



# The Common European Asylum System re Religious Freedom of Refugees

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## Religious Freedom in the Reception centres / Refugee Camps

Asylum seekers bring their own culture and habits with them including the discrimination of minorities. We have reports of Christian women being compelled to wear a headscarf, and of the call to prayer (*Azaan*) sounding loudly from mobile 'phones five times a day each day. Bullying and worse seems commonplace, at least in some centres. In one reception centre the common kitchen was used with permission as prayer room for Muslims, denying others its use for cooking.

In our experience reception centre staff seems focussed on manageability rather than human rights. Thus people belonging to the mainstream Muslim population are being listened to as they are the majority. We know of an incident where a Muslim complained about a Church meeting outside the centre. The reception centre manager considered banning Church announcements from the centre. This will no doubt be pleasing to a Muslim majority, but at the cost of the minorities who need to be seen and heard also. Also Christians and other civil society groups are being banned from visiting people in reception centres merely because they are not 'neutral'. But minorities need to be assured that their faith and way of life matters as much as the faith and way of life of the Muslim majority. They need the moral support from civil society that can assure them that they matter also.

Furthermore, in the Netherlands refugees are instructed in Dutch non-discrimination principles, but these instructions are given in a very western way that will make much sense to Middle East and African cultures.

What is needed is the following addition to the Directive 2013/33/EU (Reception guideline):

- ▶ Chapter II, Article 7, section 1<sup>1</sup> (about the freedom of movement) should be enhanced by the explicit mentioning of the right to be effectively informed about places of worship and other religious meetings and be allowed to attend these.
- ▶ Chapter IV, Article 21<sup>2</sup>, the list of vulnerable people should be enhanced by '*persons who belong to a minority group within the population of a reception centre and face the risk of serious forms of psychological, physical or sexual violence on grounds of religion or sexual orientation.*'

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<sup>1</sup> "Applicants may move freely within the territory of the host Member State or within an area assigned to them by that Member State. The assigned area shall not affect the unalienable sphere of private life and shall allow sufficient scope for guaranteeing access to all benefits under this Directive."

<sup>2</sup> "Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who

- ▶ Chapter IV needs an additional section on support for persons belonging to a vulnerable minority group, mentioning:
  - the training of personnel so as to raise and improve awareness and to deal with this kind of issues with the recommendation to use the expertise of churches and other religious organisations and interest groups;
  - the right of churches, religious organisations and interest groups to support the minority groups in the reception centres;
  - when reports of discrimination are made, the likely cause (religious harassment e.g), ought to be recorded so as to raise awareness of the issue.
  - the demand of human rights education of refugees in a way fitting to their cultural background.

## Religion based asylum claims

In many countries of origin, conversion to another faith attracts serious persecution. Immigration officials thus have to assess the sincerity of conversion. This is not an easy task! There is no blue print for a conversion. Some conversions happen after a long search for truth and meaning, other conversions seem to happen overnight because of a dream. Some conversions involve quite a lot of Bible Study, other conversions are predominantly emotional. How can an immigration official work out which conversion story is sincere and which is fake?

Up till five years ago there was a strong common attitude in the EU member states that converts had to answer very factual questions. "What are the names of the twelve disciples of Jesus?" "Who was Jonah?" "How many books are there in the Bible?" In some countries this is still the practice. However, answers to such questions can be learned by heart. Also, not all questions are meaningful. Don't ask a Baptist the meaning of Maundy Thursday because that is not observed in the Baptist tradition.

In a number of countries things have improved. In Denmark and the Netherlands the emphasis is now on the process of and the motivation for conversion. "What was your participation in your former religion like?" "Why did it not satisfy you?" "How did you first engage with the new faith?" etc.

Yet in the Netherlands it is still frequently assumed that a conversion can only be a thoughtful decision if one has studied the various religions as well as the various Christian traditions and denominations, as if conversion is a kind of comparative examination of goods or services instead of an existential change of identity. In Finland, on the other hand, the assumption is that a conversion is always a most emotional experience.

Another issue is the position of expert reports. Quite often these are ignored because, it is said, the expert cannot assess the applicant's general credibility. Hence a distinction is being made between the mere credibility of conversion in a general sense, and the credibility of conversion in asylum cases, the latter being said to be the exclusive prerogative of the Immigration Office.

What is needed is the following:

- ▶ Guidelines what issues need to be addressed during the interview.
- ▶ Guidelines that secure the effective use of the opinion of experts in conversion based asylum cases.<sup>3</sup>
- ▶ Guidelines defining to what extent the credibility of conversion in asylum cases can differ from the credibility of conversion in a general sense.

More on this issue: see [www.gave.nl/converts&asylum](http://www.gave.nl/converts&asylum)

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*have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation, in the national law implementing this Directive."*

<sup>3</sup> As addition to Directive 2013/32/EU (Procedure Directive) article 10 section 3 and article 4 section 1 and 2.