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Oppressive Neutrality?

Examination of the humanitarian discourse on religion,
religious minorities,
and its effect on policy practice in the Netherlands



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Introduction

Ever since the escalation of Middle East conflicts in the beginning of the 21st century, there has been a steep increase of sectarian violence throughout refugee camps in the Middle Eastern and North African (MENA) region. This holds true for asylum seeker's centers throughout Europe as well.¹ It is known that religious minorities suffer extreme persecution, and often times, this is the main reason for them to abandon their homes. The destination country governments have been responding in many different ways – from prioritizing asylum claims based on religious identity to completely ignoring religious identity altogether². The task of prioritizing asylum seekers is a complex task and an important responsibility of each nation. Problems arise out of specific ideas on cultural and religious integration; Argumentations are advanced by both right- and left-wing parties in the political discourse throughout Western democracies. In 2015, reports were published about violence aimed specifically towards religious minorities in Western European refugee centers.³ This caused an uproar throughout the continent in a variety of ways, with each side of the political spectrum advancing their own solutions.

There can be – and there mostly are - discrepancies between the destination country's assessments of the needs, and the actual needs and challenges asylum seekers face. There is in virtually every country a shared common denominator; that is that the response to tackle the challenges faced by religious minorities, are worded in neutral or

¹ Deloitte (2011). Rapport inzake een kwalitatief onderzoek onder (oud)bewoners van Asielzoekerscentra, naar mogelijkheden ter verhoging van de meldbereidheid van incidenten op gebied geloofsovertuiging en seksuele geaardheid. Retrieved from https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2012Z08022&did=2012D17026

Open Doors. (2016). *Religiös motivierte Übergriffe gegen christliche Flüchtlinge in Deutschland*. Retrieved from <https://www.opendoors.de>

Fox, J. (2015, august 31). Equal Opportunity Oppression. *Foreign Affairs*. Retrieved from <https://www.foreignaffairs.com>

Volk, T. (2016) *Analysen & Argumente: Christen unter Druck? Das Menschenrecht auf Religionsfreiheit ist nicht verhandelbar*. Konrad-Adenauer-Stiftung, vol. 202. Retrieved from <http://www.kas.de>;

Amnesty International. (2016, January 18). *Female refugees face physical assault, exploitation and sexual harassment on their journey through Europe*. Retrieved from <https://www.amnesty.org>

² Eghdamian, K. (2015). *Refugee crisis: Syria's religious minorities must not be overlooked*. Retrieved from <http://theconversation.com/refugee-crisis-syrias-religious-minorities-must-not-be-overlooked-47448>

³ Kuitert, H. (2015). Christenen uit asiel weggepest. Retrieved from http://www.telegraaf.nl/binnenland/24261497/_Christen_uit_asiel_weggepest_.html

Reformatorisch Dagblad (2015). Christelijke asielzoeker „ontvlucht” azc uit angst voor moslims. Retrieved from <https://www.rd.nl/vandaag/binnenland/christelijke-asielzoeker-ontvlucht-azc-uit-angst-voor-moslims-1.478405>

secular terms.⁴ In recent times however, the limits of the effectivity of such secularist phrasing have become clearer. Humanitarian neutrality does not suffice in addressing the atrocities in the recent MENA conflicts. Regularly cited factors such as age, gender, disability or ethnicity are accounted for in government and UNHCR policy concerns. Religious identity however is either consciously avoided or is of secondary concern.⁵ This is an issue within the UNHCR refugee camps as will be shown later and has also been acknowledged as such by UNHCR leadership. For example, Carol Batchelor, director of the Division of International Protection of the UNHCR, made the following statement at a conference on religious persecution of minorities in Geneva, during the 33rd Human Right's Council:

*“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”.*⁶

Religion has been an important shaping force in humanitarianism, yet the literature and research on many aspects of religion within the field remains scarce. The exact numbers of religious minority refugees remain unknown and one must resort to estimates. But, more importantly, not much is known about the role of religion within international displacement – this is the case despite recent efforts to engage more with religion within the field.⁷ In this brochure then, the discourse on religious minority refugees is being examined. The effect of this discourse will be further explored through a case study of the Dutch Central Agency for the Reception of Asylum Seekers (COA).

The assumptions held about religion and religious minorities as well as the relevant policies were analyzed through interviews, documents and other reports. Religion is viewed through the secularist lens, which is the dominant discourse on religion within humanitarianism. Therefore, the complexities of religion are not well understood and approached from a one-sided perspective.⁸ This study examines why religious plurality – and therefore religious minority refugees - is not well understood within humanitarianism.

⁴ De Cordier, B. (2009). The 'Humanitarian Frontline', Development and Relief, and Religion: what context, which threats and which opportunities?. *Third World Quarterly*, 30(4), 663-684.

⁵ Eghdamian, K. (2014). Religious Plurality and the Politics of Representation in Refugee Camps: Accounting for the Lived Experiences of Syrian Refugees Living in Zaatari. *Oxford Monitor of Forced Migration*, 4(1), 37-40.

⁶ Batchelor, C. (2016, September). *Conference on Freedom of Religion or Belief and humanitarian/Migration Crisis*. 33rd Human Rights Council, Geneva, 17 September 2016, LDS Charities.

⁷ For example, see the High Commissioner's 2012 Dialogue on Protection Challenges

⁸ Eghdamian, K. (2014). Religious Plurality and the Politics of Representation in Refugee Camps: Accounting for the Lived Experiences of Syrian Refugees Living in Zaatari. *Oxford Monitor of Forced Migration*, 4(1), 37-40.

The effect thereof is examined by studying the impact on Dutch policy practice which will serve as a case in point.

How will this be achieved?

Temporal and analytical dimension of this brochure

So, how is this dominant secular discourse formed and in what way could there be a competing discourse? What would need to change or be added for it to become more fitting to the overall needs? The answers to these questions were sought through extensive discourse analysis and interviews, of which this brochure presents the main findings. Asylum policy involves transnational governance structure by its very nature, so the most dominant player, the UNHCR with its shaping policy discourses forms the base and starting point for this brochure.

To achieve said goals, primary source material such as policy documents pertaining to religious minorities in displacement are used, including relevant inquiries and first-hand interviews. Needed documents were found on the official Dutch governmental website, where all documents are publicly available. Furthermore, the UN-documents are found online, at the UNOG library, or the respective websites. These official documents are used to discover how the Dutch government and more accurately the COA as an independent administrative body, views religious identity and how it has come to be the dominant view. The COA has asked independent research agencies such as Deloitte to conduct research on topics like minorities within the asylum seekers' centers. By considering these documents as well as a broad scope of topical official COA papers and policies, a clear picture of the COA's current discourse on religion can be drawn.

Furthermore, this research incorporates three expert interviews. Each expert has been asked a set of questions, pertaining to his or her insights towards policies on religious minorities in humanitarianism. The first expert interview has been held with the Chief of Refugee Status Determination Section of the UNHCR Division of International Protection (DIP) who is responsible for refugee intake policy and camp organization.

The second expert interview is held with the Secretary General of the International Catholic Migration Commission (ICMC). The ICMC is the largest resettlement organization to the largest resettlement country, the United States. The third expert interview conducted is with a case manager from the COA. Case managers are typically most frequently in touch with all asylum seekers, since they are conducting and processing each case personally with the refugees. Case managers guide asylum seekers through their individualized process from arrival to departure from the COA asylum seekers' centers. As they have a myriad of conversations each day with people from all possible backgrounds, their insights into the practicalities of COA policy are valuable assets in corroboration of the found results. This interview is therefore intended as such – to find whether the policies and stances of the COA are perceived as effective as they are intended to be.

Pivotal moments are selected pertaining to the temporal dimension of the study.⁹ For the Netherlands, the implementation of the so-called “vreemdelingenwet 2000” or renewed aliens act, signifies a major change in policy pertaining to religious minorities. Subsequently it will focus on the increased attention to the sacred due to recent developments such as the Arab spring and the Syrian war. The increased refugee influx due to these happenings will cover a timespan from 2011 to 2017. 2011 here marks for both the Arab spring and the Syrian conflict the beginning which in turn impacted the UNHCR as well as the COA.

The analysis will therefore start by dissecting the developments within humanitarianism pertaining to religion in general. Subsequently, the focus will be funneled towards the discourse on religious minorities within the humanitarian field, where the UNHCR as the biggest actor and official United Nations is seen as the main authority on dictating how religion and religious minorities are to be seen. The analysis of the Dutch COA will serve as a case in point. A conclusion and possible implications about the analysis and findings will be drawn.

⁹ Following Hansen, 2006, p. 71. Hansen, L. (2006). *Security as Practice: Discourse Analysis and the Bosnian War*. London: Routledge.

Analyzing the issue

Prescriptive secularism and its challenges

The historical influence of religious traditions and commitments are regularly addressed in the general discourse and accounts of humanitarianism. By for example 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 influence in humanitarian development in thought and practice.¹⁰

In the late nineteenth century, and more strongly in the twentieth century, a distinctively secular regime has been adopted from the public discourse and developed in the field.¹¹ Within humanitarianism, the intention of secularism is to be ideologically neutral without promoting any particular ideology and instead setting terms by which pluralism can exist.¹² In practice however, secularism within humanitarianism is extended to a much broader social context, where instead of maintaining its original descriptive character operating as a constitutional mechanism, it has evolved into having a *prescriptive* character, defining what is legitimate and making religion an inherently private matter.¹³

This thought is developed further by explaining that because secularism appeals to the 'protocols of universal reason' and reason as universal, it promotes a specifically materialist character.¹⁴ This is so, because only the materially verifiable can be labeled as reasonable. This necessarily promotes liberal materialism as the 'correct' ideology for functional secularism. The pervasiveness of the current secular discourse can be seen in that faith-based humanitarian organizations (FBO's) have adopted the secular discourse. This in turn makes it hard to distinguish between secular and non-secular organizations. This secular self-framing has allowed for collaboration within the field and has facilitated public funding for FBO's and fostered an unambiguous commitment to the humanitarian principles, foremost those of neutrality and impartiality.¹⁵

¹⁰ Walker, P. and Maxwell, D. (2009). *Shaping the Humanitarian World*. New York: Routledge; Stackhouse, M. (1998). Intellectual crisis of a good idea. *Journal of religious ethics*, 26(2), 263-268.

¹¹ Walker, P. and Maxwell, D. (2009). *Shaping the Humanitarian World*. New York: Routledge.

¹² Bender, C. and Klassen, P. E. (eds) (2010) *After Pluralism: Reimagining Religious Engagement*. New York: Columbia University Press.

¹³ Ager, A., & Ager, J. (2011). Faith and the Discourse of Secular Humanitarianism. *Journal of Refugee Studies*, 24(3), 456-472;

Hurd, E. S. (2009). *The politics of secularism in international relations*. Princeton, NY: Princeton University Press.

¹⁴ Jakobsen, 2010, in: Ager & Ager, 2011, p. 4

¹⁵ Walker, P. and Maxwell, D. (2009). *Shaping the Humanitarian World*. New York: Routledge.

However, two main forces have been challenging the secular framing of humanitarianism. Religion has made a resurgence in the international community through political events and globalization. Attention has been drawn to the role of religion and religious institutions in public life. This force can be described as an external driver. The second main force is an internal one, signified by the increasing range of FBO's within humanitarianism.¹⁶ This growing range of FBO's is mainly attributed to globalization and social changes and concludes that these developments have contributed to a greater space for faith-based relief- and development actors.¹⁷

This growing role has led to a re-examination of the place of FBO's within the context of an evolving humanitarian regime.¹⁸ A consequence of this is an increased awareness of the secular prescriptive force and is well formulated by the same authors: "While in principle 'neutral' to religion, in practice this framing serves to marginalize religious language, practice and experience in both the global and local conceptualization of humanitarian action".¹⁹ In an interview with the Secretary-General of the ICMC, this self-framing and materialist assumption is confirmed:

*"when it comes to assessing the needs of refugees, we are only engaging with the refugees the UNHCR has referred to us. We then proceed to make sure the means to survive are available to them."*²⁰

Within the broader field of the social sciences, the emergence of the post-secular has been noted, however, humanitarianism and its response to these developments have been rather inadequate and fail to address the dynamics of faith-related problems.²¹ This can be

¹⁶ Ager, A., & Ager, J. (2011). Faith and the Discourse of Secular Humanitarianism. *Journal of Refugee Studies*, 24(3), 456-472.

¹⁷ De Cordier, B. (2009). The 'Humanitarian Frontline', Development and Relief, and Religion: what context, which threats and which opportunities?. *Third World Quarterly*, 30(4), 663-684.

¹⁸ Ager, A., & Ager, J. (2011). Faith and the Discourse of Secular Humanitarianism. *Journal of Refugee Studies*, 24(3), 456-472.

¹⁹ Ibid., p. 2

²⁰ R. Vitillo, personal communication, October 12, 2016.

²¹ Eghdamian, K. (2014). Religious Plurality and the Politics of Representation in Refugee Camps: Accounting for the Lived Experiences of Syrian Refugees Living in Zaatari. *Oxford Monitor of Forced Migration*, 4(1), 37-40; Ager, A., & Ager, J. (2011). Faith and the Discourse of Secular Humanitarianism. *Journal of Refugee Studies*, 24(3), 456-472.

seen in the COA case study later on.

The secularization thesis – with its origins found in sociology - has had an enormous sway on international relations, politics and also in the field of humanitarianism.²² It is known that ever since the '9/11 attacks', academic interest in the role of religion and its influence in identity, society and its overall practices has increased.²³ The international development studies and therefore humanitarianism however, only took on this trend no more than a decade ago.²⁴ There is now extensive research and literature available which is exploring the relationship between religion and humanitarianism. However, a commonly drawn conclusion is that secularism keeps on strongly shaping the humanitarian field, stripping it from its religious affiliations. The secular prescriptive dominance is even seen as an intellectual crisis of the field.²⁵ As the use of secular language does not comply with the religious plurality among asylum seekers, the consistent neglect of the religious hinders or even prevents them from getting adequate help for their cases.

The UNHCR and the secular refugee

Currently, within the field, there are two widespread assumptions pertaining to religion. The first is that it is seen as identity politics.²⁶ Secondly, as previously established, it is seen as a non-essential part of displacement. Drawing on these two prevalent ideas, humanitarian actors seek no in-depth engagement with religion in the practicalities of their work, referencing to neutrality and universality as core aims of humanitarianism.²⁷ The institutional engagement through FBO's is seen as an acceptable form, yet it does not go far beyond that. Their adapted secular self-framing leaves religion in this current understanding

²² Fiddian-Qasmiyeh, E. (2011). Introduction: Faith-based humanitarianism in contexts of forced displacement. *Journal of refugee studies*, 24(3), 429-439.

²³ Mavelli, L., & F. (2012). The postsecular in International Relations: an overview. *Review of International Studies*, 38(5), 931-942.

²⁴ Eghdamian, K. (2014). Religious Plurality and the Politics of Representation in Refugee Camps: Accounting for the Lived Experiences of Syrian Refugees Living in Zaatari. *Oxford Monitor of Forced Migration*, 4(1), 37-40.

²⁵ Stackhouse, M. (1998). Intellectual crisis of a good idea. *Journal of religious ethics*, 26(2), 263-268.

²⁶ Eghdamian, K. (2017). Religious Identity and Experiences of Displacement: An Examination into the Discursive Representations of Syrian Refugees and Their Effects on Religious Minorities Living in Jordan, *Journal of Refugee Studies*, 30(3), 447-467.

²⁷ Ibid., p.6

and omits its many roles, still seeing it as a questionable asset in the field.²⁸ This is best illustrated through the resilience report for Syrian refugees, launched by the UNHCR. The plan of fostering resilience among refugees, eight categories have been identified: protection, food security, education, health and nutrition, basic needs, shelter, WASH (water, sanitation, hygiene) and livelihoods.²⁹ Any reference to religion or religious background, needs or experiences is lacking. It is argued that due to the positivist tendencies to approach displacement, the difficult immaterial issues are more often omitted.³⁰ This statement is consistent with our finding functional secularism strongly emphasizes the materially verifiable. However, the material and immaterial conditions people in displacement live in should be distinguished and acknowledged easily, as they directly influence one another.³¹

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 steadily ignored.³² Having been asked this during an interview, the chief of refugee status determination Section of the UNHCR's DIP Blanche Tax stated that:

*“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. There are sharing agreements signed between the host countries and the UNHCR. Considering the fact that most countries have actually signed the 1951 Refugee Convention, we try to make them bear more responsibilities. We actively seek to engage in capacity building with the state authorities.”*³³

²⁸ Fiddian-Qasmiyeh, E. (2011). The pragmatics of performance: Putting 'faith' in aid in the Sahrawi refugee camps. *Journal of refugee studies*, 24(3), 533-547.

²⁹ UNHCR. (2016). *Resettlement Handbook – country chapter Netherlands*. Retrieved from <http://www.unhcr.org/en-us/protection/resettlement/3c5e5925a/unhcr-resettlement-handbook-country-chapter-netherlands.html>

³⁰ Lunn, J. (2009). The Role of Religion, Spirituality and Faith in Development: A Critical Theory Approach. *Third World Quarterly*, 30(5), 937–951.

³¹ Lauterbach, K. (2014). Religion and displacement in Africa: Compassion and Sacrifice on Congolese Churches in Kampala, Uganda. *Religion and Theology*, 21(3-4), 290-308.

³² Karam, A. (2012). *Religion, development and the United Nations*. Social Science Research Council. Retrieved from <https://www.ssrc.org/publications/view/EB4B29C9-501D-E211-BB1A-001CC477EC84/>

³³ B. Tax, Chief of Refugee Status Determination Section of the UNHCR Division of International Protection (DIP), personal communication, October 3, 2016.

This is an important point raised by the UNHCR. Having one's religious affiliation known by the local authorities – since the UNHCR is often required to disclose its data with the host country – can be dangerous and compromising for the refugee. However, recent research has shown that even camp enrollment is an intimidating process, to a point where people belonging to a religious minority group do not trust the UNHCR officer, as they are often locals belonging to a majority group in the host country.³⁴ This finding is also corroborated by Tax who confirms that only forty percent of all refugees decide to live in camps: “Fear is an important factor in this decision.”³⁵ Aforementioned Carol Batchelor agrees that the fear of religious minorities is a legitimate one:

*“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.”*³⁶

The steps taken by the UNHCR to address the needs of religious minority groups include the following three main initiatives. The ‘Age, Gender and Diversity’ policy addresses the need of minority groups in general, including members of the LGBT-community,³⁷ the High Commissioner’s ‘Faith and Protection Dialogue’ from 2012, and the ‘Welcoming the Stranger’ initiative launched in 2013 where religious leaders of the five major faiths have launched a cooperated statement on hospitality to refugees.³⁸ The existence of these policies stands in contrast with what is being experienced by these same groups in the camps and centers on a daily base.³⁹

³⁴ Eghdamian, K. (2017). Religious Identity and Experiences of Displacement: An Examination into the Discursive Representations of Syrian Refugees and Their Effects on Religious Minorities Living in Jordan, *Journal of Refugee Studies*, 30(3), 447–467.

³⁵ B. Tax, Chief of Refugee Status Determination Section of the UNHCR Division of International Protection (DIP), personal communication, October 3, 2016.

³⁶ Batchelor, C. (2016, September). *Conference on Freedom of Religion or Belief and humanitarian/Migration Crisis*. 33rd Human Rights Council, Geneva, 17 September 2016, LDS Charities.

³⁷ UNHCR. (2011). *Age, Gender and Diversity Policy: Working with people and communities for equality and protection*. Retrieved from http://www.unhcr.org_

³⁸ UNHCR. (2013). *Welcoming the Stranger: Affirmations for Faith Leaders*. Retrieved from http://www.refworld.org_

³⁹ Eghdamian, K. (2017). Religious Identity and Experiences of Displacement: An Examination into the Discursive Representations of Syrian Refugees and Their Effects on Religious Minorities Living in Jordan, *Journal of Refugee Studies*, 30(3), 447–467.

Bundesamt für Migration und Flüchtlinge (2016). *BAMF Kurzanalyse 02/2016*, Retrieved from www.bamf.de.
Deloitte (2011). Rapport inzake een kwalitatief onderzoek onder (oud)bewoners van

The development of the religious minority refugee discourse

In situations of displacement it is known that minorities of any kind – ethnic, linguistic or religious – are among the most vulnerable of people. The growing frequency and severity of conflicts which involve minorities prompted the United Nations to express its concern.⁴⁰ These minority-involved conflicts with often tragic consequences are not only recognized internationally but also emphasized, with governments expressing concerns at ‘instances of victimization or marginalization of persons belonging to minorities in situations of political or economic instability’.⁴¹

Since the UNHCR is seen as the ‘guardian of the 1951 Convention and its 1967 protocol’, states affected by refugees – be it countries of conflict or countries of refuge - are expected to cooperate with the UNHCR.⁴² This collaboration is a vital part of the UNHCR’s protection response. This response is then deemed necessary when nations cannot provide or guarantee protection or otherwise deny protection from individuals. It is from this point on that UNHCR’s mandate to find durable solutions for refugees comes into action.⁴³ A close partnership is being maintained with UNHCR’s sister organization OHCHR as well as the IOM to ensure that forcibly displaced persons and other ‘people of concern’ in spite of their personal situation have full access to their human rights. The UNHCR therefore fully embraces the findings and advices made by both the OHCHR and the IOM.⁴⁴

This concisely summes up on what grounds the UNHCR is operating and to which standards the humanitarian field is committed. It is useful to go into more detail about how the global refugee challenges, currently emerging mainly from the MENA region has triggered action. In the 2013 report of the independent expert of minority issues to the United Nations encourages the focus on minority rights-based approaches to the protection

Asielzoekerscentra, naar mogelijkheden ter verhoging van de meldbereidheid van incidenten op gebied geloofsovertuiging en seksuele geaardheid. Retrieved from https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?pid=2012Z08022&did=2012D17026

⁴⁰ CHR, 2002/57

⁴¹ Ibid., p. 1

⁴² Retrieved from <http://www.unhcr.org/en-us/1951-refugee-convention.html>

⁴³ UNHCR (2005). *An Introduction to International Protection: Protecting of Concern to UNHCR*, Self study module 1. Retrieved from <http://www.unhcr.org>.

⁴⁴ Retrieved from <http://www.unhcr.org/un-sister-organizations.html>.

and promotion of the rights of religious minorities.⁴⁵ The rapport concludes by emphasizing that globally the rights of religious minorities are not well implemented in practice and that in every region one can speak of marginalization and social exclusion of that group. A daily reality of that group includes harassment, persecution and physical violence. The UNHCR confirms this:

*“National, ethnic and religious minorities are very vulnerable, especially in the MENA context. A large part of refugees belongs to religious minorities”*⁴⁶

This aligns seamlessly with what we can see in the camps. Feelings of unsafety, physical violence and ostracism of Christian and Druze refugees are described, which are part of the religious minority groups within the refugee camps in Jordan.⁴⁷ One major problem is, that due to the homogenization of the refugees in the general humanitarian discourse, people are afraid to talk about their religion as they fear repercussions of giving away that knowledge to people around them.⁴⁸ An often-employed solution is being silent about one’s own faith out of fear, a problem directly addressed by article 18 of the ICCPR. The UNHCR is aware of this problem as its director of the Division of International Protection stated that:

*“if the well-founded fear for persecution is due to one’s faith, the general advice given to religious minorities to hide their faith for safety reasons does not address the core of the problem and is unreasonable at best.”*⁴⁹

⁴⁵ United Nations, General Assembly, *Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: report of the Independent Expert on minority issues*, A/68/268 (5 August 2013), available from undocs.org/A/68/268.

⁴⁶ B. Tax, Chief of Refugee Status Determination Section of the UNHCR Division of International Protection (DIP), personal communication, October 3, 2016.

⁴⁷ Eghdamian, K. (2017). Religious Identity and Experiences of Displacement: An Examination into the Discursive Representations of Syrian Refugees and Their Effects on Religious Minorities Living in Jordan, *Journal of Refugee Studies*, 30(3), 447–467.

⁴⁸ *Ibid.*, p. 16;

Also confirmed by personal interview with B. Tax

⁴⁹ B. Tax, Chief of Refugee Status Determination Section of the UNHCR Division of International Protection (DIP), personal communication, October 3, 2016.

Thus, by marginalizing religion a crucial part of life for most refugees is being ignored. The UN minority rapporteur recognizes that and states that the 'rights of religious minorities go beyond freedom of religion and belief and non-discrimination (...) and require legislation, policies and concrete measures to create substantive equality in all areas of cultural, economic, political, public, religious and social life'.⁵⁰ A call is made for special legislative protection for religious minorities in that same report and the urgency for increased security and protection is being emphasized. This call for change can also be found in other resolutions, such as the urge for increased security of religious minorities in the resolution adopted during the 31st council session of the Human Rights Council.⁵¹

The tendency to leave out the religious affiliation of refugees is carried on into the Dutch alien's chain as will be shown in the next section. The UNHCR is overseeing and referring refugees eligible for resettlement globally. Through resettlement programs, the UNHCR is working closely together with receiving states, including the Netherlands. The focus will now be put on the implications of this discourse on the policy practice in the Netherlands.

The Dutch case in point: The Central Agency for the Reception of Asylum Seekers, COA

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 the reception for all asylum seekers and refugees for Dutch society, it is its duty to provide for the reception, supervision and departure of this group. As asylum seekers are in a vulnerable position, safe accommodation, a means of living and different (lingual) programs are offered to fulfil this task. The main mission is formulated by the COA as providing a 'safe and livable environment' which ensures that the reception of asylum seekers is maintained as manageable as possible for both 'politicians and society' and enables the COA to give account for its acts.⁵² The COA also works closely with other organizations all related to the so-called 'aliens chain', including the Immigration and

⁵⁰ Available from undocs.org/A/68/268; p. 2

⁵¹ Available from undocs.org/A/HRC/31/L.18

⁵² Retrieved from <http://www.coa.nl>

Naturalization Service (IND),⁵³ Royal Netherlands Military Constabulary and the Repatriation and Departure Service.⁵⁴ The COA is carrying out a political assignment as an independent administrative body, whose duties are laid down in the ‘Wet Centraal Orgaan opvang Asielzoekers’ or short the ‘COA Act’.⁵⁵ In article 3 of this law, it is laid down that the COA needs to both provide for the material as well as the immaterial shelter for asylum seekers. This includes all the required tasks to fulfil this duty, including providing for adequate housing and covering living expenses of the refugees. Safety is another focal point for the COA refugee centers. Security is present and permanently available by means of security guards and well-trained staff.

The COA itself is not responsible for the decision if an asylum seeker is allowed to stay in the country. This is decided by the aforementioned IND. Asylum seekers are considered responsible for their own choices pertaining to self-development and the COA is trying to maintain a supportive role in their lives.

Resettlement

The UNHCR has implemented a resettlement program for refugees who are most probably not able to return to their own country for a prolonged time as they would not be safe in the region they have fled. This program of which the Netherlands is a part of, allows for refugees to settle in another country.⁵⁶ After having the resettlement process initiated, the UNHCR identifies, interviews and submits refugee cases to countries for potential resettlement (IOM, n.d.). The Dutch government resolved to invite about five hundred refugees each year to settle in the Netherlands. Most of these refugees are coming from refugee camps, and the COA prepares for their arrival in this country. Between 2012 and 2015 the Netherlands

⁵³ The IND oversees the Dutch admissions policy. It assesses every application for asylum or Dutch nationality. Besides handling admissions, the IND is guarding the borders. As an agency it falls under the Ministry for Security and Justice.

⁵⁴ The Repatriation and Departure Service (DT&V) is overseeing 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 is considered.

⁵⁵ The full text of the ‘Wet COA’ available from wetten.overheid.nl

⁵⁶ UNHCR. (2002). *Refugee Resettlement: An International Handbook to Guide Reception and Integration*.

Retrieved from <http://www.unhcr.org>.

UNHCR. (2016). *Resettlement Handbook – country chapter Netherlands*. Retrieved from

<http://www.unhcr.org/en-us/protection/resettlement/3c5e5925a/unhcr-resettlement-handbook-country-chapter-netherlands.html>

has received about two thousand refugees through this program, and from 2016 through 2019 it should be two thousand more.⁵⁷

To determine which refugees should come into consideration for the Dutch resettlement program, four missions are organized each year with representatives from COA, the IND and the Ministry of Foreign Affairs. The refugees are proposed by the UNHCR, and the selection is made by the IND based on the Dutch asylum policy. From the five hundred refugees, approximately one hundred are so-called dossier cases; refugees with heightened vulnerability. The representatives from COA proceed to hold a social interview with the refugees, assessing whether integration is likely, and their expectations are realistic. In this social interview data is collected about the work, study, language and current living situation.⁵⁸ However there is nothing to be found on religious needs. Although the religious background does at times get into consideration, then only in the dossier cases the UNHCR is in charge of producing.⁵⁹ Whether a resettled refugee is part of a religious minority is therefore also not known to the COA, as stated in that same report. Commenting on the resettlement to the Netherlands, in a letter of government the Minister of Immigration, Integration and Asylum policy G.B.M. Leers stated that:

“The Netherlands strives towards a balanced caseload. The Netherlands has asked the UNHCR to refer more of the so-called high or higher profile refugees. In practice, this is not happening enough. This could for example pertain to journalists or human rights activists or people with an academic degree who have fulfilled an active role within society.”⁶⁰

Since large proportions of refugees are fleeing due to their religious affiliation, this is striking. In its most recent research on resettled refugees to the Netherlands, the COA found that at least ten percent of the entire population has been discriminated against due to their

⁵⁷ Ibid., p. 5

⁵⁸ COA. (2015). Meedoen – een onderzoek naar participatie, welbevinden en begeleiding van hervestigde vluchtelingen. Retrieved from https://www.coa.nl/sites/www.coa.nl/files/paginas/media/bestanden/3576.1188_rapport_evf_monitor_web_02.pdf

⁵⁹ Ibid., p. 16

⁶⁰ Leers, G.B.M. (2012, February 7). *Beleidskader hervestiging 2012-2015*, [Letter of government]. Retrieved from <http://www.inlia.nl/uploads/File/Kamerbrief%20Leers%2007feb12%20beleidskader-hervestiging-2012-2015.pdf>

religious background. It also states that there is nothing known about the religious affiliation of the resettled refugees.⁶¹

Asylum seekers' center policy approach and its challenges

The COA is answering to the Ministry of Security and Justice. This has been established through the COA law (Wet COA), in which its tasks and responsibilities are written down. Before looking into the relevant government documents specifically pertaining to the COA as well as internal policy documents from the COA, it is useful to briefly explore the current law on aliens in the Netherlands, the so-called Aliens Act 2000 (Vreemdelingenwet 2000). In it one can find that the 1951 Refugee Convention is acknowledged alongside the UNHCR Handbook and the European Qualification Directive for a uniform status for refugees.⁶² These documents including the ECHR are regarded as international formative standards pertaining to refugees. Religious minorities are here seen as specifically vulnerable groups. In an early document on vulnerable minority groups, the situations for them in Iraq has been assessed and the focus put on religious minority groups to be prioritized in their request for asylum.⁶³ When looking at the discourse on vulnerable refugees however, religious minorities are not mentioned explicitly as such. In answering questions on aliens act when pertaining to this group, women and members of the LGTB-community are mentioned. When specifically asking about affiliation to a religious group, the response of the State Secretary at that time, Fred Teeven, decides to frame religion under the general term 'westernization':

*"(...) asylum seekers who already in their country of origin have experienced severe problems due to their western way of living and due to this are expecting to face persecution after return or a treatment as described in article 3 of the ECHR, are eligible for asylum."*⁶⁴

⁶¹ COA. (2015). Meedoen – een onderzoek naar participatie, welbevinden en begeleiding van hervestigde vluchtelingen. Retrieved from https://www.coa.nl/sites/www.coa.nl/files/paginas/media/bestanden/3576.1188_rapport_evf_monitor_web_02.pdf

⁶² Available from undocs.org/L/337/9

⁶³ *Kamerstuk* 19 637, nr. 1227. (2008). Vreemdelingenbeleid. Gewijzigde motie Anker (9 October 2008).

⁶⁴ Attachment to *Kamerstuk* 33 293, (2013) Wijziging van de Vreemdelingenwet 2000 in verband met het herschikken van de gronden voor asielverlening. 5 August 2013.

While the discussion is about returning to a country with a dominant religion different than the one of the vulnerable group discussed, the problem of religious persecution is not named as such. The Dutch government is of course ascribing its general policies to the secular division which is foundational for the neutrality of current democracy. However, the practice of the secularist discourse tends to prescribe what the religious should be, rather than providing space for both the sacred and the secular. This tendency can be illustrated on the debate on religious migrants in 2007, where the introductory note of a member of the Second Chamber (MSC) states:

*“In the public debate, contributions from religious organizations tend to be marginalized or criticized.”*⁶⁵

Of course, the principle of equal treatment is consistently applied throughout the aliens act and the discussions. However, the practicalities of this impartiality are woven into the COA policies. The implications result in the strict adherence to neutrality in the public space within the COA centers, where religion is explicitly relegated to the private sphere by its policy on conduct:

“political and religious activities which intrude the personal living space of inhabitants are not allowed”.⁶⁶ The aim of this rule is to maintain a controllable and safe environment for all inhabitants. However, after a qualitative study on violence and abuse within the COA’s centers, research showed that 88% of the questioned minority inhabitants did not feel safe or has indeed been the victim of physical or verbal abuse. This abuse is similar to what is known in the UNHCR refugee camps including ostracism, physical assault, intimidation and even stabbing. Specifically, 69% of the religious minorities asked felt compelled to hide their faith.⁶⁷ To counter these problems, the report proceeds to give general advice for improvements and is specifically building much of the advice on the UNHCR’s “age, gender and diversity policy. The needs of religious minorities are not called to be met through

⁶⁵ Kamerstuk 19 637, nr. 1172. (2007). Vreemdelingenbeleid. 6 September 2007.

⁶⁶ COA (2011). Bezoekersreglemen. Retrieved from https://www.coa.nl/mycoa/sites/default/files/20110519_def_bezoekersreglement_2.pdf

⁶⁷ Deloitte (2011). Rapport inzake een kwalitatief onderzoek onder (oud)bewoners van Asielzoekerscentra, naar mogelijkheden ter verhoging van de meldbereidheid van incidenten op gebied geloofsovertuiging en seksuele geaardheid. Retrieved from https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2012Z08022&did=2012D17026

increased faith literacy by the COA staff. More practical advice is given, such as the availability of separate locations for worship.⁶⁸ This research prompted the COA to install a task force (Werkgroep Meldingsbereidheid) to initiate an “improvement plan” for increased safety at the centers. A core finding however stated by both the Deloitte research as well as the task force is that minority refugees do not feel safer at all. An asylum seeker stated:

*“This is Iraq. I thought I fled to a Christian country, but I don’t notice anything. It feels exactly the same here.”*⁶⁹

This confirms the problem as recognized by the director of the UNHCR’s DIP, Carol Batchelor, as previously discussed; religious minorities largely face the same social (im)balances they were fleeing from at their place of arrival.

A newspaper article prompted political parties to ask parliamentary questions on the topic, especially since it seemed like a recapitulation of the problems discussed above.⁷⁰ To the questions whether religious minorities are being intimidated by a majority group, secretary general of Security and Justice Dijkhoff answered denyingly:

*“No, this image does not match with the facts. Nevertheless, there definitely can be tensions between inhabitants. Living on a small space with people of diverse backgrounds can evoke such problems”. (...) In an asylum seekers’ centre, there is freedom of religion. (...) Within the confines of a COA-centre, the practicing of faith needs to happen in a private room, with the consent of other inhabitants of that same room. It is not allowed to use public rooms as a prayer room. Such rooms have to be accessible to anyone.”*⁷¹

⁶⁸ Ibid., p. 31

⁶⁹ COA. (2012). Reader werkgroep meldingsbereidheid discriminatie. Central Orgaan Asielzoekers (12 Oktober 2012)

⁷⁰ Kuitert, H. (2015). Christenen uit asiel weggepest. Retrieved from http://www.telegraaf.nl/binnenland/24261497/Christen_uit_asiel_weggepest_.html

⁷¹ Dijkhoff, K.H.D.M. (2015a). Antwoorden Kamervragen over de veiligheid van christelijke asielzoekers op Asielzoekerscentra’s (AZC’s) [Answer to Parliamentary Questions]. Retrieved from <https://www.rijksoverheid.nl/ministeries/ministerie-van-veiligheid-en-justitie/documenten/kamerstukken/2016/01/22/antwoorden-kamervragen-over-de-bedreiging-van-christenen-op-azcs>

This explicit referral of religious practice to the private domain is although well-intended not necessarily beneficial to all inhabitants. When recalling article 18 of the ICCPR, it is considered a universal human right to practice one's faith both privately and publicly. The unavailability of public places of worship within a asylum seekers' center, does not cater to this need. Pertaining to this issue, a COA case manager stated:

"I feels like the current policy discourse is falling short when I saw the frustration of people not being able to celebrate their Ramadan as they were used to. I think a discussion on whether maintaining a religious neutral environment is conflicting with the freedom of religion, which includes the freedom to profess one's religion in community, could be interesting. With the prevention of disorder as a legitimate reason to restrict religious freedom, the question is to what extent the current restriction of religious freedom is actually preventing disorder." ⁷²

A further policy COA has, is to maintain very low-threshold reporting possibilities for inhabitants who want to report any discriminatory behavior they have encountered.⁷³ This is so, because questioned inhabitants indicated to feel vulnerable and unsure whether reporting would make a difference and maybe even further ostracize them from the other inhabitants.⁷⁴ A fear shared by humanitarian actors as well as the COA, is that religion is mostly part of identity politics; a tendency for people to shy away from the established secular consensus through forming religious understandings of how the centers should be run. Although there are instances where this can happen, the effects thereof at the COA locations are negligible:

⁷² Case manager, personal communication, August 1, 2017

⁷³ COA. (2012). Reader werkgroep meldingsbereidheid discriminatie. Central Orgaan Asielzoekers (12 October 2012)

COA. (2015). Interne meldprocedure bij incidenten, calamiteiten en crises. Centraal Orgaan Asielzoekers (29 September 2015)

⁷⁴ Deloitte (2011). Rapport inzake een kwalitatief onderzoek onder (oud)bewoners van Asielzoekerscentra, naar mogelijkheden ter verhoging van de meldbereidheid van incidenten op gebied geloofsovertuiging en seksuele geaardheid. Retrieved from https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2012Z08022&did=2012D17026; COA. (2012). Reader werkgroep meldingsbereidheid discriminatie. Central Orgaan Asielzoekers (12 October 2012)

*“One of the problems I encountered is that some of the more fundamentalist Muslims (here called the ‘hard Muslims’) are actively supervising the majority of the Muslims in the case of, for example, the Ramadan. When not following their strict ways, they will try to calumniate them. However, their impact is quite minimal.”*⁷⁵

Pertaining specifically to the number of religiously motivated incidents in COA-centers, there is however no data known. The secretary general of Security and Justice, Dijkhoff responds by saying: *“COA looks to the nature of the incident, e.g. physical abuse, vandalism, suicide attempt, however it does not register whether these incidents have been committed out of religious motives.”*⁷⁶ Another series of parliamentary questions addressed the apparent inefficiency of the above-mentioned improvement plan. The improvements, besides the easier incident reporting, are as follows:

*“The COA stance and profile against religious discrimination and gender related discrimination has related in visible posters with anti-discriminatory messages, information, thematic evenings for inhabitants with employees, a social map with transferal possibilities and local agreements with local organizations.”*⁷⁷

Although these are valuable steps, the experienced problems of religious minorities are mostly dealt with through outward practicalities. The general notion of religion being a private matter in the centers is maintained and general faith literacy for COA employees is not addressed. Asking about the perceived effectivity the case manager stated that:

“As religious neutrality is one of the values cherished by the organization I think the current policy rules on religious practice are effective to the extent that they accomplish a certain outward uniformity. On the other hand, one could say that given the encountered

⁷⁵ Case manager, personal communication, August 1, 2017

⁷⁶ Dijkhoff, K.H.D.M. (2015a). Antwoorden Kamervragen over de veiligheid van christelijke asielzoekers op Asielzoekerscentra's (AZC's) [Answer to Parliamentary Questions]. Retrieved from <https://www.rijksoverheid.nl/ministeries/ministerie-van-veiligheid-en-justitie/documenten/kamerstukken/2016/01/22/antwoorden-kamervragen-over-de-bedreiging-van-christenen-op-azcs>

⁷⁷ Dijkhoff, K.H.D.M. (2015b). Onderwerp Antwoorden Kamervragen over de bedreiging en intimidatie in asielzoekerscentra (AZC) door islamitische asielzoekers [Answer to parliamentary questions]. Retrieved from <https://www.rijksoverheid.nl/ministeries/ministerie-van-veiligheid-en-justitie/documenten/kamerstukken/2015/07/22/antwoorden-kamervragen-over-de-bedreiging-en-intimidatie-in-asielzoekerscentra-azc-door-islamitische-asielzoekers>

*frustrations, the current policy rules on religious practice are ineffective in addressing the different cultural perspectives on individual religious freedom.”*⁷⁸

The outward uniformity implicitly states that there is a plurality to be addressed. This multi-faceted aspect of the centers' inhabitants is further illustrated:

*“I met someone from a specific Eritrean family regarded as a voodoo family in Eritrea. After being recognized by someone from his hometown he was being excommunicated by the Eritrean community”*⁷⁹

In the current secular discourse within humanitarianism, gender issues are pushing the religious issues to the margins of the debate. While of course all groups deserve equal consideration, the religious is being considered as the less-essential part of the debate.

Conclusion

The discourse on religious minorities in the Netherlands is clearly informed by the secular understanding of religion. It finds its origins in the prescribed place of religion as informed by the secular understanding maintained by the main global humanitarian players. This understanding has been perpetuated by the terms humanitarianism ascribes to, namely universality and neutrality. As the main authority on displaced persons globally, the narrative maintained by the UNHCR typically determines the dominant discourse, including the discourse on religious minorities.

In line with the academic understandings on the emergence of the post secular renewed understanding of the place of religion, the UNHCR has picked up on these developments, and has initiated several projects pertaining specifically to the role of religion. The refugee policies however keep being informed by the dominant secular materialist assumptions of the discourse as has been found through examining the general UNHCR policy discourse, the resettlement program as well as the COA understanding of religious needs of minorities.

⁷⁸ Case manager, personal communication, August 1, 2017

⁷⁹ Ibid.

This demonstrates that the texts on religious minorities are not being perceived as authoritative. The UNHCR's Age, Gender and Diversity policy illustrates this beautifully; while the policy addresses both religious and LGBT minorities, the authoritative text for the COA policy discourse which has been produced by Deloitte, refers almost exclusively to the necessity of understanding the LGBT needs of the COA staff. While the Deloitte research has made use of the UNHCR document, the secular understanding of religion has deferred the religious needs of minority refugees by solely focusing on practical, material aspects. The immaterial, religious side has been omitted. Tolerance might prevent persecution yet not discrimination.⁸⁰ This is especially true in the COA-center setting where active persecution is not possible, yet the discourse on alleviating policies is informed by the monolithic secular understanding of religion.

The reality is more complex than the notions of neutrality and universality allow to comprehend, and an environment of religious plurality asks for a deeper understanding of religion in order to meet the human rights standards as ascribed to both by the Netherlands and the UNHCR. The first step to achieving this is by understanding that the claim of value-free discourse through universality and neutrality is not possible. The prescriptive nature of secularism over religion does therefore not automatically ensure enhanced wellbeing of religious minorities. The self-framing by FBO's through secular language to gain legitimacy further perpetuates this condition.

The relative recent rise of attention to sectarian violence even in the West in its asylum seekers' centers, as well as illustrated in the case manager interview, the complexities of the religious aspect need to be recognized, as negligence of this dimension could even invoke conflict.⁸¹ This might indicate for a shift in equilibrium within the discourse on religious minorities.⁸² Furthermore, it would allow for new understanding of the basic human needs of refugees and offer new perspectives and insights on current policy solutions both for the COA as well as the UNHCR.

⁸⁰ Küng, 1987, in: Eghdamian, K. (2017). Religious Identity and Experiences of Displacement: An Examination into the Discursive Representations of Syrian Refugees and Their Effects on Religious Minorities Living in Jordan, *Journal of Refugee Studies*, 30(3), 447–467.

⁸¹ Ochieng, R. M., & Chege, F.N. (2014). Religious pluralism, conflict and HIV/Aids education in refugee-affected regions of north-western Kenya'. *Journal of Education and Practice*, 5(21), 11–22.

⁸² Following Hansen, L. (2006). *Security as Practice: Discourse Analysis and the Bosnian War*. London: Routledge.

Author: David van der Maas

Editor: Albert Hengelaar

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