion

The fact that HNA’s case had to be brought at all is quite simply a scandal. For five years after the introduction of the VPRS, figures were filtering back to the Home Office showing that 99% of those accepted were Sunni Muslims. This statistical imbalance should have been enough for the British government to express concerns to

³³ In *HJ (Iran) v Secretary of State for the Home Department* [2010] UKSC 31, the Supreme Court recognised that homosexual relationships could be conducted in Iran if done so *discreetly*.

the UNHCR and require some justification. However, not one email, call or inquiry was made by the Home Office to the UNHCR requesting an explanation.

HNA asked the court to require the Home Office to ascertain the reason for this discrepancy, but the court rejected this request on the principle that evidence on behalf of the Crown must be accepted.³⁴

What makes the inertia by the Home Office particularly egregious is that national and regional resolutions had recognized that certain religious groups had been subjected to genocide within the meaning of the Genocide Convention.

Whilst it is hoped that the UNHCR will adopt higher stands of conduct towards Christians in Afghanistan who seek assistance and consideration for resettlement under the ACRS, it is likely that this extremely vulnerable group will be abandoned. Those Afghan Judges and sporting personalities (Alarabiya News 2021) who have been accepted in Western countries would have been able to resettle safely in nearby Muslim countries.³⁵

Law and politics can be two sides of the one coin. There can be blindness to the obvious, as for example to the fate of the Jews in National Socialist Germany. Now, again, there is a wilful blindness to the fate of the Christian communities of Syria, Iraq and Afghanistan. In this situation, the phrase “never again” should be directed to all of us.

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³⁴ A rule of law in England and Wales, that the evidence of the Crown must be accepted unless it can be directly contradicted.

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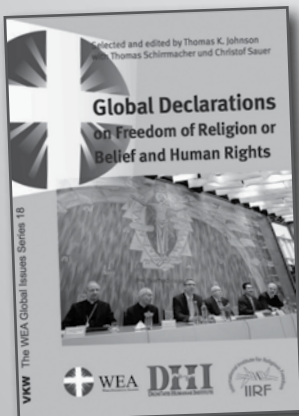
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Oppressive Neutrality?

An examination of the current secular humanitarian discourse and its effect on religion, religious minorities, and policy practice in the Netherlands

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Abstract

The steep increase in sectarian violence in Western European refugee centers caused uproar throughout the continent. European citizens wondered how this could happen in their backyard. Even though policy changes have been implemented to counter this threat, problems persist. The dominant secular discourse on humanitarianism seeks to address these challenges through a materialist approach. An analysis of the current discourse and its effect on humanitarian policy practice both internationally and at the national level reveals its limitations, suggesting that a reassessment of religion within humanitarianism is of paramount importance.

Keywords secularism, humanitarianism, religion, religious minorities, Dutch refugee centers, refugee policy, FoRB.

1. Introduction

Ever since the escalation of the Middle Eastern conflicts at the beginning of the 21st century, there has been a steep increase in sectarian violence at refugee camps, especially in the Middle Eastern and North African region. Religious minorities suffered similar targeted violence at Western European refugee centers as well, causing public uproar and disbelief throughout the continent (Open Doors 2017; Fox 2015; Volk 2016; Amnesty International 2016). Having this type of violence in one's own backyard caught many Europeans by surprise, and both international and national focus groups were assembled to tackle this issue. Yet even after multiple reforms, problems persisted. Why?

As secularism has undergirded Western policymaking for centuries, its limits within humanitarianism have become clearer. Through its values of neutrality and

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universality, secularism is expected to provide a neutral basis on which pluralism can be maintained. However, rather than doing so, it prescribes what ought to be the appropriate response for humanitarian organizations. Instead of providing an *absence*, or a void left after the disappearance of religion, secularism can more accurately be described as a prescriptive presence, assigning the “appropriate” place religion should have in the field.

Religious minorities often suffer extreme persecution (CHR 2002); in fact, religion is frequently the main factor causing them to abandon their homes. The secular discourse in humanitarianism promotes a material approach to aid, undermining and even omitting the religious needs of refugees. But reality is more complex and goes beyond what the secular notions encompass, and an environment of religious pluralism demands a deeper understanding of religion for human rights standards to be fully met. By looking at policy practice on the international, national and local level, in particular in the Dutch context, the structural shortcomings of the current dominant discourse become apparent. For example, the safety of religious minorities remains a major challenge, and the conflation of freedom of religion and belief (FoRB) and LGBTQ-related issues is resulting in inadequate and unbalanced policy practice. In a recent study, the Research and Documentation Centre of the Dutch Ministry of Justice and Security calls the religious neutrality of these centers a galvanizing issue, recognizing that the current discourse offers no easy solutions (WODC 2021). On all three policy levels, similar issues were found, originating from a one-dimensional understanding of religion. This suggests that it can be useful to critically assess secular assumptions within humanitarianism, so that more adequate solutions for humanitarian challenges can be found.

2. Secularism and humanitarianism

To make sense of the current challenges, this study looks at the issue of discourse, or the language and framing that are used to analyze and understand issues (Fairclough 1992). I do so without accepting the far-reaching ontological assumptions of critical theory, which – drawing from Marx and Gramsci through Bourdieu – denies the existence of truth outside one’s subjective perception and reduces language to sheer power dynamics, a notion especially pursued by Foucault. Even though this study departs from that line of thinking, the analytical approach of critical theory is useful in showing how secular framing has created a dichotomy between faith and reason that reaches beyond its intended legal responsibility of creating a neutral shared space and into a much broader range of social contexts. Modern Western society is best characterized by the ascendance of secularism at the expense of religion in public and private life. Religious beliefs have ceased to be considered *functional*, as science’s insistence on

naturalistic explanations rendered the acceptability of religions' reliance on the divine as an explanation unacceptable (Barnett and Stein 2012). There are different discourses by which we can consider the relationship between religion and the humanitarian needs of displaced persons, the motivations of humanitarian actors, and the appropriate responses. A frame, then, that incorporates religion when considering these questions would be very different from a materialistic one. A growing body of research has suggested that within humanitarianism, a conceptual structure called *functional secularism* is maintained to accommodate these differing frames (Ager and Ager 2011; Eghdamian 2014).

The chief aim of secularism can be described as the separation of religion and politics. Not only should the two be kept separate according to secularism, but religion ought also to be relegated to the private realm, rendered irrelevant to politics and other aspects of the public (Wilson 2012:28). Jakobsen (2010:34) describes secularism as "providing a framework for general interaction, through the protocols of universal reason, under terms universally shared, regardless of the religious commitments of participants." Ideological neutrality is then seen as the legal basis on which terms can be set and by which pluralism can function (Bender and Klassen 2010). Even though this secular framework is intended for application within the context of the legal responsibilities of the state, in practice this is not the only realm in which its premises are enforced. Beyond its constitutional function of regulating public life, the secular framework is constructing public institutions demarcated from spiritual engagements, which sometimes explicitly restrict religious practices. A good example is the economic market, where actors might also have religious motivations, praying for success and forming alliances with fellow religionists. But their practice is set by explicit secular terms (Calhoun et al. 2011). As will be shown, this is also the case for humanitarianism and its actors.

Politically, we can find the roots of secularism in the Peace of Westphalia. In the Westphalian presumption, the system of secular nation-states is portrayed as the ultimate solution to war, devastation and upheaval fueled by differing worldviews (Scott 2004). Hurd (2004) describes the development of secularism within modern politics as a powerful influence and fundamental organizing principle. Without going into further detail of the well-known secularization thesis, the emergence of the post-secular has been acknowledged and has received attention throughout social theory for some time now. For example, Casanova (1994:11), in his seminal work on religion in the modern world, referred to the secularization thesis itself as a myth. Even though it still carries some explanatory power, and even though there is still little evidence of religious revival among the European population apart from the increase in immigrant religions, he later on states that there seems to be a significant shift in the European *Zeitgeist*. Even the French *laïcité* is ready to make

some concessions (Casanova 2008). Nevertheless, within the field of international relations and humanitarianism this process has been rather slow, and the privatization and marginalization of belief are still seen as essential building blocks for modern international politics (Mavelli and Petito 2012).

As a social model that seeks to provide a common purpose within a pluralistic context, secularism is a noble endeavor and has indeed brought about the aforementioned space for plurality. It does, however, face many challenges and is politically complex. With regard to humanitarianism, where for example can we find the boundary between secular assumptions and religious legitimacy on issues such as schooling, identity or public worship, as mentioned in article 4 of the 1951 Refugee Convention? The way in which secularism serves to legitimize and delegitimize certain discourses on questions such as these occurs constantly yet is hardly acknowledged. This will be demonstrated later when we look at how issues concerning the LGBTQ community and religious minorities, respectively, are handled.

A key source of this tension can be found in the secularist appeal to “the protocols of universal reason” (Ager and Ager 2011). When reason informed by the naturalistic worldview is expected to regulate participation in the public sphere, as posited by secularism, this by definition excludes participants “for whom reason alone does not arbitrate truth” (Ager and Ager 2011:459). The consequence of reducing truth to the secular definition of universal reason, is that we are left with a materialistic focus. Often, secularization narratives present religion as merely an illusory solution to problems that could be solved more adequately by modern secular approaches (Calhoun 2011). In other words, only that which is materially measurable is seen as reasonable. This materialism, in turn, has become the determining ideology for functional secularism (Ager and Ager 2011).

3. Functional secularism, religion and the humanitarian agenda

Now that we have outlined the philosophical and conceptual implications of functional secularism following Ager and Ager, a clearer view of the tensions experienced by religious minorities within the humanitarian system can be gained. Ager and Ager state, “In contexts where open dialogue is crucial, functional secularism disables necessary discussion by requiring the separation, indeed hermetic insulation, of the public discourse of humanitarianism from the discourse of faith” (Ager and Ager 2011:460).

Functional secularism does not provide the neutral framework it claims to offer, but rather acts as a judge deciding whether anything is of value by what it can offer in materialistic terms (Ager and Ager 2011). Within the field of international relations, religion mostly falls prey to a reductionist, utilitarian worldview. Its material merits are considered, its dynamics reduced to behaviors. Within humanitarianism,

this process is similar. Barnett and Stein describe the separation of politics from religion as reaching its height in the 1970s. The International Committee of the Red Cross's definition of humanitarianism as impartial, independent, and neutral provision of lifesaving relief in emergency settings exhibits a restrictive material focus. Although many favor this definition, some critiques point out that this focus on lifesaving relief is an unnecessary limitation. After all, there are multiple ways in which people attempt to relieve suffering of others, and material relief is merely a treatment of symptoms rather than addressing the underlying, long-term causes of suffering (Barnett and Stein 2012). The secularist humanitarian agenda considers religion in terms of what it can contribute to the material agenda, such as social cohesion, structure, and social capital (Ager and Ager 2011:461). Indeed, the one-dimensionality of this approach is apparent. Although these factors might be fruits of religious affiliation, faith carries a much broader, profoundly existential value. Since worldview, truth claims, and identity are foundational aspects of religion, considering only the fruit rather than the tree from which it stems would be inadequate.

The secular frame also obscures the tendency to impose materialist values. Through its call to universal reason, functional secularism posits a dichotomy between faith and reason. Secularism's normative view that religion must be relegated to the private domain impedes the possibility for the sacred and secular to meet in a meaningful way. As noted earlier, secularism does not merely facilitate an equal playing field for diverse beliefs; rather, it is an ideology that goes beyond affirming the virtues of the ostensibly neutral. It is not merely an *absence*, as it is often understood – or what is left if religion fades. It is very much a presence. It informs our material practices and how we build institutions in the world (Calhoun et al. 2011). These practices shape the humanitarian discourse and render humanitarianism resistant to faith-based agendas. The lack of awareness of the ideological nature of secularism can easily facilitate an imposition of its materialistic values by humanitarian organizations (Ager and Ager 2011).

4. The international level

Currently, within the humanitarian field, there are two widespread assumptions pertaining to religion. The first sees it as a form of identity politics, used to push one's own agenda (Eghdamian 2017). Second, as previously established, it is seen as a non-essential part of humanitarianism. Drawing on these two prevalent ideas, humanitarian actors seek no in-depth engagement with religion in the practicalities of their work, referring to neutrality and universality as core aims of humanitarianism (Eghdamian 2017:6). Institutional engagement by faith-based organizations (FBOs) is seen as acceptable, yet it is always evaluated through the secular lens.

This leads most FBOs to employ so-called self-framing, where their work is validated only in materialistic terms. This practice circumvents religion and omits its many roles, still seeing it as a questionable asset in the field (Fiddian-Qasmiyeh 2011).

Eghdamian (2017) illustrates the perceived obsolescence of religion by pointing out that the UN High Commissioner for Refugees' resilience report (UNHCR 2016), launched during the height of the Syrian refugee challenge, cited eight categories as essential, none of which made any reference to religion. Since the secularist frame favors the materially verifiable, more complex and immaterial issues are omitted. The UNHCR keeps a comparatively complete dataset on registered refugees. These gathered data entail details such as age, gender and material and health needs, whereas the presence and experiences of religious minorities have been omitted (UNHCR 2016). In an interview, the chief (at that time) of refugee status determination for the UNHCR's Division of Protection (DIP) stated, "After having completed the take-in done by the UNHCR, religion is a question we ask yet we don't make it a compulsory one. Sometimes, our host country asks for our gathered data, so we need to be conscious about what we gather" (B. Tax², personal communication 2016).

This is an important point, as the neutral aspiration of the secular notion promotes security. Because the UNHCR is often asked to disclose its dataset with host countries, having one's religious affiliation known by the local authorities can be dangerous and compromising for the refugee. Nevertheless, camp enrollment is an intimidating process in which members of a religious minority group often find it difficult to trust the UNHCR officers, who typically belong to the majority group in the host country (Eghdamian 2017). Fear is said to be an important factor in refugees' decisions not to enter a camp (Tax, personal communication 2016). This fear is substantiated as the former UNHCR director of DIP stated: "As is the case with most causes for people to flee, be it natural disasters or conflict situations, most religious minorities face the same persecution in their new place of refuge as typically the social context and relationships remain similar for them" (Batchelor 2016).

The UNHCR has increasingly been taking substantial steps to address these problems, as was confirmed by a UNHCR's senior legal counsel in an interview (Anonymous³, personal communication 2022). One recent such step is the adoption of the Global Compact on Refugees, in which a holistic approach to refugee communities is pursued, including religious minorities (UNHCR 2022). In it, one can find the culmination of the three main initiatives pertaining to religious minorities: the Age, Gender and Diversity policy, which addresses the needs of minority groups in general, including members of the LGBTQ-community (UNHCR 2011);

² Chief of Refugee Status Determination Section of the UNHCR Division of International Protection (DIP).

³ Senior law advisor to the UNHCR.

the High Commissioner's Faith and Protection Dialogue of 2012; and the Welcoming the Stranger initiative launched in 2013, in which religious leaders of the five major faiths launched a joint statement on hospitality to refugees (UNHCR 2013). Even though religious issues have not been a priority for the UNHCR, this increased attention signifies a shift towards a post-secular understanding of humanitarianism (Anonymous⁴, personal communication 2022).

5. The national and local levels

Moving on from the international setting, the challenges posed by functional secularism can be seen on the national and local levels as well. The Dutch refugee centers maintain a strictly secular discourse, and problems pertaining to the use of the functional secularist discourse in this humanitarian setting are readily apparent.

The Central Agency for the Reception of Asylum Seekers (COA) is the Dutch agency responsible for the reception and supervision of asylum seekers coming to the Netherlands. As the COA is responsible for receiving all asylum seekers and refugees into Dutch society, it had the duty of providing for the reception, supervision, and departure of refugees. The COA's main mission is to provide a "safe and livable environment" ensuring that the reception of asylum seekers is maintained as manageably as possible for both "politicians and society" and enables the COA to give an account for its acts. The COA also works closely with other organizations, including the Immigration and Naturalization Service (IND),⁵ Immigration Police and the Repatriation and Departure Service.⁶

The COA performs a political assignment as an independent administrative body, the duties of which are laid down in the "Wet Centraal Orgaan opvang Asielzoekers" or, in short, the COA Act (Ministry of Justice and Security 2020). Article 3 of this law stipulates that the COA must provide for both the material and the immaterial shelter of asylum seekers. Safety is another focal point for the COA refugee centers. As an organization, the COA answers directly to the Ministry of Justice and Security (Ministry of Justice and Security 2020), which has been established through the COA Act, in which its tasks and responsibilities are stated. The guiding principle for the entire Dutch aliens' chain is the so-called *Vreemdelingenwet 2000* (Vw 2000), or the Aliens Act of 2000. Since the Netherlands is a co-signer of the 1951 Refugee

⁴ Senior law advisor to the UNHCR.

⁵ The IND oversees the Dutch admissions policy. It assesses every application for asylum or Dutch nationality. Besides handling admissions, the IND guards the borders. As an agency, it falls under the Ministry for Justice and Security.

⁶ The Repatriation and Departure Service (DT&V) oversees the departure of asylum seekers whose request has been denied. As the asylum seekers themselves are responsible for their own departure, the DT&V mostly encourages their return to their country of origin. If departure is refused, possibilities for compulsory deportation are considered.

Convention with its 1967 protocol, the Vw2000 acknowledges this document as an integral part of its policy. Other key documents informing the Vw2000 are the European Convention on Human Rights, the UNHCR Handbook, and the European Qualification Directive 2011/95/EU on a uniform status for refugees.

Although the Netherlands specifically supported the inclusion of Article 4 in the 1951 convention, its implementation within the confines of its aliens' chain is at times problematic. The article emphasizes people's right to the practice of their religion and to freedom with regard to the religious education of their children (UN 1951). Yet instead of providing space for both the sacred and the secular, the secular discourse here relegates religion to what it deems the appropriate place. This tendency can be illustrated by a parliamentary debate on religious immigrants, where in the introductory note it is stated that contributions from religious organizations tend to be marginalized or criticized (Tweede Kamer der Staten Generaal 2007). With secular values as guiding principles, religion is explicitly relegated to the private sphere by the COA centers' policy on conduct: "Political and religious activities which intrude into the personal living space of inhabitants are not allowed" (COA 2019a). Although the aim of this rule is to maintain a controllable and safe environment for all inhabitants, a qualitative study on violence and abuse within the COA's centers showed that 88 percent of the minority inhabitants surveyed did not feel safe or had indeed been victims of physical or verbal abuse. This abuse is similar to what has occurred in the UNHCR refugee camps, including ostracism, physical assaults, intimidation and even stabbings. Drawing another parallel with what the UNHCR has found to be the case in their camps, 69 percent of the religious minorities interviewed felt compelled to hide their faith (Deloitte 2011). One inhabitant of a COA center said concerning this problem, "This is Iraq. I thought I fled to a Christian country, but I don't notice anything. It feels exactly the same here" (COA 2012).

While this is sometimes the only viable short-term solution in a more complex local refugee camp, it is never an adequate one. This fact was also emphasized by UNHCR's former DIP director: "Advising religious minorities to hide their faith, a practice used frequently by all humanitarian organizations, is an inadequate solution which does not address the core of the problem" (Bachelor 2016).

Another issue perpetuated by the secular framing of religion pertains to its privatization. Prompted by a news article about violence in the refugee-centers, parliamentary questions were asked as to whether religious minorities were being intimidated by a majority group. In his response, the secretary general of Security and Justice emphasized that within the confines of a COA center, the practice of faith must happen in a private room, with the consent of other inhabitants of that same room. Using public rooms as prayer rooms was not allowed,

as these must be available to anyone (Dijkhoff 2015). This explicit referral of religious practice to the private domain is not necessarily beneficial to all inhabitants. Although, for obvious reasons, fixed confessional places of prayer should not be developed, the temporary use of rooms for communal prayer does render them inherently inaccessible to the public. In both examples, we can see how the secular discourse relegates religion to an obscure space where neither legitimate discussion can take place, nor can its dynamic nature be understood. Moreover, on its website, the COA (2022) specifically prohibits religious gatherings even within private dwellings, the exception being private family Bible or Qur'an studies. This definition is problematic for example for singles who are sharing their room with others. Where does the appropriate space for religion start? This is a clear example of the complex interplay of secular assumptions and religious legitimacy.

This ambiguous and descriptive role assumed by the secularist frame has even led to a volunteer being expelled from the local premises due to violation of the religious neutrality maintained by the COA (Gave 2021). Discrepancies between policy and practice on this issue seem to be prevalent across different COA centers, leaving volunteers at a loss about what is or is not allowed (Van der Helm 2021). This of course is in deep contrast to the freedom of religion and belief in the Netherlands. Lastly, the suggestion by the COA to seek religious edification outside the premises, even though not consistent with its commitment to "immaterial shelter and a livable environment," seems to be a reasonable temporary solution. However, these centers are often extremely isolated, with the nearest preferred church or mosque unreachable by occupants. Requests to be transferred to a center closer to these institutions are not granted. In Article 18 of the International Covenant on Civil and Political Rights, practicing one's faith both privately and publicly is considered a universal human right. The unavailability of communal worship opportunities within an asylum seekers' center does not cater to this need. Also, harkening back to Article 4 of the convention, these practices by the COA are judicially questionable. These issues have been addressed with the COA in 2016, but nothing has been done to sufficiently answer them so far (COA 2019b).

Measures taken by the COA to counter the issue of safety within the centers exhibit a highly materialistic focus. Independent research into these issues finds considerable effort dedicated to dealing with the challenges faced by the LGBTQ community, yet religious issues are dealt with rather concisely. The main advice for centers is to facilitate separate places for worship – advice that is steadily ignored to this day. A further policy of the COA is to maintain very low-threshold reporting levels for inhabitants who wish to report any allegations of discriminatory behavior

(COA 2012). This is necessary because inhabitants indicated feeling vulnerable and unsure whether reporting would make a difference, along with fears that it might possibly ostracize them from others (Deloitte 2011).

Up to now, there is no known data on the number of religiously motivated incidents in COA centers. The COA looks to the nature of the incidents, such as physical abuse, vandalism, and suicide attempts, but it does not seek to understand whether they have been committed out of religious motives (Dijkhoff 2015). Without seeking to value one issue above the other, one can observe that within humanitarianism, LGBTQ issues are pushing the religious challenges to the margins of the debate, both internationally and on the national level. A senior legal advisor to the UNHCR pointed towards the strength of the LGBTQ lobby as one of the main reasons why it enjoys more attention internationally from policymakers and the media (Anonymous⁷, personal communication 2022).

On the national level, much attention has been given to finding solutions to the challenges faced by refugees who are members of the LGBTQ community. At the same time, solutions to the issues faced by religious minorities are said to be still in their infancy (WODC 2021). For example, there is now an extensive so-called “pink network,” a social network with physical locations where LGBTQ members can go to for support and safety. This service is available throughout the COA centers, and COA staff are actively equipped to deal with LGBTQ-related challenges. At the same time, religious minorities are still advised to seek their community outside the camps, with no substantial effort being made to train staff in much-needed faith literacy. While the value of the LGBTQ-related efforts is obvious and undisputed, this discrepancy is facilitated by the prescriptive character of functional secularism; religion and transcendence are being reduced to a simplistic utilitarian framework, serving its aforementioned material agenda.

Asking people of faith to continue hiding a core part of their identity cuts deep. Yet it is not seen as much of a burden relative to that experienced by the LGBTQ community, because according to secularism, religion should be private anyway and its dynamic aspects are not understood within the current dominant framework.

6. Conclusion

The relationship between humanitarianism and religion is deep and complex. The historical influence of religious traditions and commitments is regularly addressed in the general discourse and accounts of humanitarianism. For example, by references to holy books or to the religious views and backgrounds of key persons such as Henry Dunant or William Booth, faith is acknowledged to be a determining factor and influ-

⁷ Senior law advisor to the UNHCR.

ence in humanitarian development in thought and practice (Stackhouse 1998). Yet in practice, we have found that through the secularist discourse, these roots are not understood other than in terms of materialist values. Religion is considered as identity politics and therefore a threat to neutrality and universality. The secular understanding of religion has undermined the religious needs of refugees by focusing solely on practical, material aspects while the immaterial, religious side has been omitted. However, reality is more complex and goes beyond what secular notions encompass, and an environment of religious plurality demands a deeper understanding of religion for human rights standards to be fully met. The claim of a value-free discourse through universality and neutrality is not possible, and the prescriptive nature of secularism therefore does not automatically ensure the enhanced well-being of religious minorities. Moreover, often FoRB- and LGBTQ-related issues are conflated, resulting in the most salient issue receiving most attention. LGBTQ issues receive extensive attention throughout all COA research, whereas FoRB issues are dealt with only marginally, to such a remarkably minimal extent that even the government has acknowledged the omission (WODC 2021). This is happening despite the very distinct nature of the two topics, showing that the current secularist discourse prevents adequate solutions. Where the UNHCR must deal with variable contexts and must depend on local governments to facilitate a safe environment for religious minorities, a country with a clear commitment to FoRB enshrined in its constitution and an established rule of law, such as the Netherlands, should be able to do so effectively.

A main lesson to be drawn from this study is that faith literacy among humanitarian workers is of paramount importance. This would foster a deeper understanding among humanitarian workers of the very real needs of a large group of refugees. It would also generate a greater understanding of the implicit articles of faith within humanitarianism, opening the way to more integral policies. In the West, this step would place the policies more in step with the fundamentals of most constitutions. An awareness of the prescriptive nature of functional secularism in the field could serve as a valuable catalyst for these changes, which would make a valuable addition to the already invaluable work done by humanitarian workers and organizations throughout the globe.

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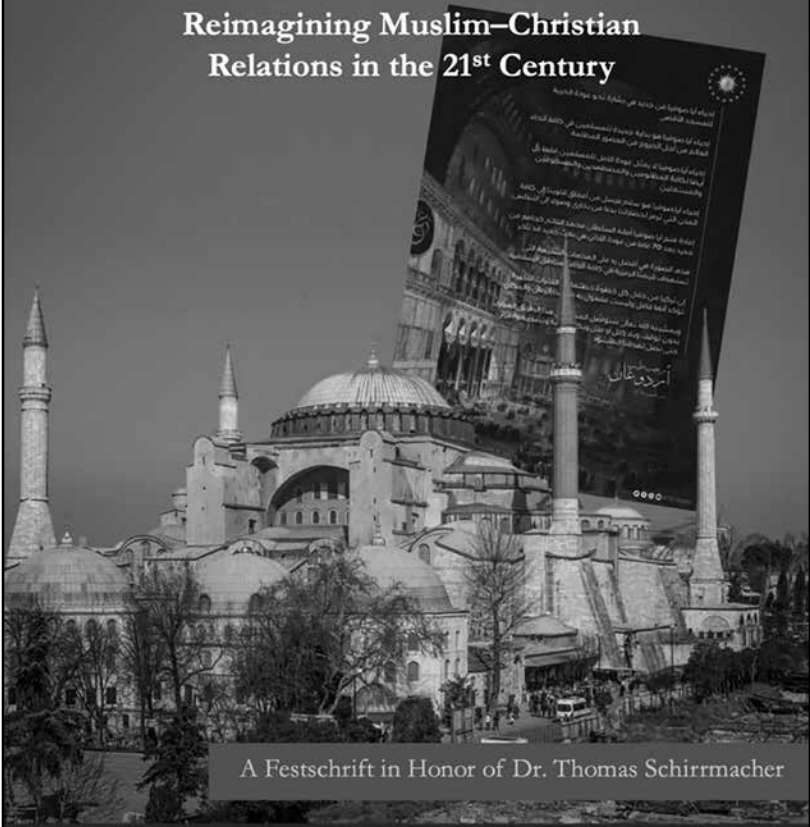
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God Needs No Defense

Reimagining Muslim–Christian
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The intersection between refugees and religion

The challenge of assessing religiously based asylum claims in the European legal framework

Adelaide Madera ¹

Abstract

The present paper investigates the legal issues surrounding religiously based asylum claims and the main patterns adopted in European countries, with a special focus on Italy. It demonstrates the risks resulting from the implementation of contradictory standards across Europe and proposes how European courts could make a significant contribution by establishing common standards. European courts have recently adopted a more interventionist approach, with a view to expanding the range of cases involving religious discrimination, intolerance, and persecution that make the victim worthy of international protection. These recent actions could more effectively safeguard the essential core of religious freedom in all of Europe.

Keywords EU, freedom of religion and belief, refugee status, religious persecution, Italy.

1. Migration flows and international protection

In many parts of the world, the right to freedom of religion or belief does not receive sufficient protection and is subject to growing infringements of various forms (Annicchino 2015:55; Pew Research Center 2021; Spatti and Santini 2020:11-123). This is one reason for the inflow of refugees entering Europe. However, clashes have arisen between asylum seekers in Europe and short-sighted views of the international protections to which these refugees are entitled.

Although the European context has moved toward a broader recognition of the right to asylum, the increasing number of claims for religiously based asylum, due to the rise of new conflicts in Middle Eastern and African countries, has generated new tensions.

Since 2015, the huge increase of migration flowing into Europe has functioned as a “stress test for the European project,” emphasizing the inadequacies of the Common European Asylum System to guarantee an effectively uniform level of protection, and its reductive use as a tool to control refugee flows (Heschl and Stanko-

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vic 2018:105-107). Indeed, member states' reluctance to implement a strong regime of protection is reflected in the adoption of coercive and punitive measures at the state level, and in domestic courts' emphasis on preliminary questions concerning the admissibility of asylum claims (i.e. the most appropriate interpretation of a provision or procedural grounds) (Heschl and Stankovic 2018:105).

There is a growing consensus that the universality of human rights places on states the responsibility to guarantee human rights protections, even beyond "the confines of their borders" (Pérez-Madrid 2015:77). However, the assessment of religiously based asylum claims requires public policies that can navigate between the public interest to safeguard safety, identity and financial sustainability and the implementation of the values of solidarity and tolerance toward vulnerable classes of individuals (De Oto 2016:123; Madera 2018:2).

At the European level, although Directive 2011/11/95 defines parameters for the recognition of refugee status, there is still a fragmented incorporation of international provisions, resulting in a weak implementation of the system of international protection. This legislative mismatch is intensified by the lack of effective techniques for the supervision of international provisions, which contributes to states' hesitancy to convert the obligation to support refugees into an actual duty to provide asylum (Pérez-Madrid 2021).

From my perspective, as a scholar of law and religion, refugee claims remain trapped between two competing interests. On one hand, the European system combines the implementation of the Geneva Convention's aims with the European project "of progressively establishing an area of freedom, security and justice" (Heschl and Stankovic 2018:108). On the other hand, domestic implementation of uniform standards has been scarce and states have increasingly adopted unilateral measures, aiming to reduce migration flows into their country and discourage refugees from entering. Meanwhile, refugees are becoming increasingly distrustful of European policies and seeking ways to sidestep state mechanisms of supervision, to the detriment of genuine cooperation between asylum seekers and host societies.

Starting from the notion and the scope of religious freedom and its "universal vocation" (Licastro 2022:41), the paper will investigate the notion of religious persecution and the issues related to assessing the credibility of and risk factors presented by asylum seekers. The goal is to determine how Europe and member states can best move forward in assessing religiously based asylum claims.

2. The key notion of religion

Religion is one of the elements that allow victims to obtain refugee status. This fact gives rise to an inextricable connection between international protection and the protection of freedom of religion and belief (FoRB; Madera 2018:3). The protec-

tion of FoRB is enshrined in a complex architectural framework at European and international levels, in its internal and external, individual and collective, private and public dimensions.² Article 1(a)(2) of the 1951 Geneva Convention (integrated by the 1967 Protocol) provides a definition of the notion of refugee, even though it is not fully exhaustive, and it enumerates religious persecution as one reason justifying the recognition of such a status.³

A key question concerns where interference with FoRB qualifies as religious persecution that prevents the asylum seeker from returning to his country of origin. In the European context, although there was an original intent to harmonize member states' legal frameworks and adopt common standards to define the status of refugee, the states enjoy broad discretion in implementing the relevant international provisions. As a result, the standards allowing refugees to claim persecution or fear of returning to their homeland can be subject to various interpretations, ranging from expansive to restrictive.

One related issue is how to legally define religion, an issue traditionally considered an "undertaking bound for failure" (Miller 2016:841). The Geneva Convention provides a traditional definition of religion; however, Article 10(1)(b) of European Directive 2011/95/EU (which recasts Directive 2004/83/CE) provides a broader definition of religion that encompasses "theistic, non-theistic and atheistic beliefs." The UN High Commissioner for Refugees has also clarified that religion includes not only belief but also one's identity and way of life, emphasizing the "public dimension" of religion.⁴ Furthermore, comment no. 22 of the Human Rights Committee, paragraph 2, clarifies that the notion of religion cannot be restricted to "established religions" or to groups "with institutional characteristics or practices analogous to those of traditional religions."⁵ In this way, syncretic or idiosyncratic religions are also assured of eligibility for international protection in case of persecution (Ferrari 2017:2).

² See Article 18 of the International Covenant on Civil and Political Rights (ICCPR); Article 9 of the European Convention on Human Rights (ECHR); and Article 10 of the Charter of Fundamental Rights of the European Union.

³ According to Article 1(a)(2) of the 1951 Geneva Convention, the status of refugee is recognized for any individual "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."

⁴ See UNHCR, *Guidelines on International Protection: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, HCR/GIP/04/06, 28 April 2004.

⁵ Such an approach is consistent with the one adopted by the European Court of Human Rights, which extends the notion of religion irrespective of national qualifications and even to secular sets of values if endowed with a "certain level of cogency, seriousness, cohesion and importance" (Santini and Spatti 2020:113).

Although there should be a causal link between the reason (religion) and the act of persecution, religion does not have to be the only cause of persecution; it can be simply linked to other factors that have provoked persecution. On this point, there is no uniform legal approach. Some states require an express causal link, whereas in others, the causal link is investigated within a broader analysis of the claimant's request for refugee status (Pérez-Madrid 2019).

3. A well-founded fear

A key factor in decisions whether to grant refugee status is the presence of a well-founded fear of being persecuted for the reasons found in Article 1 of the Geneva Convention. Such a requirement is based on a "subjective" element (the fear) and an "objective" one (reasonable substantiation of the fear) (Abu-Salem and Fiorita 2016:2). The United Nations has provided several guidelines indicating which acts qualify as religious persecution and has stated that the fear does not necessarily have to be grounded in the personal experience of the applicant. The applicant's religious beliefs and practices and the potential risk that they could trigger religious persecution, along with the situation in the country of origin, are all factors that require careful scrutiny in the assessment of a prospective refugee's claim.

The EU Directive 2011/11/95 (Article 9(1)) provided that an action of persecution must be sufficiently serious by its nature or by its repetition as to constitute a severe violation of basic human rights, in particular of those inviolable rights under Article 15(2) of the European Convention on Human Rights (ECHR), namely the rights to life (Article 2); prohibition of torture, inhuman and degrading treatments (Article 3); prohibition of slavery (Article 4(1)); and no punishment without law (Article 7). It also provided an exhaustive list of actions that can be considered as persecutory so as to justify granting refugee status (Article 9(2)) and of the reasons underlying persecution (Article 10(1)(b)).⁶ The Directive emphasizes that it is irrelevant whether the applicant "actually possesses the religious characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution" (Article 10(2)).

Persecution for religious reasons can also include prohibitions against belonging to a religious community, worshiping in public or in private, proselytizing, or giving or receiving religious education; discriminatory measures against persons practicing their religion or belonging to a religious community;⁷ or forced con-

⁶ The European directive provides also the "subsidiary protection" whereby a person, if returning to the country of origin, would suffer a real risk of serious harm such as death penalty, torture, inhumane or degrading treatment (Articles 2(f) and 15).

⁷ See the UNHCR Handbook, paragraph 72. The 1951 Convention on the Status of Refugees, amended by the 1967 Protocol, grants non-refoulement, though it is not an unconditional right, if the country

version or other requirements to which religious practices must comply.⁸ On this point, many critical issues arise from legal systems where there is no clear separation between religious and secular law and where a right to change religion is not recognized, with the result that apostasy is criminally sanctioned or implies a restriction on access to other fundamental rights (Santini and Spatti 2020:114). Moreover, religion can interact with gender, and women are exposed to a double vulnerability in certain geographic contexts. Their status as “minorities within minorities” (Eisenberg and Spinner-Haley 2009) makes them the object of severely discriminatory laws and customs, and this status should be taken into account when host societies consider their claims to refugee status (Madera 2018:11). Also, cases where generally applicable laws have a disparate impact on specific groups (e.g., LGBT communities) or where civil disobedience (e.g., conscientious objection to military service) results in a disproportionately serious penalty can be considered religious persecution.

It goes without saying that acts of religious persecution can have an impact not only on the right to FoRB but also on other fundamental rights. In any case, states carefully scrutinize the occurrence of a real risk, as a generic and abstract one is not enough to qualify the claimant for refugee status. Discrimination as such does not necessarily result in persecution if it does not provoke serious violation of human rights. The European Directive also provides for the possibility of becoming a refugee after departure from the country of origin (e.g., because of a religious conversion) or due to fears related to events that occurred after the applicant left the country of origin (Article 5).

A further key issue concerns who is the religious persecutor. Although the Geneva Convention has generically stated that a refugee “is unable . . . or unwilling to avail himself of the protection” of his country of origin, the UN Refugee Agency’s Handbook on Procedures stresses that it is not necessary for a state actor to have performed active persecution, as there are cases where state negligence (e.g., tolerance of persecution by other sources, or denial of protection) facilitates religious

of origin engages in serious persecution (article 33). However, according to the 1984 UN Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, non-refoulement enjoys a blanket protection. In the European scenario, non-refoulement is an international law commitment member states are charged with on the basis of Article 78.1 TFEU. However, member states may refoul a refugee relying on the circumstances included in Article 21 of the EU Directive 2011/11/95. In its judgments, not only has the ECtHR banned refoulement in the case of torture or other cruel, inhuman or degrading treatment or punishment but also in the case of a risk of violation of other ECHR provisions (Articles 2, 4, 5 and 6 ECHR) in the country of origin. See European Asylum Support Office, 2018. *Judicial analysis – Asylum procedures and the principle of non-refoulement*, 26-28. EASO, Luxembourg.

⁸ See UNHCR, Guidelines on International Protection: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees, 2004.

persecution coming from non-state third parties. In the European context, although Article 6 of the Directive 2011/11/95 includes state actors, parties or organizations that control the national territory, and non-state actors, some domestic courts are reluctant to recognize religious persecution coming from non-governmental actors.⁹ On this point, Italian legislation (Article 5 of legislative decree no. 251 of 2007) provides that where religious persecution is attributable to non-state actors, the ability of accountable authorities of the state of origin (state authorities, parties or organizations charged with the task of controlling the landscape) to provide appropriate measures against the risk of religious persecution or discrimination must be investigated.

4. Case law of the European Court of Justice

In 2012, the European Court of Justice (ECJ) took a further step in defining religious persecution.¹⁰ The applicants were two Pakistani nationals affiliated with the Ahmadiyya Muslim community who applied for refugee status in Germany, claiming that they had suffered discrimination and religious persecution in Pakistan. The court overruled the domestic decision, which restricted religious persecution only to the violation of the essential core of FoRB. The Court referred to the European Directive according to which violations of freedom of religion and belief resulting in religious persecution must be “serious enough,” because of their nature and recurrence, to establish a “serious violation of fundamental human rights.” However, Article 9(1) of the Directive restricts such fundamental human rights to those inviolable rights grounded on Article 15 of the ECHR. The ECJ determined that the Directive introduced a distinction not consistent with Article 10(1)(b), which covers the applicant’s freedom not only to practice religion privately but also to live it out in public. According to the ECJ, the seriousness of the penalties that the state could adopt against the applicant should be the key factor in determining whether a violation of FoRB can qualify as religious persecution. Thus, the ECJ has made an innovative interpretation of the European Directive, according to which national authorities are charged with the task of assessing whether the applicant, in the light of his personal situation, would face an effective risk of religious persecution in his country of origin (i.e., criminal sanctions or degrading or inhuman treatment under Article 6 of Directive 2004/83).

Finally, responding to a question raised by the domestic court, the ECJ held that the circumstance that the founded fear of persecution would be neutralized if the applicant renounced his religious practices in the country of origin cannot be

⁹ Germany – Federal Administrative Court, 20 February 2013, 10 C 23.12.

¹⁰ ECJ, Grand Chamber, *Bundesrepublik Deutschland v. Y and Z* (C-99/11), 5 September 2012.

considered a relevant standard for judicial assessment. Therefore, an individual cannot be reasonably expected to renounce practicing his religion publicly in order to avoid the risk of persecution; rather, both the public and private dimensions of religion are essential components of a single right to FoRB and enjoy protection under international provisions.¹¹ Moreover, courts are not equipped to assess whether the observance of a religious practice constitutes a central element for the affected community.

According to the Court, therefore, the German authorities did not apply the Directive properly, as there cannot be room for a distinction between acts in terms of international protection that “affect the essential content of freedom of religion and belief which would not include religious activities in public” and acts that “do not affect the supposed essential content.” The ECJ’s expansive approach toward religious persecution has been reiterated in a more recent judgment, where the Court held that access to international protection for religious reasons cannot depend on an individual’s affiliation with an organized religious community.¹²

5. Case law of the European Court of Human Rights

Initially, as a “right to asylum” has not been provided by the ECHR, the European Court of Human Rights (ECtHR) adopted a restrained approach, according to which member states can be charged with a protective duty toward asylum seekers only when their rights grounded on Article 15 of the ECHR risk being violated in their country of origin.¹³ Compared to the ECJ, the Strasbourg Court, Fifth Section, adopted a more cautious approach in a similar situation. *In F.G. v. Sweden*, an Iranian applicant sought asylum in Sweden, alleging the risk of persecution for political reasons (because of the critical opinions he expressed against the Iranian government in an online publication) and due to his conversion to the Christian faith. The majority rejected the application because the risk of persecution was weakened by the circumstance that the applicant kept his conversion as a private matter.¹⁴ Thus, according to the ECtHR, a violation of FoRB should imply also a

¹¹ ECJ, Grand Chamber, *Bundesrepublik Deutschland v. Y and Z* (C-99/11), 5 September 2012.

¹² ECJ, Section Second, *Bahtiyar Fathi c. Predsedatel na Darzhavna agentsia za bezhantsite* (C-56/17), 4 October 2018.

¹³ ECtHR, *Z. and T. v. United Kingdom*, Fourth Section, Decision of 28 February 2006 (app. 27034/05). According to the ECtHR, a violation of religious freedom results in persecution only when the person, “as a result of exercising that freedom in his country of origin, runs a genuine risk of, inter alia, being prosecuted or subject to inhuman or degrading treatment or punishment.”

¹⁴ Furthermore, referring to the European Court of Justice’s ruling, the dissenting judges argued that “national authorities cannot reasonably expect from the applicant that he or she abstain from the exercise of the fundamental right to religious freedom and conscience in order to avoid treatment prohibited under Article 3.”

violation of Article 3 of the ECHR to constitute religious persecution. The Court has upheld a disparate treatment between the “core” and the “fringe” of FoRB in order to narrow “the scope of persecution” (Lehmann 2014:65). Such a reading would undermine Article 9 of the ECHR as an autonomous source of protection of FoRB: only the establishment of a risk of inhuman or degrading treatment would result in a violation of religious freedom that would justify a claim for international protection, as member states cannot be charged with the duty of being “indirect guarantors” of FoRB beyond the European landscape (Licastro 2022:42).

The Great Chamber held that when an asylum seeker bases his claim on individual risk, which does not reflect a general well-known risk, he is charged with the duty to substantiate the risk alleged.¹⁵ In the case under examination, the domestic authorities were aware that the applicant was a member of a group at risk of ill treatment.¹⁶ Also, the majority of judges held that the respondent state’s assumption that the applicant would not be persecuted in Iran because “he could engage in a low-profile, discreet or even secret practice of his religious beliefs” was not reasonably acceptable. Thus, altering the Fifth Section’s earlier ruling, the ECtHR has growingly adopted an interventionist approach that takes into account the status of religious minorities in certain geographical contexts, requires member states to consider situations of doubt to the benefit of an asylum seeker and not to his detriment, and urges a full implementation of international guarantees (Hervieu 2013: 13).¹⁷

The ECtHR affirmed the reasoning adopted in *FG. v. Sweden* in a more recent ruling, *A.A. v. Switzerland*.¹⁸ Here the Court ruled that, taking into account the penalties provided for apostasy from Islam in Afghanistan, the return to his country of origin of an Afghan who had converted to Christianity would expose him to a high risk of inhuman and degrading treatment. Thus, an expulsion would result

¹⁵ However, “considering the absolute nature of the rights guaranteed under Articles 2 and 3 of the Convention, and having regard to the position of vulnerability that asylum-seekers often find themselves in, if a Contracting State is made aware of facts relating to a specific individual that could expose him to a risk of ill-treatment in breach of the said provisions upon returning to the country in question, the obligations incumbent on the States Parties under Articles 2 and 3 of the Convention entail that the authorities carry out an assessment of that risk of their own motion. This applies in particular to situations where the national authorities have been made aware of the fact that the asylum-seeker may plausibly be a member of a group systematically exposed to practice of ill-treatment and there are serious reasons to believe in the existence of the practice in question and in his or her membership of the group concerned.” See ECtHR, Grand Chamber, 23 March 2016 (App. No. 43611/11), *FG. v. Sweden* § 127.

¹⁶ Thus, they had been charged with a stricter “obligation to assess, of their own motion, all the information brought to their attention before taking a decision on his removal to Iran.” *Id.*, § 156.

¹⁷ ECtHR, Fifth Section, 6 June 2013 (app. 50094/10), *M.E. c. France*.

¹⁸ ECtHR, Second Section, 5 November 2017 (App. No. 32218/17), *A.A. v. Switzerland*.

in an infringement of Article 3 of the ECHR. The Court also reiterated that the applicant cannot be asked “to modify his social behavior so as to confine his faith to the strictly private domain” after returning to Afghanistan; instead, it reaffirmed the protection of the “social dimension” of religion grounded in the European legal framework (Bauer 2019).

Finally, in a 2022 judgment, *M.A.M. v. Switzerland*, the Court reiterated the reasoning that the expulsion to Pakistan of a Christian convert would infringe against Articles 2 and 3 of the ECHR. The national authorities analyzed the general status of Christians in Pakistan, without seriously assessing the situation of Christian converts and the personal situation of the applicant. Therefore, in the light of a joint interpretation of Articles 2 and 3 and of the “refugee sur place” principle, and giving salient relevance to the information on the country of origin, the Court upheld the asylum claim. The Court held that Swiss authorities did not scrutinize in sufficient detail the risks to which the applicant would be exposed if returned to Pakistan. Indeed, his manner of manifesting his religious affiliation in Switzerland, his intent to exercise his religion in Pakistan, and his family’s knowledge of his conversion could result in accusations of blasphemy and serious persecution in his country of origin. The new approach seems promising, and analogous reasoning should be applied in any case of a refugee under duress due to religious conversion, regardless of the faith that refugee has converted from and to. However, the court failed to analyze the question of a violation of Article 9 (Tsevas 2022).

6. The analysis of the credibility of the claimant’s conversion

In case of claims for international protection, European judges carefully scrutinize the specific circumstances of the case, taking into account the claimant’s personal situation. However, relevant weight is also given to the credibility of the claimant, even though credibility is not always connected with clear evidence (Abu Salem and Fiorita 2016:7-14). The analysis of credibility or sincerity is extremely complex. On one hand, there should not be state interference in church matters; on the other hand, authorities aim at preventing the risk of fraudulent claims (Licastro 2022:49). In some cases, even a delay in making the request has been considered as a sufficient ground to reject the application. Many cases have concerned conversion to Christianity. A comparative analysis of the case law of state members shows that a formal act of adherence is not considered sufficient evidence; “familiarity with the basic elements of new religion,” considering “individual history, personality, level of education, and intellectual disposition and religious practice in his country of origin,” will be investigated (Berlit et al. 2015:654).

Factors that can give rise to skepticism about the claim include insufficient knowledge of the religion to which an individual claims to be converted, the fact that an individual

does not attend religious services consistently, or the lack of documents declaring one's adherence to a faith. Situations in which the individual changed his faith commitment after leaving the country of origin can add further difficulties to the analysis.

The examination of credibility should be context sensitive as well as narrowly tailored. Social, economic, and educational circumstances, the level of religious repression against a religious community in a specific geographic context, and the importance of religious adherence in the individual's life are all factors that should be taken into account (Pérez-Madrid 2021). The examiners should distinguish carefully between investigations allowed by law and interference in strictly theological or doctrinal matters.¹⁹ In some cases, state authorities have resorted to religious experts. However, this option seems to discriminate against idiosyncratic religions and does not properly consider the hybridization of religious practices due to a community's adaptation to the host society. According to some scholars, the assessment should focus on the effectiveness and severity of the persecution that an asylum seeker would be exposed to if returned to his country of origin, rather than on an intrusive investigation of the applicant's sincerity and knowledge of religious doctrines (Pérez-Madrid 2015:85). However, a higher level of religious knowledge could be expected where religious leaders are concerned.²⁰

7. Italian case law

The Italian constitutional framework reconciles the principles of religious neutrality, equality, and church-state cooperation, resulting in the protection of the negative and positive dimensions of FoRB, and expressly recognizes the right to asylum of all foreigners whose country of origin prevents them from effectively exercising the democratic liberties guaranteed by the Italian Constitution (Article 10.3).

The status of refugee is regulated through legislative decrees no. 257/2007 and no. 25/2008 (which transposed Directive 2004/83/CE), covering also the situation of the "refugee sur place" (Bonetti 2020: 270). Mirroring European provisions, Italian law has adopted a broad definition of religion that includes the components of a belief, an identity and a lifestyle. Furthermore, it is irrelevant whether a person actually possesses the religious characteristic that attracts persecution, provided that such a characteristic is attributed to the applicant by the persecutors (Article 8 of decree 257/2007).²¹

¹⁹ On this point, see the Italian Court of Civil Cassation, First Section, 26 February 2020, no. 5225. The Court held that the assessment of the credibility of the asylum seeker's conversion should not involve an assessment of the individual's path of conversion or his level of knowledge of the rituals and practices of the faith to which he converted.

²⁰ UNCHR, Guidelines on International Protection, 28 April 2014, § 32.

²¹ Court of Turin, decree no. 741, 3 February 2020.

Italian authorities assess whether a foreigner should be granted refugee status by combining an analysis of credibility with documentation provided by government and non-government organizations.²²

Credibility can be assessed by resorting to the elements listed in Article 3 of decree 257/2008, which specifically includes not only the effective situation in the country of origin but also the individual situation of the claimant (Madera 2018:3-4).²³ Thus, courts are required to analyze the political-religious scenario of the petitioner's country of origin (including the relationships between religious groups) and to carefully scrutinize the "subjective dimension" of the claimant (Abu Salem and Fiorita 2016:10-11).²⁴

However, the credibility of the claimant's statement remains a pivotal element justifying the opening of the judicial inquiry.²⁵ The weakening of the burden of proof upon the applicant justifies a pervasive judicial scrutiny of the applicant's credibility (Licastro 2022:49-53).²⁶ Claims for asylum are more likely to be successful if individual statements are supported by papers provided by the petitioners.

In any case, the analysis of credibility, where clear evidence is lacking, is mitigated by Article 3(5), which states that authorities should place significant weight on the thoroughness of the claimant's effort to substantiate his claim, specify the essential elements of the specific situation, and provide all the information at his disposal. Other relevant factors are the coherence of the applicant's assertions and whether he submitted his application as early as possible (Abu Salem and Fiorita 2016:7-14; Madera 2018:3-4).²⁷

In some cases, courts have given priority to the high risk of violation of the individual's fundamental rights should he be sent back to the country of origin.²⁸ Following this perspective, an examination of the constitutional and legal framework of the country concerned is not sufficient to deny the status of refugee (or at least the

²² Court of Cassation I, no. 26056, 1 December 2010.

²³ Court of Venice, decree no. 6198 of 2016.

²⁴ Courts have to assess "whether the situation of exposure to danger for physical safety indicated by the appellant ... actually exists in the country to which the repatriation should be ordered, on the basis of an assessment that must be updated at the time of decision." See Court of Cassation, 28 June 2018, no. 17075; Court of Cassation, 12 November 2018, no. 28990. Furthermore, "in order to deem this obligation fulfilled, the judge is required to specifically indicate the sources on the basis of which he carried out the requested assessment" (Court of Cassation, 26 April 2019, no. 11312), clearly specifying the international sources used in the motivation which courts aim to provide continuity (Court of Cassation no. 11312/2019; Court of Cassation no. 5026, 26 February 2020).

²⁵ Court of Cassation, no. 5224/2013; Court of Cassation, no. 16925 of 2018; no. 28862 of 2018; 30 November 2021, no. 37657.

²⁶ Court of Cassation, First Section, 30 November 2021, no. 37657.

²⁷ Court of Cassation, 16 July 2015, no. 14998; Court of Cassation, 21 July 2015, no. 15275.

²⁸ Court of Milan, decree no. 64207 of 2015.

subsidiary protection) where the effective dynamics between mainstream religions and minorities show a scenario of pervasive religious intolerance, discrimination, repression, and persecution of minorities. The judicial analysis focuses on the key issue of whether the asylum seeker, given his affiliation with a faith community subject to oppression, would face a real threat to his life, or a risk of inhuman and degrading treatment or serious harm (Article 14 of decree 251/2007) in the country of origin. If so, the fact that the threat does not come from the state is irrelevant and emphasis is placed instead on the fact that the state cannot adopt effective preventive measures against the prospective impact of religious conflicts (Bonetti 2020: 279). Well-founded fear can be linked to the objective status of a faith in a certain context, regardless of the asylum seeker's personal experience (Bonetti 2020:285). Claims of well-founded fear have to be carefully scrutinized, taking into account the legislation of the country of origin and the severity and risk of criminal penalties meted out to adherents of non-recognized religions.²⁹

The persecuted conduct is not required to have a strictly religious nature. In certain cases, the element of religion is inextricably connected with gender or sexual orientation. For instance, in Islamic countries, where personal status laws are in force, women are subject to discrimination and even persecution if they do not comply with gender expectations deriving from customary, religious and cultural norms (Madera 2018:1-17). One case initiated a judicial trend according to which family matters or domestic violence against women (pursuant to Article 3 of the Istanbul Convention) can be considered factors justifying international protection when they give rise to the violation of fundamental rights.³⁰ Also, in Islamic countries, gender identity or sexual orientation can expose individuals to serious threats against their life.³¹

The Italian Court of Cassation has recently adopted an increasingly interventionist approach with a view to guaranteeing effective international protection of refugees. It held that courts cannot base their assessment only on the credibility of the claimant and excessively burden the asylum seeker, as the most vulnerable party, with the need to provide evidence of his assumptions; rather, they are charged with

²⁹ Civil Court of Cassation, First Section, 4 August 2021, no. 22275. Recently, courts have stated that "verification of the existence of the so-called intrinsic (or subjective) condition of credibility must be carried out with reference to (and in the context of) the so-called extrinsic (or objective) condition of the same, constituted by the actual existence of a persecution against the belief of faith manifested by the applicant, by ascertaining, also by resorting to the duty of preliminary cooperation, the actual treatment of the religion professed by the central and provincial authorities of the country of origin." See Civil Court of Cassation, First Section, 20 August 2021, no. 23197.

³⁰ Court of Cassation, First Section, 24 November 2017, no. 28152; see also Court of Cassation, Sixth Section, no. 12333/2017, Rv. 644272-01.

³¹ Court of Catanzaro, decrees of 2 July and 7 December 2015.

a duty of active cooperation in the acquisition of the available evidence.³² Courts must also investigate the conduct of authorities in the country of origin, to assess whether they tolerated or opposed religious persecution³³ and to verify whether, in the political context concerned, there are religious-ethnic conflicts that could directly affect the claimant or his specific relationships (e.g., in the workplace). They must also receive reliable external information and collect all the documentation available.³⁴ Therefore, courts should actively investigate religious tensions in the country of origin, whether the persecution is founded on both real or apparent reasons, and whether it could lead to serious harm. Harm cannot be excluded from consideration when the threat comes from private parties, if state authorities are unable to provide effective protection.³⁵ Moreover, the persecution could come not only from the state as a legal system but also from elsewhere in the government structure, such as from policy boards.³⁶

However, the recent approval of a list of presumptive “safe countries” by the Minister of Foreign Affairs and Cooperation and the Minister of Domestic Affairs and Justice (Article 2 bis of decree 25/2008, added in 2018) could seriously undermine the complex framework of international protection, resulting in an increase in unsuccessful applications (Bonetti 2020:286).

The analysis of Italian case law still indicates a partial inability among domestic courts to implement fully international and European standards and to distance themselves from a securitization approach. Courts’ scrutiny often focuses on procedural grounds, to the detriment of full protection of FoRB in its internal and external dimensions. The focus on the claimant’s credibility and the variability of the standards used to assess this credibility could give rise to a dangerous “negotiation of the truth,” which underestimates the impact of the power dynamics in the court setting (Rose and Given-Wilson 2021:221).

8. The need for stricter scrutiny at the European level

Although the notion of religious refugees has given rise to a fruitful interaction between international, supranational and domestic models (Ferrari 2017:28), actually the right to international protection seems trapped between the broad scope of international provisions and their restrictive forms of implementation at the national level. Here, there is a gap between the protection officially granted and its

³² Court of Cassation, no. 26056/2010.

³³ Court of Cassation, decree no. 563 of 2013.

³⁴ Court of Cassation, decree no. 8281 of 2013; ordinance no. 24064 of 2013.

³⁵ Civil Court of Cassation, Employment Section, 10 January 2022, no. 441; Court of Cassation, no. 26056/2010.

³⁶ Court of Cassation, no. 24250/2020.

concrete realization, where the recognition of refugee status is still an “exception” (Kagan 2010:1233). Furthermore, a kind of judicial reluctance to take advantage of international standards can still be perceived at the state level.³⁷

The European courts could be powerful game changers in the implementation of international and European standards with a view to guaranteeing a basic level of protection of FoRB across the continent. Instead, a minimalist judicial approach has often been adopted, in contradiction with the broad definition of the notion of religion and the judicial standards provided not only at the international level (UN High Commissioner of Refugees) but also at the European level.³⁸

For this reason, the European courts should be more strongly committed to rectifying the inadequacies of state legislation and strongly encouraging the adoption of uniform standards of protection at the Europe-wide level. Instead, the recent “deferential” judicial approach (Heschl and Stankovic 2018:112) toward domestic policies risks exacerbating the variety of national policies to the detriment of the implementation of a basic level of protection of human rights in the European landscape as a whole.

First, the notion of religion incorporates not only sets of beliefs but also identities and lifestyles. Following this perspective, not only the intimate sphere of the individual is concerned, but also his practices, traditions, the social-cultural context where he lives, and his family life, emphasizing the public dimension of religion and the complex dynamics between the individual, the religious community he is affiliated with, and the government. Thus, the European courts should promote a broad notion of religion, inclusive of theistic, non-theistic, and atheistic beliefs and convictions.

If the ECtHR also considered Articles 9 and 14, it would adopt a more consistent approach, aligning international guidelines and the European legal approach, with a view to expanding the notion of religious persecution to cases of discrimination, intolerance, and hatred and opening a constructive channel of communication with ECJ case law (Tsevas 2022). A synergistic connection between the two courts’ approaches would be crucial to enable coherent protection of the rights of refugee seekers and their legitimate expectations in the European scenario, with a view to guaranteeing them legal certainty (De Coninck 2018).

³⁷ Germany – Federal Administrative Court, 20 February 2013, 10 C 23.12. The case demonstrates that a higher level of hesitancy can be perceived where persecutory acts are carried out or threatened by non-state actors, if state authorities tolerate them or are unable to prevent them and grant effective protection.

³⁸ In 2016, the Commission proposed revising the Directive 2011/11/95, in the pursuit of a harmonization of standards to qualify for international protection and a codification of European courts’ precedents.

Second, European courts have emphasized that FoRB is a key factor in determining entitlement to refugee status. However, they should more strongly urge the extension of protection against religious persecution, paying more attention to the attitude of the persecutor rather than that of the persecuted. Such an approach would avoid intrusive scrutiny of knowledge of the tenets and practices of the alleged religious community to which a refugee seeker claims to adhere (Šoritè 2018).

For this reason, the religious element should not be relevant only in cases of extreme persecution, but also deserves consideration where the “forum externum” is seriously affected, with a view to taking in due consideration the full potential of Article 9 of the ECHR (Gomasasca 2020:71).

In some cases, even generally applicable laws that appear to be religiously neutral can have a disparate impact on certain religious groups. Some states criminalize particular religiously based behaviors, claiming that they are not persecuting religious beliefs but penalizing conduct that constitutes a criminal offense. Such cases should be carefully scrutinized to balance the evidence of an effective crime against the risk of unjustly accusing members of religious minorities of extremism because of their religious tenets and practices (Šoritè 2018).

Following this perspective, the status of refugee should not be connected mainly with a pervasive analysis of the sincerity and credibility of the claimant’s conversion, which risks interfering with church matters. Furthermore, authorities should cooperate more actively in collecting all the available information on the circumstances of the case, with a view to fully implementing the fundamental right to freedom of religion and belief.

Third, a dangerous securitization of FoRB that would affect faith communities abstractly perceived as a threat should be avoided (Ferrari 2017:230). Every form of disparate treatment between “good migrants” and “bad migrants,” depending on religious, political, economic, or cultural factors, is indeed in contradiction with the main principle of the dignity of every human being and the European standards of responsibility and solidarity grounded on the Lisbon Treaty (Folliero 2016:191). In my view, this issue plays a negative role in influencing the attitude of public authorities toward religious converts and their asylum claims. However, this topic requires more research and could be considered in a future article.

European courts are charged with the task of guaranteeing the fundamental rights of all persons, including the most vulnerable classes of individuals, such as refugees and asylum seekers. If European courts followed the above-mentioned standards more seriously, they would promote the incorporation of such a broad notion of freedom of religion and belief at a domestic level (Licastro 2022). Thereby, if they subject alleged infringement cases to strict scrutiny, they could make a significant contribution toward rectifying the inadequacies of refugee protection

at the domestic level and guaranteeing asylum seekers equal treatment in each member state.

Following this perspective, European courts should counterbalance the states' margin of appreciation through a stricter proportionality analysis, which requires that state measures should pursue a legitimate aim, that the intensity of state measures is consistent with the state's intended aims, that such measures do not go beyond what is necessary to achieve the intended purpose, and that there is proportionality between the advantages gained from state measures and their impact on other rights (Cartabia 2016). A proportionality test requires striking balances between the state's interest in preventing the abuse of religiously motivated asylum requests and the consequences of the denial of international protection for the asylum seeker. Such a proportionality analysis should consider that the ability to mask religious affiliation, should the applicant be returned to the country of origin, cannot be considered as a factor. Indeed, forcing the asylum seeker to make a "tragic choice" (Calabresi and Bobbitt 1978) between camouflaging his religious identity and suffering religious persecution is not in alignment with European guarantees of FoRB. Therefore, persecution should be understood as a broad notion, and the protection of FoRB cannot be limited to its internal dimension.

On the contrary, European courts' self-restraint could result in emptying religiously based protections of refugees of their content and in the failure of the European project of freedom, security, and justice.

In any case, if European courts adopt a more interventionist approach, policies regarding asylum seekers would move away from a "protectionist" perception in which refugees become saddled with a "negative identity" (Mancuso 2021). Moreover, a pervasive European supervision would promote refugees' trust in European policies and reduce attempts to circumvent state control, thereby establishing a more fruitful partnership between asylum seekers and host societies. Indeed, the implementation of clear, uniform standards would facilitate countries' efforts to distinguish between real asylum seekers and economic migrants, with the goal of making the European asylum system more sustainable for individual member states (Heschl and Stankovic 2018:107). This topic is another one deserving further research.

Consistent with this perspective, EU courts should seek to strengthen their dialogue with domestic courts, urging the lower courts to play a key role in compensating for the structural inadequacies of legal systems.

9. Conclusion

The assessment of the claims of asylum seekers still aims frequently at erecting barriers rather than at building a "culture of unity." On this point, Pope Francis has complained many times about a "shipwreck of civilization," which he considers a

failure of democracy. Instead, states should interpret legal provisions with a view to reconciling “humanity” and “justice” (Abu Salem and Fiorita 2016:5).

Although member states enjoy a certain margin of appreciation, a fair balance between the adoption of common standards (unity) and the maintenance of national identities (diversity) is far from attained. National legislations have not fully grasped the opportunities offered by international protection, and there is no uniform approach to defining a refugee. However, nowadays perspectives based on the national dimension of human rights should be revisited within a broader framework, with a view to harmonizing their protection. In various domestic settings, indeed, the status of asylee or refugee for religious reasons has been granted only in very serious cases of hostility in the country of origin. The problem results from a restrictive notion of religious persecution, which is entangled with a shortsighted view of “well-founded fear” and of “religious persecutor,” and with the tendency to place great importance on a controversial assessment of the credibility of asylum seekers. Such approaches risk reducing the protection of religious freedom to its internal dimension and undermining aspects of religious freedom the essential nature of which is grounded in the Geneva Convention and in the ECHR.

Although European courts have maintained their respectful attitude toward national identities, they have recently provided more clear guidelines to member states, for the purpose of expanding the range of cases of religious discrimination, intolerance, and persecution that are worthy of international protection and guaranteeing the essential core of religious freedom in the European landscape as a whole. Following this perspective, European courts should take further steps to revert to their role of “standard setters” (Ferrari 2012:52-53) with a view to harmonizing the protection of religious freedom at the European level and reconciling international protection with national perspectives.

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Assessing credibility in conversion-based asylum claims

Towards a better approach

Lidia Rieder¹

Abstract

This article emphasizes the complexity of credibility assessment in asylum claims involving religious conversion. It outlines national and international legal provisions concerning conversion credibility assessment, along with difficulties associated with them and with their implementation in practice. The article evaluates assessment standards and practices in the United Kingdom and Germany. Finally, it identifies best practices and proposes recommendations to ensure a more objective approach.

Keywords religious freedom, religious conversion, conversion-based asylum claims, procedures for refugee status determination, credibility assessment, religious persecution.

1. Introduction

The human right to freedom of thought, conscience, and religion (UDHR 1948:Art. 18) includes the freedom to “have or to adopt” a religion or belief, which “necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another” (UN Human Rights Committee 1993). This freedom falls within the realm of the *forum internum*, benefiting from the unconditional protection accorded to the inner dimension of freedom of religion or belief (Bielefeldt, Ghana and Wiener 2017:64). Yet individuals often find themselves being persecuted as a result of having converted to a different faith. In some countries, converts are treated as traitors, and a conversion from the mainstream religion is classified as apostasy and punishable by death.

Changing one’s religion can thus constitute a reason to flee one’s country of origin based on the fear of persecution, and to seek protection as a refugee in a different state. One might also become a refugee due to a post-departure religious conversion occurring in another country, which makes the person a refugee *sur place* (UN High Commissioner for Refugees [UNHCR] 2011). The most commonly

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encountered category of conversion among asylum applicants is from Islam to Christianity, although other faiths may of course be at issue in other cases (United Kingdom: Home Office 2015:§7.4).

Authorities often find it difficult to assess religion-based asylum claims and their credibility, especially those involving conversion. The term “religion” is not explicitly defined in legal texts, let alone “religious conversion”; therefore, to conduct a proper assessment of asylum claims, officials must turn to guidelines and draw on international human rights standards (UNHCR 2004:§§2, 4). Regrettably, this is not always done in practice.

In addition, religion can be perceived as a very sensitive and abstract subject. Religious freedom is known to be a “complicated human right, exposed to many misunderstandings, controversies, and emotional conflicts” (Bielefeldt, Ghanae and Wiener 2017:4). It can be problematic to test a belief against objective criteria or to verify a person’s faith based on independent evidence. Moreover, often no independent evidence is present in refugee claims and the authorities must make their decision based solely on the applicant’s unique statements. These can be influenced by numerous personal and external factors and thus sometimes appear not credible, even when true (Kagan 2010:1179).

Post-departure conversions are treated with particular suspicion, as they are sometimes an asylum-seeking tactic recommended by smugglers. However, such conversions should not give rise to the presumption that the asylum claim is fabricated, and officials should evaluate such claims on a case-by-case basis (Jahangir 2007:§31).

Due to the absence of uniform regulation, there is an extensive variation in assessment methods and in the factors analyzed in the process of refugee status determination. These factors can range from the applicant’s demeanor to membership in religious organizations in exile (Kagan 2010:1187). Often, the outcome depends largely on the examiner’s subjective perception of the religion in question (Schaverein 2019). Remarkably, in many cases authorities tend to test religious knowledge and the intellectual ability of the applicants, instead of the genuineness of their belief or involvement in spiritual life (Zatat 2017). One problem with knowledge testing is that it is possible to learn the answers without being sincere. For example, a study analyzing the asylum claims from 2015 to 2018 of 619 Afghan converts to Christianity in Sweden outlined serious shortcomings in the Swedish Migration Board’s process due to the emphasis on knowledge testing (Observatory on Intolerance and Discrimination against Christians in Europe 2019). In the United Kingdom, an asylum application was rejected because the applicant did not give the right answer when asked what color the cover of the Bible was and could not list the Ten Commandments (Eekhoff Zylstra 2016).

As we can see, credibility assessment in conversion-based asylum claims is a complex process. This article reviews the existing provisions regarding such assessments. It identifies advantages and shortcomings associated with international and national regulation and practice of conversion credibility assessments by decision makers in selected countries. It concludes by proposing recommendations to tackle the problems identified in the previous sections.

2. International regulation

2.1 The Geneva Convention

The 1951 Geneva Convention on the Status of Refugees (“the Geneva Convention”) identifies religion as a legitimate reason for being recognized as a refugee (UN General Assembly 1951). Its *travaux préparatoires* show that religion-based persecution formed an integral and accepted part of the definition of a refugee throughout the drafting process (UNHCR 2021:§2.2).

The Geneva Convention sets minimum of requirements for the treatment of refugees but does not provide detailed regulation. To describe general procedural principles, the Office of the United Nations High Commissioner for Refugees issued a *Handbook on Procedures and Criteria for Determining Refugee Status* (UNHCR 2011; hereafter “the Handbook”).

2.2 The Handbook

The Handbook clarifies that persecution for “reasons of religion” may take various forms, such as prohibition of membership in a religious community, of private or public worship, or of religious instruction, as well as serious measures of discrimination imposed on persons because they practice their religion or belong to a particular religious community (UNHCR 2011:72). The Handbook further emphasizes that mere membership of a particular religious community would normally not be enough to substantiate a religion-based refugee claim; however, special circumstances can be taken into account (UNHCR 2011:§73). The examiner bears the primary responsibility in this regard (UNHCR 2011:§67).

The Handbook outlines the procedure for the determination of refugee status. It emphasizes the extreme difficulty of submitting a refugee case to the authorities of a foreign country due to language, technical, and psychological barriers. Therefore, the application should be examined within the framework of specially established procedures, by qualified personnel who have the necessary knowledge and experience and an understanding of the applicant’s particular difficulties and needs (UNHCR 2011:§190). Even though countries’ procedures for determining refugee status vary considerably, they all have to satisfy certain basic requirements, and the applicant should be provided with certain essential guarantees (UNHCR 2011:§192).

The Handbook defines general principles and methods for establishing the facts during a refugee status determination. The basic information collected through a standard questionnaire is complemented by one or more personal interviews, during which the cumulative effect of the applicant's experience must be taken into account (UNHCR 2011:§201).

The relevant facts must be provided by the applicant, and the burden of proof lies on him or her. However, the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner (UNHCR 2011:§196).

It is not usually the case in religion-based refugee claims that a person can provide documentary evidence for all the statements presented. The applicant is expected to compensate for this lack of evidence by a "genuine effort to substantiate the story" (UNHCR 2011:§203). The applicant's statements must be coherent and plausible, and the examiner must be satisfied as to his or her general credibility. If the applicant's account appears credible and the statements are consistent, he or she should be given the benefit of the doubt (UNHCR 2011:§§196-197).

2.3 Guidelines No. 6

The 2004 UNHCR Guidelines on International Protection No. 6 (UNHCR 2004; hereafter "the Guidelines") complement the UNHCR Handbook with regard to procedures and criteria for determining refugee status in religion-based claims. The document provides interpretative legal guidance for governments, legal practitioners, decision makers, and the judiciary, as well as UNHCR staff.

The Guidelines cover procedural issues such as credibility, *inter alia*, addressing *sur place* claims based on post-departure conversions. The main focus of the document, however, is to guide decision makers regarding the terms "religion" and "persecution." The Guidelines clarify that religion-based claims may involve one or more of the following elements: religion as belief (including non-belief); religion as identity; and religion as a way of life (UNHCR 2004:§6). They point out that religious belief, identity, or way of life can be so fundamental to human identity that one should not be compelled to hide, change, or renounce this aspect of one's nature to avoid persecution (UNHCR 2004:§13).

The Guidelines underscore the need to avoid making general assumptions or arriving at conclusions based solely upon one's own experiences, even when one belongs to the same religion as the claimant (UNHCR 2004:§27). Interviewers should be aware of the potential of hostile bias toward the claimant by interpreters (UNHCR 2004:§27).

Generally, the Guidelines recognize credibility assessment as a central issue in religion-based asylum claims. They further note that *sur place* claims raise particular concerns in this regard, calling for a rigorous and in-depth examination of the

circumstances and genuineness of the conversion (UNHCR 2004:§34). The decision maker is required to assess, *inter alia*, the nature of the convictions held in the country of origin and in the asylum country, as well as the connection between them, in the course of which “additional probing into particular claims” may be justified (UNHCR 2004:§§34-35). Open questions must be asked to elicit the motivations for conversion and what effect the conversion has had on the applicant’s life (UNHCR 2004:§35). The final test, however, according to the Guidelines, remains the well-founded fear of persecution upon return to the country of origin, which requires detailed Country of Origin Information (COI).

3. European Regulation

In the European Union (EU), the EU Qualification Directive (Council of the European Union 2011) and the EU Procedures Directive (Council of the European Union 2013) set standards for identifying people in need of asylum in the EU. The former directive contains general credibility assessment principles (Council of the European Union 2011:Art. 4), which must be transposed into national law.

Both the Qualification Directive and the Procedures Directive confirm their respect for the EU’s fundamental rights and principles, but neither of them explicitly nor comprehensively prescribes how the credibility assessment should be carried out, leading to considerable confusion in practice. Studies have highlighted that the different practices across Member States leads to vastly different recognition rates for the same profile of asylum seekers (UNHCR 2009:2). A common trend identified by UNHCR, in its 2010 study of the implementation of the Procedures Directive in 12 EU Member States (which was based on audits of more than 1,000 cases), was that negative decisions were often made on credibility grounds and failed to apply the criteria of the Qualification Directive to accepted facts (UNHCR 2013:29). Furthermore, some provisions of the Procedures Directive, aimed at ensuring quick and effective processing of asylum claims, may have a negative effect on the credibility assessment; for example, providing a list of reasons to accelerate the claim may cause it not to receive sufficient consideration (Thomas 2006:90).

Even though asylum is not explicitly protected by the European Convention on Human Rights (ECHR), several rights and principles codified there are closely related to the right to seek asylum on religious grounds. These include the right to life, the prohibition of torture and deriving from it, the principle of non-refoulement (Articles 2 and 3), and freedom of religion, guaranteed by Article 9. By applying and interpreting Articles 2 and 3 of the Convention, the European Court of Human Rights (ECtHR) has become the “highest European court in refugee questions, without being entitled to grant asylum strictly speaking” (Nussberger 2016, as cited in Ravarani 2017).

Article 9 of the ECHR corresponds to Article 10 of the EU Charter of the Fundamental Rights. The Court of Justice of the European Union (CJEU) is another European court with significant case law in the field of asylum. National courts may refer any issue of law raised by an asylum application to the CJEU for a preliminary ruling. The CJEU, which interprets the Qualification Directive as part of EU law, has thus made several decisions that are significant for the asylum process. For instance, in the case of the *Federal Republic of Germany v. Y and Z*, the court stated that the Qualification Directive must be interpreted, *inter alia*, in the light of the EU Charter (European Union 2012). It also addressed the question of whether an applicant could avoid persecution by abstaining from a certain religious practice upon return to the country of origin. The CJEU stated that this fact is, in principle, irrelevant, as it would renounce the protection which the Directive is intended to afford the applicant (*Federal Republic of Germany v. Y (C-71/11), Z (C-99/11)*):§§78-79).

The ECtHR and CJEU decisions have developed considerable case law that sheds light on how to assess the credibility of asylum claims. Therefore, when the Qualification Directive was amended in 2011, the amendments aimed at ensuring coherence with the case law of these two courts were included (Council of the European Union 2011).

Due to different national practices, a need to outline the best credibility assessment practices arose. Drawing on the EU's legislative instruments, the jurisprudence of relevant courts, and the experience of the International Association of Refugee Law Judges (IARLJ), several basic criteria have been developed for assessing credibility in refugee claims. To guarantee objectivity during the process, decision makers should ensure that the following criteria have been established: internal consistency, external consistency, impossibility, plausibility, being "in the round" (meaning that the totality of the evidence is considered), sufficiency of detail, timeliness of the claim, and personal involvement (*persönliche Betroffenheit*) (IARLJ 2013:33-34).

As these general basic principles and best practices are applicable to all types of asylum claims, it seems evident that they should be complemented by specific provisions relating only to asylum claims involving religion. To ensure clarity and objectivity, several states have developed guidance for national officials tasked with credibility assessment of asylum claims involving religious conversions.

4. Selected national guidelines and practices in conversion credibility assessment related to religion-based asylum claims

Guidelines on procedures for the determination of refugee status in religion-based claims have been developed for decision makers in several European states. Two such documents (from the United Kingdom and Germany) and their practical implementation will now be examined.

4.1 The United Kingdom

The United Kingdom's Asylum Policy Guidance on assessing credibility and refugee status (United Kingdom: Home Office 2022; hereafter "the Guidance") was issued in June 2022 and provides direction to caseworkers responsible for deciding asylum claims in accordance with the United Kingdom's international obligations. It contains specific provisions on assessing credibility in claims involving religious conversion and includes some changes from the previous version of the document issued in 2015 (United Kingdom: Home Office 2015; hereafter "the Instruction").

One policy objective of the Guidance is to ensure that asylum claims are decided on an individual, objective, and impartial basis (UK Home Office 2022:9). The Guidance establishes that the burden of substantiating the claim lies on the applicant, with the required standard being "a reasonable degree of likelihood" (UK Home Office 2022:18). That means that the caseworker does not need to be "certain," "convinced," or even "satisfied" of the truth but only has to "accept" the facts provided as being "reasonably likely" (UK Home Office 2022:43).

To substantiate the claim, applicants may submit "expert evidence". Such evidence should provide independent, unbiased opinions relevant to the material facts of an individual case and should set out the writer's qualifications or experience. The previous version of the document stated that "expert evidence" included statements, *inter alia*, from ministers of religion who have personal knowledge of the applicant (UK Home Office 2015:§4.7). The most recent version, however, has departed from this approach, omitting this reference. It cites recent case law, indicating that "church evidence" is "not aptly characterised as expert evidence, nor is it necessarily deserving of particular weight, and the weight to be attached to such evidence is for the judicial fact-finder." It goes on to clarify that "evidence even from a senior church member is not determinative" (UK Home Office 2022:30). Despite this significant deterioration in the position attributed to church evidence, in actual practice such evidence is not given out recklessly. For example, according to a Liverpool cathedral spokesperson, one requirement before the church supports a refugee application is that the individual must have been active in the church for at least two years (Turner 2021).

Under the Guidance, assessment should be carried out by the caseworker using general credibility indicators, such as sufficiency of detail and specificity, internal and external consistency, and plausibility, while considering whether the benefit of the doubt should be applied.

Facts must be assessed in the context of the evidence as a whole and not in isolation (complying with the "in the round" principle). Rejection of one fact does not necessarily lead to rejection of others, even if they are linked (UK Home Office 2022:44). This constitutes a welcome step forward compared to the previous

version of the document, which required a rejection of linked facts (UK Home Office 2015:§5.2). The impact of lies on credibility varies depending on their relevance in the context of the claim. It is understood that applicants sometimes tend to downplay or exaggerate their experiences, even when they have a genuine fear of persecution (UK Home Office 2022:46-47). In such cases, the caseworker should clarify the importance of giving a truthful account and discourage exaggerations.

Once the material facts of a case have been identified, which may include a person's personal circumstances such as religious beliefs and past experiences, it is then necessary to assess their credibility (UK Home Office 2022:42). A caseworker should focus on the credibility of the claim rather than on the personal credibility of the claimant (UK Home Office 2022:44). Certain types of behavior may be assessed as damaging to the applicant's credibility, such as behavior intended to conceal information, to mislead, or to obstruct resolution of the claim (UK Home Office 2022:53).

The applicant should be able to describe personal experiences in the faith of origin and encounters with the new faith, such as people or readings who have served as inspiration (UK Home Office 2022:28). An entire section of the document is dedicated to Christian converts from Islam, as this type of conversion is likely to be most often encountered (UK Home Office 2022:29). The primary question to be assessed is whether the applicant has genuinely left the faith of their upbringing and become a Christian. The decision should not be perfunctory, vague, or poorly thought out; it should normally include being baptized or preparation for baptism. It should also include attending worship, being known to the church's leadership, and association with fellow believers (UK Home Office 2022:29).

The Guidance states that although the applicant's understanding of a particular faith or tradition is relevant, caseworkers are not expected to be qualified to assess the accuracy or relevance of answers to more than the most basic knowledge questions (UK Home Office 2022:29). The document further seeks to manage unrealistic expectations as to the knowledge level – for example, by recognizing that a convert's first experiences of Christianity may have been in an underground church where access to information may be limited. However, the credibility of a conversion should be questioned when the answers to specific questions are so clearly wrong that no reasonably well-informed person could be expected to take them seriously.

A positive amendment of the Guidance as compared to the previous Instruction is the inclusion of different types of motivation for conversion, such as the "supernatural dimension," which resembles in substance to Strähler's (2021:79) classification of conversion processes.

Overall, the UK's provisions on conversion credibility assessment could be improved in several areas, such as consideration of evidence from churches. Unfor-

tunately, in practice there has been a disparity between the former official Instruction and what actually takes place during the credibility assessment. Although the knowledge-based approach to assessing credibility has been widely criticized, it is often still used by officials, instead of focusing on the applicant's personal experiences of religious faith (All-Party Parliamentary Group for International Freedom of Religion or Belief and the Asylum Advocacy Group [APPG] 2016:27). Moreover, the interviewer's knowledge of churches "is also sometimes based on a quick survey of church websites" (APPG 2016:28), which inevitably leads to mistakes in assessment. The lack of understanding of religion is formalized by decision makers' use of unpublished "crib sheets" (APPG 2016:4). Officials conducting credibility assessments need targeted training on freedom of religion or belief and on various forms of religious persecution. The APPG report further recommended that decision makers should cooperate with faith communities to better understand the nature and diversity of conversion stories (APPG 2016:7). This recommendation seems to have been taken into account in the recent Guidance by differentiating between different types of conversion processes. This is a welcome step forward as it illustrates a departure from the perception of conversion being a result of a rational choice, which is not always the case.

4.2 Germany

The German Federal Office for Migration and Refugees (Federal Office) has issued an asylum instruction (Bundesamt für Migration und Flüchtlinge 2019; hereafter "AI") containing a section dedicated to persecution in connection with religion. The AI defines check points for decision makers, which include identification of the act of persecution and the grounds of persecution; the link between the act of persecution and religion; and a well-founded fear of persecution and the actors responsible for it (AI 2019:§2). On the basis of a broad concept of religion, the Federal Office states that it is necessary to examine which forms or elements of religious practice are indispensable, central elements of the applicant's religious identity (AI 2019:§2.2).

The AI continues by stating that criteria for the establishment of imminent danger of persecution also apply in cases involving a conversion. The stated criteria apply irrespective of whether the conversion occurred in the country of origin, in Germany, or in a third country, and regardless of the religion to which the applicant converted (AI 2019:§3.4). A formal affiliation with the new religion is not enough in case of a conversion. The purpose of the fact finding is to provide a thorough and comprehensive review of the circumstances and, in particular, the seriousness of the commitment to the new religion. Both subjective and objective criteria must be applied.

Regarding third-party statements, the AI urges decision makers to appropriately assess statements from a religious community about the applicant's involvement with it. If there is a need to clarify a statement relevant to the decision, the issuing person must be consulted. A simple boilerplate document will not suffice. Rather, it must be tailored to the specific case and must set forth the nature and extent of religious practice. Such statements must also be consistent with other findings concerning the applicant.

The Federal Office accepts baptism certificates and does not check their validity. They document that a conversion has taken place, and it is the church's responsibility to examine the seriousness of one's faith before baptism. Rather, the Federal Office checks whether applicants intend to live out their newly accepted faith in a manner that could trigger persecution. The decision maker, however, is not bound by the church's assessment that the baptism of the asylum seeker is based on a serious and enduring choice of faith.

The AI urges the caseworker to determine, with the help of objective and subjective criteria, whether a well-founded fear of persecution arises from how the applicant will exercise his or her faith upon return to the country of origin.

The AI describes the applicant's knowledge of the new religion as of secondary importance. Considering the context of many applicants, this requirement should not be set too high. Basic knowledge of the new religion may be quite low in individual cases. However, it must be clear that the applicant has engaged with the new religion to some degree.

Every convert should be able to give a detailed explanation of his or her motivations and of the significance the new belief carries for him or her personally. The AI notes that it is important not to cause emotional distress to the applicant through "intimate" questions, and also that religious settings can vary according to the intercultural context and therefore can be presented and perceived differently. As a result, according to the AI, shared experiences or a feeling of peace are more important than, for instance, knowledge of the Ten Commandments. Normally, conclusive and comprehensive information on the inner motives for one's conversion and familiarity with the fundamentals of the new religion according to one's personal and intercultural disposition can be expected from an adult (AI 2019:§3.4).

The AI also discusses the possibility of claiming asylum on the basis of conversion in subsequent proceedings following the denial of an initial claim citing other reasons (AI 2019:§3.5). However, if the conversion took place after the denial of the first asylum claim, the applicants must clear themselves of the "legal presumption of abuse". If the applicant converted spontaneously after the denial of the initial claim, the reasons and motives for this conversion must be thoroughly assessed in light of the individual's personal story and previous submissions. In cases of doubt,

a statement from clergy regarding the nature, extent, and duration of the engagement with the church community is required. To eliminate abuse, objective and subjective criteria must prove sufficiently to the decision maker that the change of faith was based on a personality development and a serious and conscious decision.

Despite this extensive and reasonable guidance, the Federal Office for Migration and Refugees has been widely criticized and the quality of its decisions highly debated. For example, it became known that many decision makers were not fully qualified as they had not completed the training modules that the Federal Office provides as part of its in-house training program (Asylum Information Database 2020). The high rejection rate of applications has raised questions as to whether the principle of due process is observed. Moreover, the extensive use of pre-formulated text blocks in the rejection notices points to a somewhat automatic type of decision making with respect to converts (Open Doors 2019). The decision makers expect that applicants can prove that they will practice their new religion upon their return, which is not an easy task. Refugees continue to be randomly tested regarding their Bible knowledge and asked odd questions such as, for example, the meaning of religious holidays (Lehnert 2022). In one of its decisions, the Federal Administrative Court stated that it was not apparent why the Court of Appeal should not be viewed as having sufficient expertise to assess the religious conviction and identity of the plaintiff, as the tenets of an “unfamiliar religion” would not have to be assessed (BVerwG, 1 B 40.15:§16). This statement implies that Christianity is seen as a “familiar religion” and that decision makers can routinely be considered experts with regard to conversions to Christianity (M. Hess, personal communication, 16 April 2021).

In spite of the AI's guidance, expert evidence from churches is not properly assessed in practice. Contrary to the provisions of the AI, the submission of a baptism or church certificate actually has a negative effect on recognition for converts from all church associations, despite the converts' integration into churches (Open Doors 2019:31). The AI is not being applied consistently and the recognition rates thus vary considerably across Germany (Schneider 2017). According to the practitioners, generally recognized principles of credibility assessment have been applied very selectively in the past (for instance, external consistency with COI was not assessed), and in many cases the required overall assessment was lacking (M. Hess, personal communication, 16 April 2021). The protection rate for converts, as compared to other refugees, declined in spite of the worsening situation in the countries of origin.

Furthermore, in practice, the criterion of *Identitätsprägung* (identity formation) has been used at least since 1986 (BverfG 2 BvR 1058/85, 66). It is drawn into the credibility assessment by the Federal Office, as well as by the Federal Administrative

Court, the highest court in asylum matters in Germany. The Federal Constitutional Court views this criterion as not violating religious freedom (BverfG 2 BvR 1838/15, 31). But this represents too high a hurdle, as the refugee definition in the Geneva Convention does not require the applicant's religion to be fundamental or immutable to them. According to the UNHCR, evaluating whether a characteristic is fundamental, immutable, or "deeply rooted" is not relevant in assessing the applicability of the Convention (UNHCR 2021:§5.3.). The application of this criterion by the Federal Office and the courts was also criticized in the 2021 Open Doors survey, as the extent of the identity-forming change at the time of the interview would vary between individuals.

Strikingly, a significant decline in the protection for converts granted by the Federal Office since mid-2017 was noted. The Federal Office approved 37.6 percent of the applications submitted by converts in 2018-2019, doubting the change of faith for many of them. In contrast, the pastors interviewed found 88 percent of the applicants credible with regard to their conversion (Open Doors 2021:7). The materials used, such as questionnaires, are not up to date. For example, due to the pandemic, places of worship have been closed for a long period of time, yet Federal Office questionnaires still ask how often an applicant attends worship services (Open Doors 2021:39).

5. Recommendations and conclusion

Given the special vulnerability of refugees and the need for special protective steps to prevent the denial of their most basic human rights, it is necessary to develop and implement a set of best practices specific to the assessment of asylum claims involving religious conversion. This section presents recommendations for those making decisions or developing policy and assessment procedures at the national level, as well as international organizations concerned with regulations governing the status of refugees.

- States should maintain national guidelines for decision makers on credibility assessment of religion-based asylum claims. Such guidelines must comply with the UNHCR standards, be drawn up with participation of experts (including churches) and be publicly available to ensure transparency and accountability.
- Those involved in the process, including interpreters, must have a high degree of religious literacy. Governments, in cooperation with faith communities, should provide targeted training on freedom of religion or belief and on religious persecution for officials involved. Cooperation with faith communities and their input have proven useful in various areas concerning religion (Reiersrud 2020).
- The following elements must be explored in any credibility assessment: motives for and the process of conversion, basic (dependent on an individual)

knowledge of the new belief, and how the new belief is expressed in the convert's life, especially regarding changes in thought or behavior. Stronger elements should be permitted to compensate for weaker ones. Clear explanations of negative credibility findings should be given.

- Emphasis should be placed on the shared duty to ascertain and evaluate all the relevant facts between the applicant and the examiner (UNHCR 2011:§196).
- The standard of “reasonable degree of likelihood”, as adopted in the UK, seems worth adhering to, considering that the life and health of the applicant are at stake, sometimes even in case of a feigned conversion.
- Official guidance should recognize that since religion is a highly personal subject, conversions can have many causes, some of which might not necessarily be perceived as rational. Departure from knowledge-based assessment should be ensured in favor of a narrative-based approach. The fact-related approach actually supports fraudulent claims, as it is possible to learn the Bible by heart – an approach familiar to many, since Muslims frequently learn passages from the Quran by heart in their childhood (Madziva and Lowndes 2018:85).
- An atmosphere of security and trust should be established, as opposed to the atmosphere of disbelief and mistrust documented by many applicants. Guidelines and UNHCR standards must be carefully followed to ensure that the assessment is not based on one's own personal or “Western” perception of a religious belief.
- It must be clearly recognized that a conversion arising initially from “wrong” motivations can still lead to a genuine belief, and that therefore the current state of the applicant's convictions must be assessed rather than earlier ones. According to a decision by the Supreme Administrative Court of Finland, even after a quick conversion and baptism following a negative asylum claim decision, “it must be considered possible that it has become a personal conviction” and “renunciation of Islam, the conversion to Christianity and adoption of Christian beliefs can be an evolving process” (Supreme Administrative Court decision of 31 December 2021, KHO:2021:195).
- To ensure effectiveness of the credibility indicators, the materials used by the officials must be up to date. First, the COI must be current, given the weight attributed to it while assessing external consistency. It must conform to the highest standards; specifically, it must come from reliable sources and be periodically updated. In France, some decisions based on outdated COI have been overturned on appeal (Introigne, Richardson, and Šorytè 2021:7-8, 19). Questionnaires and other documents should be periodically updated to reflect possible changes (such as exceptional circumstances related to a pandemic).
- An interdisciplinary approach will help to ensure an accurate outcome. Already the UNHCR Handbook highlights the extreme psychological difficulties

involved in submitting a refugee case to the authorities of a foreign country (UNHCR 2011:§190). A recent study indicates that the decision-making process for assessing the credibility of an asylum claim is only partially in line with psychological science; as a result, they suggest that psychological findings should be included in the training of officials (Skrifvars et al. 2021). Earlier studies have also stressed the importance of an interdisciplinary approach to improve decision making, as decisions may be based on incorrect assumptions and a lack of understanding of psychological processes (Herlihy and Turner 2009, as cited in International Association of Refugee and Migration Judges 2013).

- Finally, a supervisory review procedure for conversion-based asylum cases must be implemented to ensure consistency and due process, that applicants are not discriminated against, and that the asylum decision was not grounded in religious or other preconceptions.

The vulnerable personal situation of a refugee, the different cultural and language backgrounds of the applicant and the decision maker, and the sensitivity of religion as a highly personal subject make credibility assessment in conversion-based asylum claims an extremely difficult task. Of course, the asylum procedure calls for careful scrutiny of applicants' claims by the authorities, especially in the light of the frequent and sometimes successful attempts to abuse the system. On the other hand, it is necessary to ensure that the processes conform to the states' human rights obligations and that those who legitimately need international protection can attain it. The recommendations stated above, if implemented consistently, would serve to more objectively assess the credibility of conversion-based asylum claims in the given intercultural context. This would be a considerable step toward a better approach, which is urgently needed due to the inconsistencies and other problems associated with current practices.

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VKW

Religious Freedom Series 3, 2nd edition, VKW: Bonn 2017, 364 pp,
ISBN: 978-3-86269-117-3, € 20 · www.iirf.global

Noteworthy

The noteworthy items are structured in three groups: annual reports and global surveys, regional and country reports, and specific issues. Though we apply serious criteria in the selection of items noted, it is beyond our capacity to scrutinize the accuracy of every statement made. We therefore disclaim responsibility for the contents of the items noted. The compilation was produced by Janet Epp Buckingham.

ANNUAL REPORTS AND GLOBAL SURVEYS

Rights of persons belonging to religious or belief minorities in situations of conflict or insecurity

United Nations Office of the Commissioner for Human Rights, 2 March 2022

<https://bit.ly/3De9ke1>

The outgoing Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, issued one report in 2022, *A/HRC/49/44*.

United Nations Universal Periodic Review

United Nations Human Rights Council, January–November 2022

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx>

The 40th and 41st sessions of the Universal Periodic Review for Human Rights took place during 2022, reviewing the human rights situation in 26 countries.

2021 Report on International Religious Freedom

US Department of State, Office of International Religious Freedom, 2 June 2022

<https://bit.ly/3DivefX>

The US Department of State draws from NGOs, religious groups, media, academic reports and other sources of information to compile an overview report on international religious freedom.

2021 Annual Report

US Commission on International Religious Freedom, April 2022

[https://www.uscirf.gov/sites/default/files/2022 Annual Report.pdf](https://www.uscirf.gov/sites/default/files/2022%20Annual%20Report.pdf)

This report documents the violations and progress in religious freedom violations and designates 15 Countries of Particular Concern and 12 countries for the State Department's Special Watch List.

Globally, social hostilities related to religion decline in 2019, while government restrictions remain at highest levels**Pew Forum, 30 September 2021**<https://pewrsr.ch/3Hsj6HD>

This is the 12th annual study of global restrictions on religion, which examines 198 countries and territories. In 2019, 43 countries (22% of all those included in the study) had “high” or “very high” levels of social hostilities. That is down from 53 countries (27%) in 2018, and from a peak of 65 countries (33%) in 2012.

Freedom in the world 2021: Democracy under siege**Freedom House, November 2021**<https://bit.ly/36Yr27a>

For the 15th consecutive year, Freedom House reports a decline in global freedom. This report documents the shifting international balance in favour of tyranny. The report identifies China as a significant negative influence with its authoritarian and repressive government.

World Report**Human Rights Watch, 2022**<https://www.hrw.org/world-report/2022>

Human Rights Watch, whose aim is to defend the rights of all people, publishes an annual report examining and investigating the abuses of human rights and justice across 90 different countries. The 2022 annual report examines the major events relating to human rights that occurred in 2021.

World Watch List 2022 compilation**Open Doors International/World Watch Research, 2 February 2022**<https://bit.ly/3qxr7m> (password: freedom)

This is a compilation of the main documents published by World Watch Research, excluding country dossiers. These reports include the ranking of countries with regard to the persecution of Christians worldwide, press releases, and statements regarding trends in religious persecution.

The State of the World's Human Rights**Amnesty International Report 2021-2022, 30 March 2022**<https://oiac.org/amnesty-international-report-2021-2022/>

This report documents the human rights situation in countries around the world, including the rights of religious minorities.

Global Trends and Challenges Protecting and Promoting Freedom of Religion or Belief

US Institute of Peace, 21 June 2022

<https://bit.ly/3eKW7PH>

USIP collaborated with USAID's Center for Faith-Based and Neighborhood Partnerships on an initiative called Closing the Gap to study the relationships between religious freedom and regime type, political stability, and economic development. This report summarizes the study's main findings and offers recommendations for policymakers and peace practitioners seeking to protect and promote the freedom of individuals to practice the religion of their choice, convert to another faith, or profess no faith at all.

Regional and Country Reports

China: Shenzhen Holy Reformed Church Christian Solidarity Worldwide, January 2022

<https://bit.ly/3UaMslt>

This report is an update on the persecution of the Shenzhen Holy Reformed Church in 2019, which caused most of the church's members to flee to Korea. This report documents the impact on members of the church, particularly children.

Cuba: Homeland, Faith, Life: A Call for Freedom in Cuba Christian Solidarity Worldwide, February 2022

<https://www.csw.org.uk/HomelandFaithLife>

This report documents 272 cases involving 498 violations of freedom of religion or belief (FoRB) in 2021, up from 203 cases in 2020 and 260 in 2019.

India: Hate and Targeted Violence against Christians (2021 Report) Evangelical Fellowship of India, 15 February 2022

<https://bit.ly/3RV6dvE>

This report documents targeted violence and other forms of persecution against Christians in India. It calls 2021 a nightmare year for Christians. "This was perhaps the third most violent Christmas the community has faced in India."

Iran: Rights Violations against Christians in Iran Article 18, Open Doors, MEC, Christian Solidarity Worldwide, 25 January 2022

<https://bit.ly/3REX8ah>

This annual report documents widespread violations of FoRB in Iran, particularly against Christians.

Latin America: Bi-Annual Report, January-June 2022**Observatory of Religious Freedom in Latin America, 22 August 2022**<https://bit.ly/3RB0E5C>

This report documents violent incidents on the basis of religion in the Latin American region.

Mexico: Let Her Be Heard**Christian Solidarity Worldwide, 1 April 2022**<https://www.csw.org.uk/mexicoreport2022.htm>

In 2021, in response to a dearth of information and analysis by monitoring bodies and experts regarding the unique experiences of indigenous religious minority women in Mexico, CSW carried out an investigation into whether the ways in which indigenous religious minority women in Mexico experience FoRB and other human rights violations are gender-specific and/or gendered.

Nigeria: Nigeria: Killings and abductions**in the period 1 October 2019 – 30 September 2021****Observatory for Religious Freedom in Africa, July 2022**<https://bit.ly/3qyGqNW>

This report is based on a two-year data-gathering project which documents killings and abductions based on religion in Nigeria. It is the first of its kind to be based solely on primary data.

**Pakistan: Abduction, Conversion, and Child Marriage
of Religious Minority Girls in Pakistan****Jubilee Campaign, 7 February 2022**<https://bit.ly/3eEIuBs>

Every year, more than 1000 girls are kidnapped, forcibly converted and forced to marry their Muslim abductors. This report documents the common factors in such cases of abduction and forced conversion.

Nigeria: Trafficking in Persons in Nigeria Shadow Report**Jubilee Campaign, 12 January 2022**<https://bit.ly/3qxFXf0>

Jubilee Campaign submitted this report to aid in the drafting of the US Department of State's Trafficking in Persons Report with regard to Nigeria's failure to fully meet the minimum standards of the Trafficking Victims Protection Act of 2000.

Vietnam: Freedom of Religion or Belief since the 2018 Law on Belief and Religion

Christian Solidarity Worldwide, 4 July 2022

<https://bit.ly/3DmrMRv>

This report documents ongoing violations of FoRB in the four years since the Law on Belief and Religion, which was intended to guarantee freedom of religion or belief, was passed.

Specific Issues

Anti-Conversion Laws: Free to Convert, Practice, and Profess: A Review of Anti-Conversion Laws in Algeria, India, and Nepal

Jubilee Campaign, 14 March 2022

<https://bit.ly/3DmxVx8>

Anti-conversion laws, and their harsh punishments, have been highlighted at the United Nations for the last 10 years. Jubilee Campaign has issued this report to highlight these laws and their impact in Algeria, India and Nepal.

Apostasy and Blasphemy: Imposition of Capital Punishment for Apostasy, Blasphemy, and Religious Offenses

Jubilee Campaign, 15 June 2022

https://jubileecampaign.org/2022_cp_ab_report/

This report examines the countries that impose the death penalty for apostasy, blasphemy and religious offenses.

Defending Freedom of Religion or Belief – An Introduction for National Evangelical Alliances in Europe

European Evangelical Alliance, August 2022

<https://bit.ly/3D1LLcJ>

The EEA has produced a practical handbook, covering the essentials of what a national evangelical alliance can do to defend freedom of religion or belief. It goes on to give ideas of more in-depth options to help others and to strengthen support for this essential freedom. It is a valuable tool for others facing persecution.

Documenting: International Protocol on Documenting Violations of Religious Freedom

Open Doors International and Religious Freedom Institute, 9 June 2022

<https://religiousfreedominstitute.org/protocol-2/>

Crafted in response to requests from civil society partners who have suffered

severe violations of their religious freedom, the protocol seeks to fill a gap by providing a thorough and accessible resource for human rights advocates, civil society organizations, and others looking for guidance on how to document serious violations of religious freedom in their local contexts.

Gender-Specific Religious Persecution: Invisible

Open Doors International/World Watch Research, 1 March 2022

<https://www.opendoors.org/thegenderreport>

This fourth annual WWL report examines global trends regarding gender-specific religious persecution.

Women: Obstacles to Women's Empowerment in Nigeria, Pakistan and Sudan

Jubilee Campaign, 24 March 2022

<https://bit.ly/3deZiFi>

This report focuses on child marriage as a major impediment to women's economic empowerment.

Book reviews

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Book Reviews

The Specific Vulnerability of Religious Minorities

Dennis P. Petri

VKW: Bonn, 2021, 302 pp., ISBN 9783862692354, free download from iirf.global

Over the past few decades, religious restrictions and hostilities have risen steadily around the world. In response, scholars and policy analysts have collected a considerable amount of cross-national data on religious persecution. Government officials now rely frequently on this evidence to advance policies to protect and promote freedom of religion or belief across the globe.

These parallel trends make Dennis Petri's monograph such a timely and valuable contribution. While Latin America remains the empirical focus of this provocative manuscript, its contribution extends well beyond a specific world region. Petri's analysis challenges us to rethink some of our most widely held assumptions about how we document and understand religious persecution in the first place.

The work is organized into two main parts. The introductory half of the volume reviews the study's theoretical approach and introduces a new assessment tool designed to specifically assess the vulnerability of religious minorities. Both the theory and method are motivated by a desire to redirect attention away from traditional conflict theories to a human security perspective. Petri argues that such a shift helps to overcome some of the most persistent limitations of existing religious freedom assessment tools, such as state-centric theories and data collection methods that overlook subnational and local variation in religious regulation and discrimination.

The empirical instrument Petri develops – the Religious Minorities Vulnerability Assessment Tool (RM-VAT) – is an especially valuable contribution in its own right. It offers a systematic method of evaluating the types and levels of threats faced by religious minorities across multiple spheres of society (e.g., social, business, political). As Petri notes, this tool should be seen as a complement to rather than a replacement for existing cross-national data collection methods.

The second half of the volume explores the empirical implications of the RM-VAT. Each case study provides a wealth of information based on primary data collection (through interviews) and secondary sources. The three empirical chapters

consider the vulnerability of actively practicing Christians in three Mexican states; the experience of Christian converts among the Nasa ethnic group in Colombia; and the situation faced by Christians in Cuba.

As a whole, the empirical chapters bring into focus both persecuted religious communities and persecutors who are often overlooked by existing global datasets, other empirical studies, and the popular media. For example, the analysis of Colombia draws attention to religious persecution within indigenous communities in the southwestern highlands of the country. The chapter on Mexico reveals the leading role organized crime plays in harassing religious minorities even though such incidents often go unreported to the authorities. The case studies also document a number of ways in which religious minorities have tried to remain resilient in the face of ongoing persecution.

The book concludes with a discussion of the scholarly and policy implications of the research, along with recommendations for religious minorities, faith-based organizations, and human rights agencies. Perhaps the most jolting proposal is Petri's call for Latin American civil society organizations to redouble, or in many cases initiate, efforts to more systematically document threats to religious minorities. As the study's empirical findings suggest, global datasets that consistently rank levels of religious discrimination in Latin America among the lowest in the world may not be capturing the full picture.

Of course, no single study can tell the whole story. Exactly how the RM-VAT might be integrated into cross-national data collection efforts, for instance, is a question left unanswered in this volume. Guidance on how to improve the rigor of data collection for the RM-VAT is also not as clear as it could be. Petri acknowledges that much of his analysis relies on anecdotal evidence gathered through interviews but does not explain in detail how triangulation might address this issue. Finally, all three empirical chapters focus on the persecution of Christians, a decision largely guided by the regional focus of the study. Still, the analysis could have benefited from more attention to other religious minorities, such as Jewish diaspora communities or the growing persecution of Muslim communities in Brazil, to show the broader reach of its claims.

These quibbles notwithstanding, Petri's study is to be commended for the questions it raises, the novel assessment tool it offers, and the attention it directs to subnational levels of religious persecution. It stands out as a valuable source for scholars, practitioners, and policymakers who seek to develop a deeper understanding of local realities and context-specific, locally owned policies and practices that promote freedom of religion or belief for all.

From Toleration to Religious Freedom: Cross-Disciplinary Perspectives

Mariëtta van der Tol, John Adenitire, Carys Brown, and E. S. Kempson (eds.)

Oxford, Bern, Berlin, Bruxelles, New York, Wien: Peter Lang Ltd, 2021, 316 pp., ISBN 9781789975765, US \$75.95

In the past decade or so, there has been a substantial increase in the number of publications on religious freedom. This multi-authored volume, carefully curated by a clutch of young scholars in the field, is a welcome addition to the burgeoning library. Much of the content derives from a conference which was convened in Cambridge in 2019 under the title, *Toleration and Religious Freedom in the Early Modern and Contemporary Worlds*. Inevitably, therefore, the contents are diverse and eclectic. But, as the sub-title makes clear, the purpose of the volume is to examine this broad and enduring topic from the vantage point of more than one discipline. Indeed, the short concluding chapter of E S Kempson takes as its theme, the distinct benefits of cross-disciplinary study as demonstrated both at the conference and in this resultant volume. Amongst these chapters are some telling insights into familiar territory, and in places the contributors venture into fresh ground and otherwise uncharted waters. Students of history, law, political science, philosophy and theology will find amongst the disparate content something to inform and challenge, and a great deal with which to engage.

The span of history is large. Early modern, howsoever defined, embraces thinkers such as John Locke (1632-1704) and Samuel Pufendorf (1632-1694) who opined freedom of conscience from within a time and context of religious persecution. As the introduction reflects: "Toleration was, in most cases, a pragmatic compromise designed to limit the instability caused by continuing religious strife" (4). It is rightly noted that the Toleration Act of 1689, which allowed protestant dissenters from the established church in England and Wales to worship in their own registered buildings, was not a shining beacon of religious freedom, but rather a grudging concession recognising a political reality in the wake of revolution and unrest. Subjecting this 17th century legislation to scrutiny under contemporary human rights standards is both sterile and artificial, as the actions of one society are not amenable to judgment under the mores of a much later one, but the observations of the contributors on this subject are illuminating of conceptual and linguistic differences and provide an opportunity for critical and comparative forensic study. A pervasive truth is wisely encapsulated in the introduction: "in contemporary discourse as in historical scholarship, the concepts of toleration and religious freedom are foes rather than natural bedfellows" (9).

Likewise, freedom of religion and freedom of conscience may once have been regarded as synonymous terms, since in the early modern period ethical world views were fundamentally religious in origin, drawn from within the doctrines of the institutional church. In today's times, moral beliefs may well not be religious in character; humanism, secularism, pacifism, vegetarianism etc. all engage the conscience and attract some level of protection under the law although they have no religious content. Pointedly, the European Convention on Human Rights, in Article 9, speaks of 'freedom of religion or belief,' clearly bringing every belief system within its scope. The convenient shorthand of scholars, even amongst those who abbreviate it to FoRB, can tend to devalue the breadth and reach of this core human right.

Many of the chapters focus on English law, and a relatively narrow period of English history, which this reviewer found engrossing, although it is possible that the wider international readership may find the overall balance of the ten substantive chapters a little uneven. But there are well-crafted vignettes from elsewhere, which provide useful counterpoints and contra-narratives, designed to stimulate reflection and discussion. For example, one chapter, by Sarah Scholl, is a detailed and perceptive critique of events in Switzerland, tracing an historic trajectory from toleration into religious freedom, then receding into toleration once again over the course of several centuries; whilst another, by Mirela Krešić, draws on the experience of immigrant Muslims in Croatia. A formal treaty in 2002 seems to have provided a bilateral settlement, successfully integrating Muslim inheritance with European citizenship, at a higher level than the begrudging toleration of former times. Likewise, though perhaps less convincingly, Hans Leaman's chapter examines enduring Lutheran cultural legacies in the migration policies of the USA and Germany.

John Coffey's opening chapter begins with a brief *rundschau* of post war articulations of freedom of religion, noting the lack of unanimity as to its lineage. It then proceeds to chart a path whereby concepts of natural rights were taken up during the 17th and 18th centuries, finding expression at the time of the American Revolution as rights of conscience, and propounded by leading Baptist and Quaker thinkers. Coffey draws on a wide range of commentators excavating a claimed (Protestant) Christian genealogy for religious freedom, noting that even the 'tolerationists' excluded atheism from the reach of toleration. He notes that "religious freedom as a natural right was not the invention of mainstream Protestantism, but of marginalised minorities" (54).

The following chapter by Fiona McCall is similarly historical, and equally detailed in its research and argumentation. It identifies an apparent dissonance (or paradox as she describes it) during the English Interregnum between the flourishing of religious toleration and the rigid enforcement of morality in a joyless era

of repression. Seeking to square this ragged circle, she observes “Most were only prepared to concede liberty of conscience for those who remained in fundamental agreement over doctrine, but who disagreed on aspects classed as *adiaphora*, or which involved doubt over finer tenets, which God would ultimately reveal” (60). Quoting Benjamin Kaplan, *Divided by Faith* (2007), she identifies “qualitatively different kinds of toleration” (61). She draws on contemporary court records from the period during which the structures of the established Church of England had been disassembled, commenting: “Once both the monarchy and church hierarchy had been abolished, many changes to religious practice were implemented via acts or ordinances of parliament, with the result that an expanded role emerged for judges and justices in interpreting religious policy” (62). Anti-Catholic prejudice was tempered by the need live alongside Papists who retained their place in civil society, and there was a discernible ebb and flow in the number of prosecutions for non-attendance at divine worship, peaking in 1651 coincidentally with England being at war with both the Scots and the Irish. An unlucky bailiff’s servant was apparently stocked for playing football during a sermon in January 1660. Meetings of Quakers attracted intervention by the authorities where they were considered to be socially disruptive, particularly when crowds were animated by incomers from elsewhere: the perceived threat of mobility.

Shannon Stimson’s chapter sets the writings of Sir William Perry within the political debates of the English Civil Wars and Restoration. In the detailed microcosm of Perry’s life and achievements, she finds points of enduring relevance, and the comprehensive biographical details that she unearths provide evidential undergirding for the broader generalities propounded in the preceding chapters. The following chapter by Alex Tebble comprises a sustained comparison between John Locke’s stance on atheism and latter-day writings by John Rawls, particularly his account of the ‘unreasonable’. It provides a clear forensic basis for questioning the presumed relationship between Locke as a forefather of liberalism and Rawls as his legitimate heir. The commonality, Tebble concludes, “is more to be found in liberalism’s limits than in its foundations” (144). But, reflecting a theme which is something of a constant in this collection, what Locke and Rawls particularly hold in common lies in “denying tolerance to those that undermine the basis of their conceptions of society, be that the atheist, for civil and religious society or the ‘unreasonable’ for liberal society in general” (145). Kaisa Iso-Herttua’s chapter also has a basis in Lockean study, but her point of comparison places early Enlightenment religious toleration in juxtaposition with contemporary European toleration, not least islamophobia and islamo-scepticism fuelled by arguments of securitisation. She draws comparisons with concepts of otherness and cultural difference: and suggests that the jurisprudence of the European Court of Human Rights tends to propagate the belief that

Muslim communities constitute a risk to the integrity and stability of civil society as a consequence of a failure to integrate.

Augur Pearce's chapter is founded on the premise that, excepting Charles II's exile, England has always had an official religion, but since the Reformation, has consistently allowed dissent in various forms and manifestations. His chapter traces an historical narrative of promoting orthodoxy by the licensing of particular buildings for worship and other religious purposes. His focus is not exclusively on the state's posture to toleration and accommodation (as with other chapters) but with the willingness (or otherwise) of different denominations or religious organisations to make practical arrangements for sharing the same sacred space. And uniquely among the contributors to this collected work he engages with a current issue (unknown to prior centuries) of the solemnisation of same-sex marriage. Pearce is deft and sure-footed in drawing parallels across history which are of direct relevance to the modern age. And while not everyone may agree with his conclusions, this is a sound and scholarly contribution to a debate which can only become more febrile in the years ahead.

It is difficult, if not impossible, when reviewing a proudly eclectic collected work, to cover in adequate detail the overall trajectory of the volume and the divergent specificities with which it is heavily freighted. All this reviewer can offer is a tasting menu of some of the highlights which caught his eye or tickled his palate. Others may find alternative dishes more appetising. But holistically, the volume helps to tease out – both definitionally and in practical terms – how the terms 'toleration' and 'religious freedom' cannot be used interchangeably either today, or at an earlier time in our history. Only by breaking down the language can we fully understand these complex interlocking concepts, and properly put aside false preconceptions, and easy assumptions.

Much in the volume is theoretical, dealing with matters at a relatively high level of abstraction. But the practical reality is never far away. This review is penned in the immediate aftermath of the horrific attempt on the life of Sir Salman Rushdie, author of *The Satanic Verses* (1988), who was the subject of a brutal knife attack at the Chautauqua Institute in New York state in August 2022. The work of fiction was alleged to contain blasphemous content which prompted the Iranian leader Ayatollah Khomeini to issue a fatwa in 1989 calling for the writer's death. The attacker claimed to have read only a few pages of the Rushdie's novel, but believed himself to be acting in the defence of Islamic faith. Nothing in this volume anticipates – still less condones – this horrific crime. But the reflections on toleration and 'otherness' over five centuries or more serve as an enduring reminder that despite grandiloquent expressions of lofty religious freedom, we have arguably not travelled far beyond the early modern settlement of begrudging tolerance as a pragmatic compromise, permanently liable to be

upset by those with malevolent intent. Those who advocate religious liberty, across a multitude of disciplines, need to be ever vigilant.

Mark Hill QC, London

Latin American Perspectives on Law and Religion

Rodrigo Vitorino Souza Alves (ed.)

New York: Springer International Publishing, 169 pp., ISBN: 9783030467166, US \$179.00

This book contains a unique collection of essays from seven outstanding Latin American scholars who specialize in religious freedom and in the relationship between religion and politics, and religious freedom. Perhaps the book would more aptly be called “Perspectives on Law and Religion in Latin America,” because its main contribution is to highlight Latin American phenomena that are understudied in English-speaking academia. Unfortunately, the English in some chapters has been insufficiently proofread, which makes reading at times less fluid.

The disciplinary focus of the book is primary legal and theoretical, although occasionally some other disciplinary perspectives are discussed. Overall, this publication focuses primarily on church-state relations and the regulation of religion by the state but does not, except for one chapter, touch on religious discrimination originating with non-state actors, which arguably represents a large portion of religious freedom violations in the region. Despite this narrow focus, the essays are original and make valuable contributions.

By far the most innovative contribution comes from the book’s editor, Rodrigo Vitorino Souza Alves, who discusses normative conflicts between freedom of religion and belief and the cultural rights of indigenous peoples. This matter has not yet been widely researched (with the exception of a few scholars such as Will Kymlicka, Nazila Ghanea or Anat Scolnicov, but they do not study Latin America specifically). The protection of the cultural rights of indigenous peoples in Latin America is far-reaching and is generally justified as a way to protect the religious traditions of these communities. However, the way in which religious conversion is handled within indigenous communities has received much less attention. Alves tackles this issue in a convincing way, first recognizing the tension and then arguing that religious freedom is both restricted and broadened by cultural protection. The main limitation of his essay is that his findings are not compared with empirical reality.

Five chapters discuss church-state relations in four Latin American countries: Mexico (Medina), Colombia (Prieto), Brazil (Weingarter) and Argentina (Vives;

Navarro). This subject has received broad attention in Spanish-language academic literature, but much less in English. The evaluations of state religious policy almost three decades after Mexico reformed the most anticlerical articles of its Constitution (1992) (Medina) and after Colombia transitioned to a secular state (1991) (Prieto) are particularly timely. So is Navarro's discussion of Argentina's proposed law of religious freedom. Weingarter's interesting essay zooms in on the issues around confessional education in Brazil. Vives looks specifically at internal differences within Argentinian Protestantism and the input they have given to legislation on religious freedom.

The only chapter that discusses societal tensions related to religious discrimination and that adopts an empirical perspective is the one by Alexandre Brasil. This chapter is based on unique nationwide data collected by state-level ombudsmen in Brazil, while at the same time it highlights the need for more data collection. Among other things, the chapter demonstrates that, contrary to conventional wisdom, there is empirical evidence for religious discrimination against different faiths in Brazil, and that the Brazilian state faces important challenges in seeking to manage its growing religious diversity.

Unfortunately, there is no introductory or concluding chapter that compares the findings from the different chapters and reflects on the publication as a whole. This does not, however, diminish the quality of the volume's individual contributions. I highly recommend this book to any scholar interested in gaining a better normative and empirical understanding of the legal implications of religion in Latin America. It may also be useful for scholars with a different geographical focus, as its findings include teachings that may be very relevant for other contexts.

Dennis P. Petri, International Institute for Religious Freedom and Latin American University of Science and Technology

Secularization, Desecularization, and Toleration: Cross-Disciplinary Challenges to a Modern Myth

Vyacheslav Karpov and Manfred Svensson (eds.)

London: Palgrave Macmillan, 2020, 348 pp., ISBN: 9783030540456, €129.99

Myth busting is its own genre of academic literature, into which *Secularization, Desecularization, and Toleration* nicely fits. "Pluralism and tolerance," the editors quote famous theologian Harvey Cox, "are the children of secularization." They set forth the myth – amply documenting its sprawling literature – at the beginning

and declare their agenda of pushing back against this happy tale of secular progress. And yet there is no strawman writing here, no easy dismissal of secularization, as has too often become the fashion.

The temptation, especially among more conservatively minded scholars, can be to reverse the argument entirely, contending that it is explicitly and *exclusively* religion that produces toleration. The story the editors steward here is more complex. Citing celebrated historian Herbert Butterfield, they write that the tendency of too much modern scholarship is “to emphasise certain principles of progress in the past and to produce a story which is the ratification if not glorification of the present.” Here is this volume’s genius, in both balance and tone: it does not pick sides in the activist historical ransacking that so often passes as historiography today, but instead it offers alternatives, pushing other plot lines and asking harder questions about what, after all, we mean by the secular and by tolerance. The book asks us to imagine a present that is not entirely uniform or homogeneous and is still – for that reason – very much in the making.

The cast of authors gathered in this book is extremely impressive, and the quality of nearly every chapter is outstanding. The first part tracks concepts of tolerance and dignity in figures that unsettle the secular myth – Aquinas, Augustine, John Owen, Ibn ‘Arabi, William Pen, Moses Mendelssohn, and even the Calvinist Abraham Kuyper. The initiate as well as the expert will find much to learn from these analyses. Reading them comparatively could be of pedagogical value in a university or graduate setting, as the editors have thoughtfully brought together examples of Catholic, Protestant, Muslim, Jewish, and other figures.

The same strength of quality comes through in part two, which, while not historically or conceptually tight, does offer regional variation that, when read comparatively, yields a bounty of insight. Here the chapters encompass early 20th-century Mexico, the rise of the Jewish state, Islam and religious freedom, religious freedom in American politics, China, the European Union, and Russian examples. The last chapter, on Russia and Ukraine, stands out as of particular interest in view of the events of 2022.

The strength of these disparate cases lies partly in the exceptional quality of the authors. Several chapters are distillations of much larger, celebrated works by the same authors, and thus they serve usefully as on-ramps for initiates to these conversations. But the cases also present wide historical, regional, and religious arguments toward deconstructing the myth that secularization precedes tolerance and pluralism. In fact, these chapters argue in sum, it is sometimes the case that secularization precedes *intolerance* and *anti-pluralism*. On the other hand, often theology and religion catalyze the principles and practices of tolerance and a free society.

The disparate nature of the chapters, however, also presents a challenge. The book is too academic to serve reasonably well as a popular introduction to secularization myth busting, but too disconnected to function effectively in most conventional academic contexts, other than those directly related to studying secularization and desecularization. I might, for example, copy George Harinck's excellent summation of "Abraham Kuyper's Vision for a Plural Society" or Daniel Philpott's enviably compact "Religious Liberty and the Muslim Question" for students in seminars on Protestant political theology or comparative political Islam, respectively. But very rarely would I need to have both texts available alongside each other.

This, of course, is the weakness of many edited academic volumes, which begin – as this one did – in a conference setting. Undoubtedly, the original conference was a major and exciting inspiration for its participants. The resulting text might have been helped by the presence of not only a sharp introduction (which the book has) but also a substantial conclusion (which the book lacks). Nevertheless, the wide variation in topics also makes it such a rich, comparative read. Not often, if ever, are the European Court of Human Rights, church-state conflict in Mexico, and William Penn's theory and practice of toleration pressed together into discussion. This book proves that we deeply need such juxtapositions. It succeeds, in a way, not only with its title, but also with its subtitle, which makes the point that cross-disciplinary approaches to myth busting are not just serious but essential. This reader is convinced by their argument, though I fear its price point and packaging will win fewer converts than its authors and editors deserve.

Robert J. Joustra, Redeemer University

Humanitarian Islam, Evangelical Christianity, and the Clash of Civilizations: A New Partnership for Peace and Religious Freedom

Thomas K. Johnson

Bonn: Verlag für Kultur und Wissenschaft, 2021, 78 pp., ISBN 9781666704402, € 10,34

Thomas K. Johnson, research vice president of Martin Bucer Seminary and senior theological adviser to the World Evangelical Alliance, is convinced that the conflict between Christians and Muslims, despite its long history, is not inevitable or eternal. He argues for a partnership between evangelical Christianity and the "Humanitarian Islam" of Indonesian Muslim scholars, in a joint global effort to oppose religious authoritarianism and persecution, moral relativism, and political absolutism. He is explicitly not concerned with a "peace of shared religious beliefs," but with a

“peace of compatible approaches to life in society based on similar approaches to public ethics” (47).

Johnson’s analysis (which is not divided into numbered chapters) begins with the sober observation that prominent Muslim responses to Islamist extremism and jihadist terror to date have not fully reassured the non-Muslim public. For example, the 2014 open letter from 126 Sunni leaders to Islamic State (IS) caliph Abu Bakr al-Baghdadi (1971-2019), for all its criticism of the group’s atrocities, maintains the fundamental commitment of the Muslim ummah to the creation of a new caliphate. In the Marrakesh Declaration of 2016, citizenship for non-Muslims is advocated, but the crucial problem of religiously defined states is not solved. The same is true of the 2019 Human Fraternity Document signed by Pope Francis and Sheikh al-Azhar Ahmad al-Tayyib, which also ignores the central issue of freedom of conversion and how to deal with converts.

Johnson considers the responses by the Indonesian organization Nahdlatul Ulama (NU), which claims to have 60 million members within and 30 million outside Indonesia, much more promising. In the “Declaration on Humanitarian Islam [HI]” of 2017, there is an unequivocal endorsement of the Universal Declaration of Human Rights (UDHR), including the full religious freedom called for in Article 18. HI representatives, who according to Johnson do not see themselves as “secularized half-Muslims” (17), deplore a “weaponization of Islam” (preamble of the HI declaration) in which states such as Saudi Arabia and Iran and terrorist groups such as al-Qaeda and the IS turn issues of faith into tools of war to advance their own worldly goals.

NU sees Muslims as facing a choice of crucial importance. They can strive “to recreate the long-lost ideal of religious, political and territorial unity beneath the banner of a Caliphate” (para 31 of the HI declaration) – with the inevitable consequence of intensifying intra-Islamic and inter-religious conflicts and the uncontrollable spread of violence and terror – or to develop a new sensibility for a modern, multi-religious civilization in which all people enjoy equal dignity and equal rights. To achieve the latter, NU believes that central tenets of Islamic orthodoxy and classical Islamic law that are repeatedly used to authorize hatred and extremism must be openly and critically addressed.

HI advocates combine faith and reason by referring to Ibn Rushd’s commentary on Aristotle. In their own jurisprudential methodology, they reject the equation of shari’ah with Islamic law and distinguish between transcendent, immutable elements (*thawābit*), such as striving for spiritual-moral perfection and a merciful and respectful treatment of fellow human beings, and historically contingent elements (*mutaḡhayyirāt*), in which category they place the traditional blasphemy laws and corporal punishments. In the context of a revived independent legal reasoning (*ijtihād*) and following influential

thinkers such as al-Ghazali (1058-1111) and al-Shatibi (1320-1388), they focus on the overarching goals (*maqāṣid*) of shari'ah: the protection of religion/faith, life, progeny, reason, and property. In contrast to legalistic Islamists, HI representatives interpret these human goods as worth protecting entirely in the sense of the UDHR; for example, they want to protect religion as a whole (including free religious discourse) and not Islam alone (against criticism and religious alternatives).

In a separate section (33-46), Johnson considers parallels between HI and ethical discourse in Western Christianity, identifying possible topics for future dialogue. These include, among others, the relationship between law and grace; the classical distinction between moral, ceremonial, and judicial laws in the Old Testament; the question of a "natural moral law" (e.g., in the context of Romans 2:14-15); and the relatively similar listing of human goods worthy of protection by Thomas Aquinas.

I share the author's assessment that HI's definition of shari'ah, given adequate support in the global Muslim movement, "would undermine most reasons for Islamophobia" (24). But how likely is this "pilot project" (26) to be replicated in other Islamic regions of the world in the foreseeable future? Johnson acknowledges the close links between HI and the principles of the Indonesian "Nusantara civilization" of the Malay archipelago, which has traditionally been characterized by a wide spectrum of peoples and cultures and able to "transform religious pluralism into a source of social unity and strength" (para 89 of the 2018 Nusantara Manifesto). Advocates of such intercultural openness, however, have struggled for decades, in the Middle East and elsewhere, against a strong Salafization of discourse that propagates the purification of Islam from anything that cannot be derived directly from Islamic sources and early Islamic times.

Johnson's concise analysis of primary and secondary sources on HI (supported by selections and a detailed bibliography in the appendix) broadens our view of the Islamic world, which in the West is often too narrowly focused on Saudi Wahhabism, the Iranian Ayatollah regime, and global Salafism. He can convincingly justify his hope for a deeper dialogue and sociopolitical cooperation with the Indonesian HI. At the same time, there remains ample material for further publications on the topic. A key question, on which Johnson touches only briefly, is how the HI intends to counter the will to power of religious movements that they deplore. The practice or Sunnah of Muhammad, described in the Hadith and the Sira and understood as a model for Muslims of all times to emulate, is the second most important source of Islamic law after the Qur'an. The link between the claim to truth and the claim to power has traditionally been established with Muhammad's emigration to Medina and his rule there, which was established in part by force. How Muslims should deal with this heritage in the future is given too little consideration in the documents discussed here.

Guidelines for authors

Version 2021-1 (February 2021)

This document combines essential elements of the editorial policy and the house style of IJRF which can be viewed on <https://ijrf.global>

Aims of the journal

The IJRF aims to provide a platform for scholarly discourse on religious freedom in general and the persecution of Christians in particular. The term persecution is understood broadly and inclusively by the editors. The IJRF is an interdisciplinary, international, peer reviewed journal, serving the dissemination of new research on religious freedom and is envisaged to become a premier publishing location for research articles, documentation, book reviews, academic news and other relevant items on the issue.

Editorial policy

The editors welcome the submission of any contribution to the journal. All manuscripts submitted for publication are assessed by a panel of referees and the decision to publish is dependent on their reports. The IJRF subscribes to the Code of Best Practice in Scholarly Journal Publishing, Editing and Peer Review of 2018 (<https://sites.google.com/view/assaf-nsef-best-practice>) as well as the National Code of Best Practice in Editorial Discretion and Peer Review for South African Scholarly Journals (<http://tinyurl.com/NCBP-2008>) and the supplementary Guidelines for Best Practice of the Forum of Editors of Academic Law Journals in South Africa. As IJRF is listed on the South African Department of Higher Education and Training (DoHET) “Approved list of South African journals”, authors linked to South African universities can claim subsidies and are therefore charged page fees.

Submission addresses

- Book reviews or suggestion of books for review: bookreviews@iirf.global
- Noteworthy items and academic news: ijrf@iirf.global
- All other contributions: research or review articles, opinion pieces, documentation, event reports, letters, reader’s response, etc.: ijrf@iirf.global

Selection criteria

All research articles are expected to conform to the following requirements, which authors should use as a checklist before submission:

- **Focus:** Does the article have a clear focus on religious freedom / religious persecution / suffering because of religious persecution? These terms are understood broadly and inclusively by the editors of IJRF, but these terms clearly do not include everything.

- **Scholarly standard:** Is the scholarly standard of a research article acceptable? Does it contribute something substantially new to the debate?
- **Clarity of argument:** Is it well structured, including subheadings where appropriate?
- **Language usage:** Does it have the international reader, specialists and non-specialists in mind and avoid bias and parochialism?
- **Substantiation/Literature consulted:** Does the author consult sufficient and most current literature? Are claims thoroughly substantiated throughout and reference to sources and documentation made?

Submission procedure

1. Submissions must be complete (see no.6), conform to the formal criteria (see no. 8-10) and must be accompanied by a cover letter (see no.3-4).
2. The standard deadlines for the submission of academic articles are 1 February and 1 August respectively for the next issue and a month later for smaller items such as book reviews, noteworthy items, event reports, etc.
3. A statement whether an item is being submitted elsewhere or has been previously published must accompany the article.
4. Research articles will be sent to up to three independent referees. Authors are encouraged to submit the contact details of 4 potential referees with whom they have not recently co-published. The choice of referees is at the discretion of the editors. The referee process is a double blind process. This means that you should not consult with or inform your referees at any point in the process. Your paper will be anonymized so that the referee does not know that you are the author. Upon receiving the reports from the referees, authors will be notified of the decision of the editorial committee, which may include a statement indicating changes or improvements that are required before publication. You will not be informed which referees were consulted and any feedback from them will be anonymized.
5. Should the article be accepted for publication, the author will be expected to submit a finalized electronic version of the article.
6. Include the following:
 - An abstract of no more than 100 words.
 - Between 3 and 10 keywords that express the key concepts used in the article.
 - Brief biographical details of the author in the first footnote, linked to the name of the author, indicating, among others, year of birth, the institutional affiliation, special connection to the topic, choice of UK or American spelling, date of submission, full contact details including e-mail address.
7. Authors are encouraged to also engage with prior relevant articles in IJRE, the Religious Freedom Series, and IIRF Reports (www.iirf.global) to an appropriate degree. So check for relevant articles.

8. Articles should be spell-checked before submission, by using the spellchecker on the computer. Authors may choose either 'UK English' or 'American English' but must be consistent. Indicate your choice in the first footnote.
9. Number your headings (including introduction) and give them a hierarchical structure. Delete all double spaces and blank lines. Use as little formatting as possible and definitely no "hard formatting" such as extra spaces, tabs. Please do not use a template. All entries in the references and all footnotes end with a full stop. No blank spaces before a line break.
10. Research articles should have an ideal length of 4 000 words and a maximum of 6 000 words. Articles longer than that are not normally accepted, but may be published if, in the views of the referees, it makes an exceptionally important contribution to religious freedom.
11. Research articles are honoured with one complimentary printed copy.
12. For research articles by members of the editorial team or their relatives, the full editorial discretion is delegated to a non-partisan editor and they are submitted to the same peer review process as all other articles.

Style requirements

1. IJRF prefers the widely accepted 'name-date' method (or Harvard system) for citations in the text. Other reference methods are permissible if they are fully consistent.
2. A publication is cited or referred to in the text by inserting the author's last name, year and page number(s) in parentheses, for example (Mbiti 1986:67-83).
3. Graphics and Tables: These must be attached as separate files. Indicate in red where they should go in the text. Every effort will be made to place them in that spot. **Image Quality:** minimum width must be 10.5 cm at 220dpi or simply 1000 pixels. The width of the image always goes over the entire width of the type area (10.5cm), but is flexible in height. Please send the image in its own file (e.g. JPG, TIF, EPS ...), not in a Word document. **Tables and "simple" diagrams:** These will likely be redesigned by our layout expert. Please attach them in a separate file.
4. Footnotes should be reserved for content notes only. Bibliographical information is cited in the text according to the Harvard method (see 2 above). Full citations should appear in the References at the end of the article (see below).
5. References should be listed in alphabetical order of authors under the heading "References" at the end of the text. Do not include a complete bibliography of all works consulted, only a list of references actually used in the text.
6. Always give full first names of authors in the list of references, as this simplifies the retrieval of entries in databases. Keep publisher names short.

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