

Oral Evidence on Middle East and North Africa - - Ewelina U. Ochab (Legal Researcher)

The persecution of or discrimination against religious minorities in the Middle East and North Africa did not start with the rise of Daesh. This trend has been evident in North Africa and West Asia for many years and has led to a crisis of religious pluralism in the region, especially since the Arab Springs. Also often overlooked is the link between state limitation of religious freedom and religiously targeted attacks (including terrorism).

This pre-Daesh religious discrimination and persecution are continually ignored in the debates on Daesh genocide in Syria and Iraq. However, freedom of religion for minority groups has been restricted in both countries, either through government policies or by social discrimination and persecution that was not adequately investigated and prosecuted. This atmosphere of impunity effectively authorised further discrimination and persecution. The Daesh genocide did not happen overnight. Under certain circumstances, genocide can develop from war crimes and crimes against humanity. However, this progression takes time and often happens with an attendant ignorance by the state or international community, which gives the perpetrators license to continue. Any failure on the part of the state or the international community to act, and to act promptly, can lead to an escalation of atrocities until they reach the threshold of genocide. Iraq is the best example of such a progression. Christian minorities were leading reasonably good and safe lives in Iraq under Saddam Hussein. However, after the fall of Saddam Hussein in 2003, this changed significantly.

Christian minorities began to be targeted. Discrimination and persecution increased significantly. Incidences of violence and abduction were not addressed by the international community or state and incidences increased and it almost became "normalised." behaviour. The atmosphere of impunity for religiously targeted attacks gave terrorist groups like Daesh the best conditions to flourish.

So the Daesh genocide was not the beginning of the crisis of religious pluralism in the region but the consequence of limiting freedom of religion. Evidence has been available to the FCO for years. For example, in 2011, the UK Border Agency published a report on the situation in Iraq highlighting the dire situation of Christians and other religious minorities. Among others, the report says that: 'According to a February 2011 Human Rights Watch report, armed groups have attacked members of the Christian (also known as Chaldo-Assyrian), Yazidi, and Shabak communities, labelling them crusaders, devil-worshippers, and infidels, respectively. Attacks against minorities have had a profound effect by targeting their communities' social infrastructure, leaving victims and others fearful to carry on with their everyday lives.' Labelling these minority groups crusaders, devil-worshippers, and infidels should have raised the alarm but it did not. This was three years before Daesh unleashed its genocidal campaign.

It has been a missed opportunity not to act upon the reports of such red flags of mass atrocities to come and prevent their escalation.

Who is to blame for this inaction? FCO(Policy/Post)/Parliament/DFID?

- ☐ Too many individuals or departments claiming to work on the issue but not taking real ownership. No Ministerial ownership and oversight over the issue of religious persecution (or genocide). The responsibility is fragmented between too many different people.

- Weak FoRB (with specific focus on religious persecution and identifying elements of identity crimes) training of diplomats.

Recommendations

1. Mass atrocities - responsibility to deal with this is very fragmented. Too many people responsible for these responsibilities. No one minister is responsible.
2. No mechanism for genocide determination - the UK Government, in general, shies away from making an interim determination of genocide shifting this responsibility onto the international judicial systems to do so. There is nothing preventing the UK Government from making such a determination and acting upon. Conversely, not making such a determination means that the response will mostly likely be inadequate. Genocide is a crime where there is a high risk that if states and international communities do not act to prevent it (or stop it) and to assist the survivors, the targeted group may disappear from the area or else. The UK needs to introduce a clear strategy on genocide determination and putting an end to its shameful and unjustified long standing strategy of leaving the questions for others to deal with.
3. The mandatory reporting that the US has to do annually on FoRB is a good way forward. It is not the production of the material necessarily which would help, but rather the resources and ability to identify the red flags and make tailored recommendations on how to address them.
4. More needs to be done for other departments to have a better understanding of issues pertaining religious persecution. I believe it is greatly up to the FCO that the work of other departments is fully informed on the issue. For example, if the FCO was preparing annual reports on the situation of religious freedom in different parts of the world, such information should inform the work of, among others, Ministry of Defence, DFID and the Home Office. The FCO, in its reporting, could also make specific recommendations to different departments on how to address the challenges and to ensure the effectiveness of the response. The FCO is best placed to play this important role. (Despite the fact that the focus of the inquiry is the FCO, and not DFID or Home Office, it cannot be denied that their work is interlinked on many levels. The issue is how to make this cooperation more effective and maximise their impact.)
5. The FCO team working on the issue of FoRB is very small considering the ever growing issue of religious persecution, religiously-motivated armed conflicts etc. Now we have Lord Ahmad, a Special Envoy, but it is not his only responsibility and he does not have the gravitas an "Ambassador" would (as per the model in the US). The mandate should be given more powers and resources to ensure that it could make the change that is needed.
6. Support the establishment of an official UN-led day commemorating the victims and survivors of religious persecution. The day could be used to raise awareness of the issue of religious persecution and to work on introducing positive steps to combat it, wherever and whenever it occurs. The day should be used to work towards an action plan to adequately address the religious aspect of such mass atrocities as those perpetrated by Daesh in MENA, Burmese army in Myanmar, Fulani herdsmen in Nigeria and many more. Without

acknowledging and addressing the religious character of such crimes, there will never be an adequate response.

7. In the UK religion is seen from a "choice" perspective.¹ . Being a Christian is a part of their identity. This applies to other religions too. Religion is identity. It shapes one's life. It informs all their decisions. Religion needs to be treated as such rather than as a choice. In the western world, where many Christians are cultural Christians, the perception of religion as identity diminishes. However, those persecuted for their religion around the world know this best. We can learn about the importance of religion from them. They would have rather die or leave their homes and homeland than abandon their religion. It is evidence in itself about the importance of their religion in their lives. It is part of their identity.

¹ Indeed, Lord Justice Sedley in *Eweida v British Airways*: 'one cannot help observing that all of these apart from religion or belief are objective characteristics of individuals; religion and belief alone are matters of choice.' (*Eweida v. British Airways*, [2010] EWCA Civ 80, 40.)