

Response to Parliamentary Inquiry on claiming asylum in the UK if you are persecuted for your faith or belief, hosted by the APPG on International Freedom of Religion or Belief and the Asylum Advocacy Group

Introduction

1. This submission contains the views and recommendations of two organisations, Waging Peace and Article 1. Article 1 is a charity that gives support to asylum seekers and refugees from Sudan. Its sister NGO, Waging Peace, campaigns against genocide and human rights abuses in Sudan.
2. Given our joint experience working closely with the Sudanese community in the UK to help them gain access to the services to which they are entitled, we are uniquely placed to talk about claiming asylum on the basis of having been persecuted for your faith or belief, using the Sudanese experience as a case study.
3. In compiling this document we worked closely with two individuals who gave their testimony on claiming asylum in the UK, after having faced persecution for their faith and beliefs in Sudan. They have chosen to remain anonymous, so we refer to them throughout the report as Ms A and Ms B. We spoke to Ms A on 14 October and with Ms B on 30 October. Ms A has right to remain in the UK, but Ms B is waiting for a decision.
4. Our recommendations are also informed by our wider expertise on the human rights situation in Sudan and our work over the years with hundreds of Sudanese asylum seekers, very many of whom were persecuted for their faith or beliefs. We also consulted with Peter Verney, a former adviser on Sudan to the UK Parliamentary International Development Committee, who now regularly writes reports and gives oral evidence in Sudanese asylum cases.

Why Sudan?

5. Islam is the dominant and, effectively, state religion of Sudan. Although articles of Sudan's constitution guarantee religious freedom, the ruling regime's interpretation of Islam influences all aspects of life in the country. Sudanese President Omar Al-Bashir has declared, "There will be no question of cultural or ethnic diversity. Sharia will be the only source of the constitution".
6. Religion played a role in Sudan's war against the mainly Christian and animist South, in which an estimated one and a half to two million people died, and which led to its separation and establishment as a separate country in 2011. Today the Sudanese regime continues a military offensive against non-Arab and non-Muslim groups in the southern part of the country above the new border, in the South Kordofan and Blue Nile states. Reports verify that the Sudanese armed forces have dropped 1,969 bombs on civilian targets in the Nuba Mountains region since April 2012. Churches, hospitals and schools run by faith groups have been deliberately targeted.
7. The processes of Sudan's Sharia courts have most recently come to light in the well-publicised case of Meriam Ibrahim. In May Meriam was convicted of apostasy and sentenced to death. At the time of her sentencing she was eight months pregnant, and she later gave birth shackled in prison. Her experience of Sudan's repressive laws is not isolated, though incidences rarely make headlines.
8. Other recognised discriminatory practices affecting non-Muslims, non-strict Muslims and non-religious individuals include public floggings and beatings for women who do not follow strict religious codes in dress or other matters, preferential access to government employment and services for Muslims, favoured treatment for Muslims in court cases, the closing and destruction of churches and Christian institutions, harassment of church employees and congregation members, and confiscation of religious books.

How the UK authorities handle asylum cases on the basis of persecution for your faith or belief

9. **Authorities lack experience and knowledge.** Both Ms A and Ms B mentioned that it felt like the authorities handling their cases lacked relevant experience or knowledge and so did not take their claims seriously. Ms A says that during an interview with a Home Office official she was asked to clarify what an atheist is, as the interviewer did not understand what it meant to be non-religious. She says this experience left her feeling “really angry” as it should not have been her job to explain this and it was clear that the interviewer lacked requisite knowledge. Ms B’s experience supports this claim. She says her interviewer had “no knowledge” of the Baha’i Faith, to which she had converted from Islam.
10. **It is presumed that faith or beliefs are a choice and that religion can be practised in private.** Those we spoke to report that there is a presumption, evident in conversations and during questioning with the Home Office and other authorities, that your faith or beliefs are something you choose, and can be kept private. Ms A was asked why she could not have just kept her atheist beliefs to herself, and asked repeatedly what made her speak out. Ms A says this line of questioning made her feel she was being blamed, rather than the regime that had persecuted her. There are clear parallels with the treatment of LGBT asylum seekers.
11. **It is harder to claim asylum on this basis than for other reasons.** Individuals we spoke to say they felt it would have been easier to claim asylum on the basis of having been persecuted for any other reason than on the grounds of having been persecuted for their faith or beliefs, as your race or ethnicity is not as open to question. Furthermore, in Ms A’s case, she felt it would have been easier to say she had an alternate faith, rather than no religious beliefs. This is because she thought the authorities had particular difficulties handling her claim on the basis of her atheism. Ms A noted that she resented having to tick boxes saying ‘None’ under the category of religion, as she feels she does hold beliefs, just ones that are based on human values.

Challenges faced in practice

12. **Asylum seekers who faced persecution for their faith or beliefs are still at risk in the UK.** Asylum seekers who faced persecution in their country of origin for their faith or beliefs are, as Ms A described, a “minority within a minority” in the UK, and are often particularly vulnerable given their inability to access faith-based support from their diaspora group. As an atheist, Ms A was ostracised by other Sudanese asylum seekers, and was the subject of a public hate campaign by Islamist activists that went global and even harmed her family in Sudan. She took her concerns to the police but they did not understand the matter and so took it no further. She has since isolated herself and kept a low profile for security reasons.
13. In Ms B’s case, she is at risk in the UK because she is a well-known figure in Sudan, and fears that if the details of her case become public her life will be threatened. This is because under Sharia law anyone who converts faith is liable to be punished. In Sudan she would have been executed, but because she is out of the country, the government can call for her to be killed. Ms B lives in fear for her life and of who will provide for her children if she is killed, particularly as she feels she does not have good legal protections while her asylum case is pending. This situation has left her with ongoing mental health problems.
14. **The Home Office often claims there is insufficient evidence.** The Home Office regularly claims not to have information on particular religious groups, even where information is easily found and in the public domain. Peter Verney cited a recent example concerning Quranism, where the Home Office claimed it had no information on this group. He is also aware of a case in which a judge did not understand the workings of Sharia law and did not believe that apostates are given three days to recant. Information on both matters is easy to source, both online and in religious texts.
15. In addition, in her case, Ms A was told that as there was no evidence about atheism in Sudan, it could be concluded that there are no atheists in the country and that therefore she could not possibly have been

persecuted for this reason. This is a dangerous catch-22, and does not take into account the fact that in countries where atheism is not recognised as a legitimate belief system there will of course be no reports of individuals holding these beliefs and therefore no information on persecution for this reason. It also ignores the fact that under Islam atheism is generally not called by its name and is instead included with charges of apostasy.

16. **Asylum seekers often have to work with interpreters who may be ignorant of or even antagonistic towards different faiths or beliefs.** Peter Verney notes that this happens very often in Coptic Christian cases or where Muslim Arabic interpreters are critical of an individual's decision to leave Islam. Ms B agrees and says this was an issue for her, as her interpreters did not know what the term FGM (female genital mutilation) meant and had trouble translating terms from the Baha'i Faith. She was also afraid that her interpreter might be Sudanese, which made her scared that her story would be made public and her life would be threatened.

How challenges can be addressed and improved

17. The Home Office should compile information and guidance reports on different faiths and beliefs, and in particular on the processes of Sharia law and courts, which can be used alongside country information and guidance reports. They should also produce an asylum decision-making guidance instruction on the topic 'Faith and beliefs in asylum claim: process'. Experts, as well as individuals who sought asylum in UK on the grounds of persecution for their faith or belief, should be encouraged to contribute to the drafting of this document.
18. While it is recognised that authorities require information on, for instance, the reasons for and circumstances of conversion to a particular religion, the asylum interview policy instructions should specify that it is inappropriate and irrelevant to ask an asylum seeker why they could not keep their faith or beliefs private, with reference to Article 18 of the Universal Declaration of Human Rights, that provides for the "freedom, either alone or in community with others and *in public or private*, to manifest his religion or belief". [Emphasis added.]
19. Interpreters should receive training on religious tolerance and there should be established an external test of whether the interpreter is capable of translating the concepts and terminology of religious groups in the country of origin beyond the interviewer's subjective assessment. It should at all times be made clear to the asylum seeker that they can suspend the interview and arrange for an alternative interpreter if they object to the current interpreter on these grounds.
20. More protections should be offered to asylum seekers who have faced persecution for their faith or beliefs in their country of origin, and they should be considered a particularly vulnerable group as a "minority within a minority". It should be recognised that it is not always appropriate to refer an asylum seeker to diaspora communities, or to faith-based networks, in order to receive support.
21. Authorities should change the language used on official documentation categorising faith or beliefs to include options such as 'atheist', 'agnostic' and 'ex-Muslim'.

Waging Peace and Article 1 would like to be invited to provide oral evidence. Please contact:

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