



# Interviewing Applicants with Religion-based Asylum Claims



# **Practical Guide on Interviewing Applicants with Religion-based Asylum Claims**

**November 2022**

On 19 January 2022, the European Asylum Support Office (EASO) became the European Union Agency for Asylum (EUAA). All references to EASO, EASO products and bodies should be understood as references to the EUAA.



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## About the guide

**Why was this guide created?** The mission of the European Union Agency for Asylum (EUAA) is to facilitate and support the activities of EU Member States and associated countries (EU+ countries <sup>(1)</sup>) in the implementation of the Common European Asylum System (CEAS). According to its overall aim to promote a correct and effective implementation of the CEAS and to enable convergence, the EUAA develops common operational standards and indicators, guidelines and practical tools.

**How was this guide developed?** This guide was created by experts from across the EU, with valuable input from the European Commission, the UN High Commissioner for Refugees, and the European Council on Refugees and Exiles <sup>(2)</sup>. Its development was facilitated and coordinated by the EUAA. Before its finalisation, a consultation on the guide was carried out with all Member States through the EUAA Asylum Processes Network.

We would like to extend our thanks to the members of the working group who prepared the drafting of this guide: Anastasios Giouzepas, Karel Vercruysse, Linn Krane, Maria Lagoni Andersen, Stina Lindmark and Torsten Wojtalla. We also thank Professor Jeremy Gunn, who shared his insights during a thematic meeting of the EUAA Asylum Processes Network on 12 and 13 November 2020, which further inspired the development of this guide.

**Who should use this guide?** This guide is primarily intended for asylum case officers, interviewers and decision-makers, supervisors, and policymakers in the national determining authorities. In addition, this tool is useful for quality officers, trainers, legal advisers and any other person working or involved in the field of international protection in the EU context.

**How does this guide relate to other EUAA tools?** The EUAA's *Practical Guide on Interviewing Applicants with Religion-Based Asylum Claims* should be used in conjunction with other available practical guides and tools. The *Practical Guide: Personal interview* <sup>(3)</sup> should be referred to for general guidance on interviewing and the *Practical Guide: Qualification for international protection* <sup>(4)</sup> should be referred to for general guidance on eligibility. Further relevant guides include the *Practical Guide: Evidence assessment* <sup>(5)</sup>, the *Practical Guidance on Membership of a Particular Social Group* <sup>(6)</sup>, the *Practical Guide on the Application of the Internal Protection Alternative* <sup>(7)</sup> and the *Practical guide on the use of country of origin information by case officers for the examination of asylum applications* <sup>(8)</sup>. All EUAA practical tools are publicly available online on the EUAA website (<https://euaa.europa.eu/practical-tools-and-guides>).

**How does this guide relate to national legislation and practice?** This is a practical convergence tool of EU+ countries; as such, it is not legally binding. It reflects commonly agreed standards as adopted by the EUAA Management Board on 1 November 2022.

<sup>(1)</sup> The 27 Member States of the EU, complemented by Iceland, Liechtenstein, Norway and Switzerland.

<sup>(2)</sup> Note that the finalised guide does not necessarily reflect the position of the UN High Commissioner for Refugees (UNHCR) or of the European Council on Refugees and Exiles.

<sup>(3)</sup> European Asylum Support Office (EASO), *Practical Guide: Personal interview*, December 2014.

<sup>(4)</sup> EASO, *Practical Guide: Qualification for international protection*, April 2018.

<sup>(5)</sup> EASO, *Practical Guide: Evidence assessment*, March 2015.

<sup>(6)</sup> EASO, *Guidance on Membership of a Particular Social Group*, March 2020.

<sup>(7)</sup> EASO, *Practical Guide on the Application of the Internal Protection Alternative*, May 2021.

<sup>(8)</sup> EASO, *Practical guide on the use of country of origin information by case officers for the examination of asylum applications*, December 2020.





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## List of abbreviations

<b>APD (recast)</b>	asylum procedures directive (recast) Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)
<b>CEAS</b>	Common European Asylum System
<b>CJEU</b>	Court of Justice of the European Union
<b>COI</b>	country of origin information
<b>EASO</b>	European Asylum Support Office
<b>EUAA</b>	European Union Agency for Asylum
<b>EU+ countries</b>	Member States of the EU and associated states
<b>FGM/C</b>	female genital mutilation/cutting
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>IPA</b>	internal protection alternative
<b>QD (recast)</b>	qualification directive (recast) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)
<b>refugee convention</b>	1951 Convention Relating to the Status of Refugees and its 1967 Protocol
<b>UNHCR</b>	UN High Commissioner for Refugees





# Introduction

Religion-based asylum claims are often among the most complex international protection applications to examine. The many different manifestations of 'religion', and its relation to persecution, are sometimes difficult to grasp and can be prone to misconceptions. This can lead to lengthy personal interviews that risk losing direction or that fail to gather elements that are immediately relevant to the claim at issue. Against this background, this practical guide aims to help case officers conduct fairer and more efficient interviews. The guidance provided seeks to improve case officers' understanding of the concept of religion in the context of international protection and to support the creation of appropriate conditions for the personal interview. Finally, guidance is offered on the elements that should be explored during the personal interview, tailored to specific types of religion-based asylum claims.

This practical guide complements the Practical Guide: Personal interview <sup>(9)</sup>, with elements that are specific to claims related to religion. It should be noted that, while the focus of this practical guide is on the personal interview stage of the asylum procedure, the guide also draws on aspects related to risk, legal assessment and evidence assessment to the extent that these are needed to conduct a proper personal interview. The personal interview is not an isolated step. All the elements related to the examination need to be taken into account when gathering and exploring information during the personal interview stage.

This practical guide is structured around four main chapters.

Chapter 1 'Religion as a reason for persecution' provides theoretical background knowledge by setting out the legal provisions and concepts relevant to religion-based asylum claims. It also explains under what circumstances persecution can arise in the specific context of religion, and highlights recurrent challenges that are linked to dealing with international protection claims based on religion.

Chapter 2 'The personal interview' provides practical guidance on preparing and conducting the interview. The elements presented in this chapter cut across different types of religion-based asylum claims. The chapter also lays out the elements that need to be explored during the personal interview in order to gather all the information that is relevant to assess the applicant's eligibility, focused specifically on the religion ground.

Chapter 3 'Recommendations for an efficient interview' provides useful and practical tips, for both case officers and asylum administrators, for dealing with religion-based asylum claims in an efficient manner.

Chapter 4 'Commonly encountered religion-based asylum claims' explores in more detail the following types of claims and gives advice on what topics to explore during the personal interview: conversion to another religion; leaving one's religion to adhere to an atheistic, agnostic or non-religious system of belief; religious minorities; conscientious objection to military service for reasons of religion; and gender-specific religious persecution.

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<sup>(9)</sup> EASO, *Practical Guide: Personal interview*, December 2014.





# 1. Religion as a reason for persecution

This chapter aims to provide the necessary background knowledge on religion-based asylum claims in order to conduct a personal interview. After setting out the relevant legal framework (Section 1.1 ‘Relevant legal provisions’), it explains the concept of religion along with related notions and terminology (Section 1.2 ‘Concepts relevant to religion-based asylum claims’). It then presents different contexts in which religion-based persecution can arise (Section 1.3 ‘Religion-based persecution’) and concludes by highlighting recurrent difficulties faced by case officers when dealing with religion-based asylum applications (Section 1.4 ‘Challenges linked to the ground of religion’).

## 1.1. Relevant legal provisions

Both the Convention Relating to the Status of Refugees (the 1951 refugee convention) <sup>(10)</sup> and the 2011 recast qualification directive (QD (recast)) <sup>(11)</sup> explicitly list religion as one of the five reasons for persecution. While the 1951 refugee convention does not provide further explanations of the term <sup>(12)</sup>, the QD (recast) delves deeper into the concept of religion.

Article 10(1)(b) QD (recast) describes, in a non-exhaustive manner, the wide range of elements that are included in the concept of religion in the context of international protection claims. In the QD (recast), religion is understood to encompass different kinds of beliefs (related to the existence of a supreme being or not) and many different ways of practising or expressing such beliefs.



### Article 10(1)(b) QD (recast) – reasons for persecution

*[...] the concept of religion shall, in particular, include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;*

### Related EUAA tool



For information on the other elements of the definition of refugee, see the *Practical Guide: Qualification for international protection*, April 2018.

<sup>(10)</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, Vol. 189, p. 137. See Article 1A(2).

<sup>(11)</sup> *Directive 2011/95/EU* of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast). See Article 10(1)(b).

<sup>(12)</sup> For UNHCR guidance on religion-based asylum claims, see UNHCR, *Handbook on procedures and criteria for determining refugee status and guidelines on international protection under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, April 2019, HCR/1P/4/ENG/REV. 4, paras 71–73; UNHCR, *Guidelines on International Protection No 6: Religion-based refugee claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, 28 April 2004, HCR/GIP/04/06.



It should be noted that the QD (recast) must be interpreted in a manner consistent with the rights recognised by the Charter of Fundamental Rights of the European Union <sup>(13)</sup>, which includes the right to religious freedom.



#### Article 10(1) EU Charter of Fundamental Rights – freedom of thought, conscience and religion

*Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.*

The right to religious freedom as a fundamental human right is well established in numerous international and regional human rights law instruments (e.g. Articles 18 and 27 International Covenant on Civil and Political Rights (ICCPR)) <sup>(14)</sup>.

The UN Human Rights Committee has commented on Article 18 ICCPR in General Comment No 22. The general comment specifies that religious freedom encompasses a broad range of acts, such as ritual and ceremonial acts giving direct expression to belief, and various practices integral to such acts, including the building of places of worship; the use of ritual formulae and objects; the display of symbols; the observance of holidays and days of rest; the observance of dietary regulations; the wearing of distinctive clothing or head coverings; participation in rituals associated with certain stages of life; the use of a particular language customarily spoken by a group; the freedom to choose religious leaders, priests and teachers; the freedom to establish seminaries or religious schools; and the freedom to prepare and distribute religious texts or publications <sup>(15)</sup>.

## 1.2. Concepts relevant to religion-based asylum claims

Religion is a multidimensional and complex concept. In addition to the major, internationally widespread religions, it also includes other sets of beliefs that one might not consider religions at first glance, for example witchcraft.

### 1.2.1. Religion as a broad concept

The Court of Justice of the European Union (CJEU) has, on several occasions, underlined that ‘religion’ should not be given a restrictive interpretation. In the Y and Z judgment, the court points out that, to determine what acts of religion-based persecution are, the following is unnecessary.

<sup>(13)</sup> EU, *Charter of Fundamental Rights of the European Union*, 26 October 2012, 2012/C 326/02. It should also be noted that Article 10(1) EU Charter of Fundamental Rights is quasi-identical to Article 9(1) European Convention on Human Rights. A guide has been published by the European Court of Human Rights to Article 9 European Convention on Human Rights and its related jurisprudence: *Guide on Article 9 of the European Convention on Human Rights: Freedom of thought, conscience and religion*.

<sup>(14)</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, Vol. 999, p. 171.

<sup>(15)</sup> UN Human Rights Committee, *CCPR General Comment No 22: Article 18 (freedom of thought, conscience or religion)*, 30 July 1993, CCPR/C/21/Rev.1/Add.4, para. 4.



*[...] it is unnecessary to distinguish acts that interfere with the ‘core areas’ (‘forum internum’) of the basic right to freedom of religion, which do not include religious activities in public (‘forum externum’), from acts which do not affect those purported ‘core areas’.*



*Such a distinction is incompatible with the **broad definition** of ‘religion’ given by Article 10(1) (b) of the Directive, which encompasses **all its constituent components, be they public or private, collective or individual.***

CJEU, *Y and Z*, paras 62 and 63 (emphases added) <sup>(16)</sup>

In *Fathi*, the CJEU reaffirmed the wide scope of ‘religion’ in the context of applications for international protection. The court emphasised that the QD (recast) provides a non-exhaustive list of elements that may identify religion, noting the following.

*[...] the definition of the concept of ‘religion’ [...] provides **only a non-exhaustive list** of components that may characterise that concept in the context of an application for international protection that is based on the fear of being persecuted for reasons of religion.*



*In particular, as is clear from that definition, the concept of ‘religion’ covers, on the one hand, the holding of **theistic, non-theistic and atheistic beliefs**, which, given the general nature of the words used, highlights that it **covers both ‘traditional’ religions and other beliefs** and, on the other, the **participation in, either alone or in community with others, or the abstention from, formal worship**, which implies that the fact that a person is **not a member** of a religious community cannot, in itself, be decisive in the assessment of that concept.*

CJEU, *Fathi*, paras 79 and 80 (emphases added) <sup>(17)</sup>

## 1.2.2. The three facets of religion

Within the context of applications for international protection, three different facets of religion presented by the UNHCR in the *Guidelines on International Protection No 6: Religion-based refugee claims* <sup>(18)</sup> are of key relevance <sup>(19)</sup>.

<sup>(16)</sup> CJEU, judgment of 5 September 2012, *Bundesrepublik Deutschland v Y and Z*, joined cases C-77/11 and C-99/11, ECLI:EU:C:2012:518. Summary available in the *EUAA Case Law Database*.

<sup>(17)</sup> CJEU, judgment of 4 October 2018, *Bahtiyar Fathi v Predsedatel na Darzhavna agentsia za bezhantsite*, C-56/17, paras 79–80. Summary available in the *EUAA Case Law Database*. See also CJEU, *Annual Report 2018 – Judicial activity*, 2019, p. 56.

<sup>(18)</sup> UNHCR, *Guidelines on International Protection No 6*, 2004, *op. cit.* fn. 12.

<sup>(19)</sup> Gunn, T. J., *The Complexity of Religion in Determining Refugee Status*, roundtable on religion-based refugee claims, UNHCR and Church World Service, 2002. See also Gunn, T. J., ‘*The complexity of religion and the definition of “religion” in international law*’, *Harvard Human Rights Journal*, Vol. 16, 2003, pp. 200–205.



**Figure 1. The three facets of religion**

Religion as a **belief** ‘may take the form of convictions or values about the divine or ultimate reality or the spiritual destiny of humankind’ <sup>(20)</sup>. Religion as a belief includes doctrines of faith. It should be interpreted broadly to include a set of beliefs that involve the notion of a god or gods, but also non-theistic beliefs that do not centre around the existence of a god or gods, or atheistic convictions or beliefs that emphasise disbelief or lack of belief in god or gods.

Religion as an **identity** has less to do with beliefs and more with being a member of a community that is bound together by common beliefs, rituals, traditions, etc. ‘A claimant may identify with, or have a sense of belonging to, or be identified by others as belonging to a particular group or community. In many cases, persecutors are likely to target religious groups that are different from their own because they see that religious identity as part of a threat to their own identity or legitimacy’ <sup>(21)</sup>. Affiliation with a group on the basis of religion as an identity may also coincide with ethnic, tribal or national affiliation. In turn, this may link the claim to other grounds for persecution (see [Section 1.4.3 ‘Overlap with other grounds’](#)).

Religion as a **way of life** concerns practices, rituals, customs or traditions that may distinguish the adherent of one religion from the adherents of another one. A religion may manifest itself in wearing distinctive clothing or following various religious customs, including ceremonies (marriage, baptism, etc.), religious holidays or dietary requirements (e.g. fasting). As the UNHCR points out, ‘Such practices may seem trivial to non-adherents but may be at the core of the religion for the adherent concerned’ <sup>(22)</sup>.

### 1.2.3. Terminology

While dealing with applicants who present religion-based asylum claims, you will often encounter the following terms. Since there is no universally accepted definition of any of these terms, the definitions below are only given with the intention to guide case officers in their daily work.

<sup>(20)</sup> UNHCR, *Guidelines on International Protection No 6*, 2004, *op. cit.* [fn. 12](#), p. 3.

<sup>(21)</sup> UNHCR, *Guidelines on International Protection No 6*, 2004, *op. cit.* [fn. 12](#), p. 3.

<sup>(22)</sup> UNHCR, *Guidelines on International Protection No 6*, 2004, *op. cit.* [fn. 12](#), p. 4.



**Agnostic** is someone who believes that it is not possible to know whether a god or gods exist or not <sup>(23)</sup>.

**Animism** is the belief that plants, objects or natural phenomena, such as the weather, have a living soul.

**Apostasy** means that a person leaves or renounces a religious movement or belief. It usually refers to rejecting or abandoning a religion. The term carries a negative connotation. A more neutral term is 'renunciation of belief'.

**Atheism** means believing that god or gods do not exist. Being an atheist does not normally involve following a normative pattern of action or a mode of expression, nor does it entail any participation in religious ceremonies or the like.

**Blasphemy** is the act of showing contempt for a deity or religion in a way that is perceived as offensive or insulting by the adherents of that religion.

**Conscientious objection** to military service refers to an objection to perform military service out of 'principles and reasons of conscience, including profound convictions, arising from religious, moral, ethical, humanitarian or similar motives' <sup>(24)</sup>.

**Conversion** means that a person changes their beliefs, especially their religion or denomination.

**Denomination** is a religious group that has slightly different beliefs from other groups that share the same religion <sup>(25)</sup>.

**Evangelisation** refers to inviting people to convert, specifically to Christianity.

**Heretic** is a person who has beliefs that are against the principles of a particular religion, someone who does not conform to the established faith. The term carries a negative connotation.

**Non-religious** refers to a person who shows no interest in religion. This category may include those who are only nominally affiliated to a religious tradition <sup>(26)</sup>.



Atheism, agnosticism and non-religious value systems refer to non-religious beliefs that people hold. Yet they differ in certain aspects. While both atheism and agnosticism presuppose some form of prior reflection and are based on a specific philosophical stance regarding the existence of a god or gods, the persons following a non-religious value system do not go as far as to rejecting or taking a stance on it.

**Proselytise** is to persuade other people to accept your beliefs. A well-known example of proselytism is missionary activity, which often involves spreading the religion over longer distances.

**Syncretism** is blending the ideas and practice of one belief with another religion.

### 1.3. Religion-based persecution

Persecution in the context of a religion-based asylum claim can take many forms and arise in a variety of contexts, which case officers should be mindful of.

<sup>(23)</sup> See Oxford Learner's Dictionaries (<https://www.oxfordlearnersdictionaries.com>). The same reference applies for the terms animism, atheism, conversion and proselytise.

<sup>(24)</sup> UN Commission on Human Rights, Resolution 1998/77, *Conscientious Objection to Military Service*, E/CN.4/RES/1998/77, 22 April 1998.

<sup>(25)</sup> <https://dictionary.cambridge.org/dictionary/english/denomination>

<sup>(26)</sup> <https://humanism.org.uk/humanism/humanism-today/non-religious-beliefs/>





Acts that amount to persecution may relate directly to a violation of the freedom of religion itself (i.e. acts interfering with the belief, identity or way of life linked to a particular religion) or to the violation of other basic rights for reasons of religion. For example, a person can be banned from practising their religion altogether (violation of the freedom of religion), or be arrested and tortured for the simple fact of belonging to a certain religious group (violation of the freedom from torture and inhuman or degrading treatment).

As outlined in Article 9(1)(a) QD (recast), to amount to persecution, an act must be sufficiently serious by its nature or by repetition to constitute a severe violation of basic human rights. This can be the case when the acts carried out for reasons of religion are severe violations of basic rights. In other cases, notably where the violations concern the right to religious freedom itself, assessing whether the acts are serious enough can be more complex (see [Section 1.3.2 'Violations of the right to religious freedom as an act of persecution'](#)). In the *Y and Z* judgment <sup>(27)</sup>, the CJEU affirmed that not just any interference with religious freedom constitutes persecution. In order for it to amount to persecution, the CJEU stated that the following must apply.

*[T]here must be a 'severe violation' of religious freedom having a significant effect on the person concerned.*

CJEU, *Y and Z*, para. 59



For acts that may amount to persecution as a result of an accumulation of various measures in line with Article 9(1)(b) QD (recast), see [Section 1.3.5 'Discrimination on the basis of religious affiliation'](#).

#### Related EUAA tool



For more information on the acts of persecution, see the [Practical Guide: Qualification for international protection](#), April 2018.

### 1.3.1. Legitimate limitations to religious freedom

While the right to hold a belief and to change one's religion or beliefs is an absolute and unconditional one, the right to manifest one's beliefs in private or in public is not an absolute one, since it may have an impact on others <sup>(28)</sup>. The right to manifest religious freedom may be subject to certain legal and legitimate limitations, provided that such limitations are adopted in accordance with international human rights law standards. This principle is set out in Article 9(2) European Convention on Human Rights <sup>(29)</sup> and Article 18(3) ICCPR <sup>(30)</sup>, and, in more general terms, in Article 52(1) EU Charter of Fundamental Rights. All the cited texts lay down strict conditions for authorising such limitations.

<sup>(27)</sup> CJEU, 2012, *Y and Z*, *op. cit.* fn. 16, paras 58 and 59.

<sup>(28)</sup> European Court of Human Rights, judgment of 12 April 2007, *Ivanova v Bulgaria*, No. 52435/99, ECLI:CE:ECHR:2007:0412JUD005243599, para. 79.

<sup>(29)</sup> Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols Nos 11 and 14*, 4, ETS 5, 4 November 1950.

<sup>(30)</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 1966, *op. cit.* fn. 14.





### Article 9(2) European Convention on Human Rights

*Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society **in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.** (Emphasis added.)*



### Article 52(1) EU Charter of Fundamental Rights – scope of guaranteed rights

*Any limitation on the exercise of the rights and freedoms recognised by this Charter must be **provided for by law** and **respect the essence** of those rights and freedoms. Subject to the principle of **proportionality**, limitations may be made only if they are **necessary** and genuinely meet **objectives of general interest** recognised by the Union or the need to **protect the rights and freedoms of others.** (Emphases added.)*

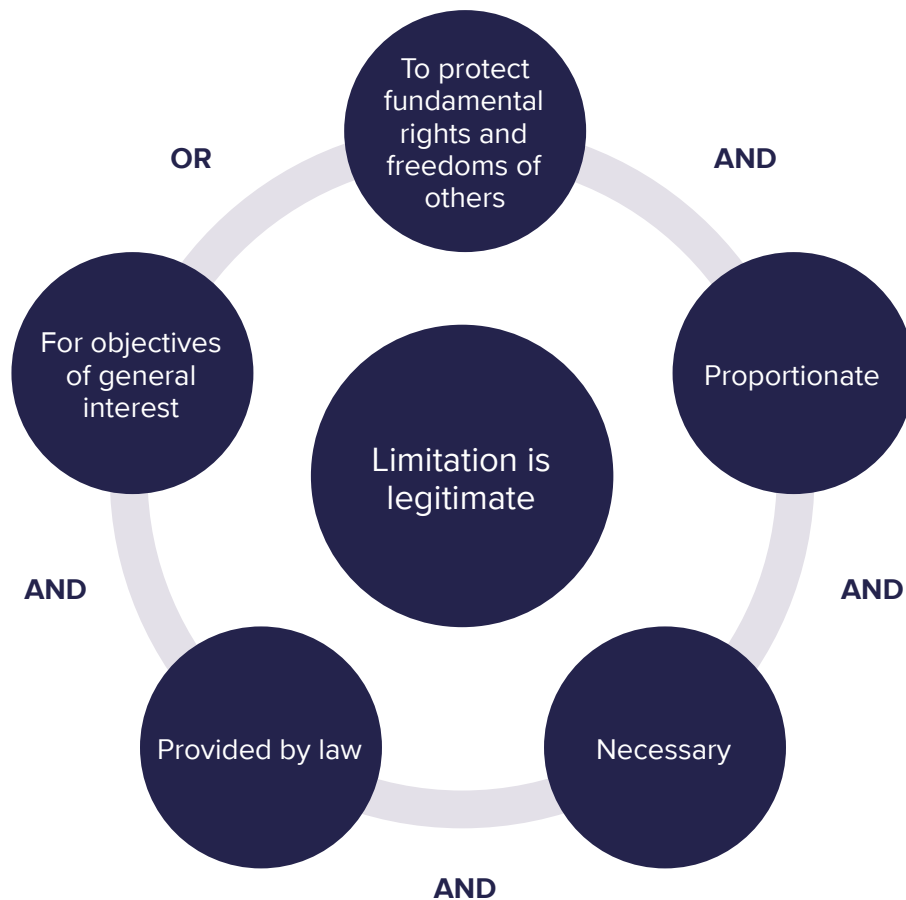
For instance, certain limitations may be necessary in the sense that important safeguards against human rights violations may arise from certain religious practices (e.g. harmful traditional practices such as ritual killings or female genital mutilation/cutting (FGM/C) carried out in the name of religion). Therefore, it is crucial to understand the reasons behind a given limitation on religious freedom, to look at how it is applied and to understand how non-compliance with these restrictions is sanctioned <sup>(31)</sup>.

Hence, limitations on religious practice that are lawful according to international standards would not amount to persecution. Conversely, any limitations adopted in violation of the conditions set out by international human rights law (i.e. limitations that are not provided for by law, not proportionate, not necessary, not in the general interest or not aimed at protecting the fundamental rights of others) may amount to persecution if they reach the required level of seriousness.

In *Y and Z* <sup>(32)</sup>, the CJEU affirmed that limitations do not constitute acts of persecution if they meet the requirements of the EU charter, as stated in Article 52(1).

<sup>(31)</sup> See UNHCR, *Guidelines on International Protection No 6*, 2004, op. cit. fn. 12, p. 5.

<sup>(32)</sup> CJEU, 2012, *Y and Z*, op. cit. fn. 16, para. 60.

**Figure 2. Legitimate limitations to religious freedom**

### 1.3.2. Violations of the right to religious freedom as an act of persecution

Whether a violation of religious freedom is serious enough to reach the threshold of persecution depends on the individual circumstances of the claim. For example, restrictions on public practice of religion may or may not reach the threshold of persecution based on how important this aspect is to the identity of the concerned person, on how their life would be affected by not being able to practise their religion and on what they would otherwise risk by not respecting the imposed prohibition.

In *Y and Z*, the CJEU held that, in order to amount to persecution, the violation of the right to religious freedom must be sufficiently serious and have a significant effect on the applicant. Such violation may amount to persecution irrespective of which aspect of the religion is restricted or prohibited. The focus must be on the consequences that the applicant would face upon return and on whether such consequences would reach the seriousness of persecution. These consequences can amount to persecution because of their intrinsic severity (e.g. acts of torture) and/or because of the severity of the consequences for the person (i.e. how important the restricted or prohibited aspects of their religion are to the person concerned).



65. ... acts which, on account of their **intrinsic severity** as well as the **severity of their consequences for the person** concerned, **may be regarded as constituting persecution** must be identified, not on the basis of the particular aspect of religious freedom that is being interfered with but on the basis of the **nature of the repression inflicted on the individual and its consequences ...**



66. It is therefore the **severity of the measures and sanctions** adopted or liable to be adopted against the person concerned which will determine whether a violation of the right ... [to freedom of religion] constitutes persecution ...

67. Accordingly, a violation of the right to freedom of religion **may constitute persecution ...** where an applicant for asylum, **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** by one of the actors ... [of persecution].

CJEU, *Y and Z*, paras 65–67 (emphases added) <sup>(33)</sup>

When carrying out the risk assessment, you should take into account how important certain aspects of the practice of their faith are for the applicant in order to maintain their religious identity (e.g. practising it in private or in public, individually or collectively, irrespective of how their community as a whole practises). Subjective factors, such as the importance that the applicant personally attaches to a particular religious practice, must be weighed. In that sense it is not a determining factor whether a given practice is mandated by the applicant's religious community or doctrine. The determining factor is whether the applicant views it as essential. This was also noted by the CJEU in *Y and Z* with regard to a certain religious practice in public.

The subjective circumstance that the observance of a certain religious practice in public, which is subject to the restrictions at issue, is **of particular importance to the person concerned in order to preserve his religious identity** is a relevant factor to be taken into account in determining the level of risk to which the applicant will be exposed in his country of origin on account of his religion, even if the observance of such a religious practice does not constitute a core element of faith for the religious community concerned.



CJEU, *Y and Z*, para. 70 (emphasis added) <sup>(34)</sup>

In addition, when assessing the risk of persecution faced by the applicant in the event of return, one cannot reasonably expect the applicant to conceal their religious beliefs and refrain from practising their religion in order to avoid the risk of persecution.

[W]here it is established that, upon his return to his country of origin, the person concerned will follow a religious practice which will expose him to a real risk of persecution, he should be granted refugee status [...]. The fact that he could **avoid that risk** by abstaining from certain religious practices is, in principle, **irrelevant**.



[T]he applicant's fear of being persecuted is well-founded if, in the light of the applicant's personal circumstances, the competent authorities consider that it may reasonably be thought that, upon his return to his country of origin, he will engage in religious practices which will expose him to a real risk of persecution. In assessing an application for refugee

<sup>(33)</sup> CJEU, 2012, *Y and Z*, op. cit. fn. 16.

<sup>(34)</sup> CJEU, 2012, *Y and Z*, op. cit. fn. 16.





*status on an individual basis, those authorities **cannot reasonably expect the applicant to abstain from those religious practices.***

CJEU, *Y and Z*, paras 79 and 80 (emphases added) <sup>(35)</sup>

Thoroughly exploring all the above aspects during the interview is therefore crucial (see [Chapter 4 ‘Commonly encountered religion-based asylum claims’](#)).

### 1.3.3. Imposing religious conformity

In addition to interference with religious beliefs and practices, being coerced into following or abiding by certain religious behaviour that contravenes one’s own convictions can also amount to persecution <sup>(36)</sup>. Enforcing religious conformity can take different forms, ranging from targeting a person’s external behaviour only (i.e. as long as a person formally follows the dominant rules in public, they will not be targeted by the persecutor), to more intrusive acts such as actively demanding that a person renounces their belief, to forcing someone to convert to the promoted religion.

Coercing persons into following certain religious rules does not necessarily refer to the acts of certain state authorities or groups against members of other religions. Coercion may also occur where religious communities target their own members in order to impose certain religious practices or behaviours <sup>(37)</sup>. Whether this type of coercion amounts to persecution will depend on each individual case.

Every society requires a certain level of conformity with established customs. Therefore, having to comply with certain religious practices that are customary in the country of origin and do not generally result in a severe violation of fundamental rights (e.g. not eating in public during Ramadan in a Muslim-majority country) would not qualify as persecution.

### 1.3.4. Imputed religious affiliation or imputed apostasy

When examining asylum claims, the perspective of the persecutor is as important as – or can even be more important than – the perspective of the applicant to determine if religion is the ground for persecution <sup>(38)</sup>. In some cases, the actor of persecution may wrongly or falsely attribute certain religious characteristics or apostasy to an applicant <sup>(39)</sup>. In religion-based claims, and in conversion claims in particular, there is a risk that the assessment focuses solely on the credibility of the applicant’s claimed religious affiliation, thus overlooking the issue of attributed religious affiliation and the way the persecutor perceives the applicant’s behaviour or motives. This can lead to inaccuracy in the risk and legal assessments.

<sup>(35)</sup> CJEU, 2012, *Y and Z*, *op. cit.* fn. 16.

<sup>(36)</sup> Gunn, T. J., ‘*The complexity of religion and the definition of “religion” in international law*’, 2003, *op. cit.* fn. 19, pp. 22–23.

<sup>(37)</sup> See UNHCR, *Guidelines on International Protection No 6*, 2004, *op. cit.* fn. 12, p. 5, paras 21–23. For guidance on forced conversion, see para. 20.

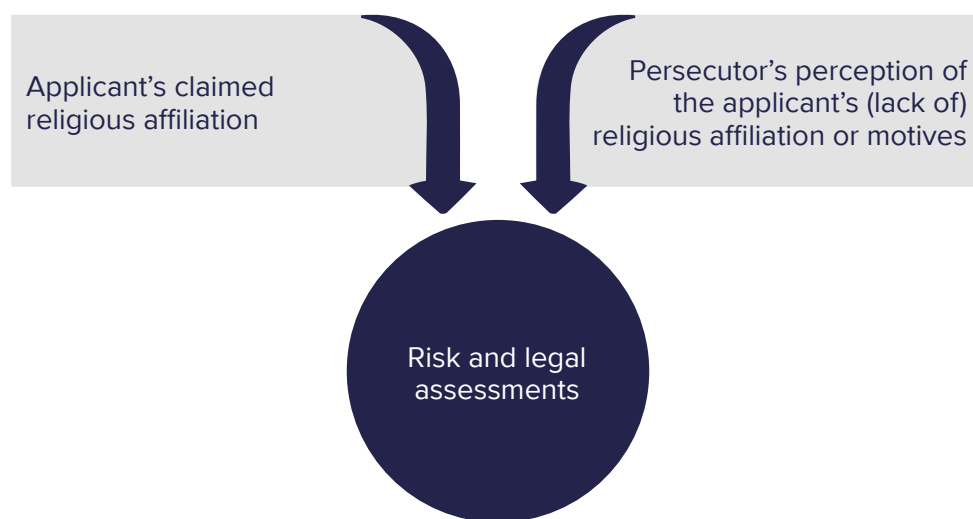
<sup>(38)</sup> See Gunn, T. J., ‘*The complexity of religion and the definition of “religion” in international law*’, 2003, *op. cit.* fn. 19, pp. 11–14 and 21–22.

<sup>(39)</sup> Article 10(2) QD (recast) states, ‘When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.’



Case officers should not only explore whether the applicant or the group they belong to have the characteristics, beliefs or practices of a 'religion'; they should also look at the persecutor's perception of the applicant. Some groups may not describe themselves as religious. Nevertheless, they may be treated by the persecutor as if they were religious and thus be the target of acts that amount to religious persecution <sup>(40)</sup>. Establishing sincerity of belief, identity and/or a certain way of life may not necessarily be relevant in a case where the persecutor imputes or attributes a religion, faith or practice to an individual or group <sup>(41)</sup>. Moreover, the motives of the persecutor may be religious, while the applicant does not associate their beliefs, identity or way of life with religion or is not aware that these can be perceived as such. Therefore, regardless of whether the applicant's religious affiliation is found credible and regardless of whether the applicant claims to hold a religious belief, the perception that the persecutor has of the applicant's motives and religious affiliation, or lack of a religious affiliation, needs to be explored in a systematic manner to make an accurate risk assessment.

**Figure 3. Imputed religious affiliation or imputed apostasy**



There are several reasons why a certain religious affiliation or apostasy could be attributed to the applicant, despite them claiming that this is not the case. For instance, the persecutor may associate an applicant with a certain religion due to their ethnicity, name, social interactions (e.g. close friends belonging to that religion), the school or workplace they attend or their place of residence (e.g. a neighbourhood inhabited mainly by a certain religious group).

Furthermore, acts that have no religious connotation for the applicant, such as going to school or watching a football match, may be viewed by the persecutor (e.g. certain fundamentalist groups) as rebelling against specific religious norms or rules that they wish to impose. In those cases, taking into account the perception of the persecutor is crucial for the risk assessment of the asylum application at hand. For guidance on how to explore the perception of the actor of persecution, see [Section 2.3.1 'Exploring religious affiliation'](#).

### 1.3.5. Discrimination on the basis of religious affiliation

Applicants may fear discrimination for religious affiliation. This discrimination can manifest itself in domains that are unrelated to religion, such as employment, healthcare, education and social services. In each individual case, case officers will need to explore whether these

<sup>(40)</sup> Gunn, T. J., '*The complexity of religion and the definition of "religion" in international law*', 2003, *op. cit.* [fn. 19](#), p. 21.

<sup>(41)</sup> UNHCR, *Guidelines on International Protection No 6*, 2004, *op. cit.* [fn. 12](#), para 9.

accumulated acts of discrimination have an effect that is similar to a serious human rights violation, in line with Article 9(1)(b) QD (recast).

### 1.3.6. Disproportionate effect of neutral laws

Another form of religion-based persecution may arise from a situation where seemingly neutral laws are applicable to all citizens (and therefore to all religious groups), but the practical impact has a disproportionate effect on one religious group in particular <sup>(42)</sup>. The fact that a law applies to all citizens in the same way does not discharge the state from its duty to assess what impact the law will have on each part of its population. An example of this is mandatory military service applied to all (usually male) citizens of a certain age, without accommodating the special status of conscientious objectors. See [Section 4.4.3](#) *'Conscientious objection for reasons of religion'* for a more detailed discussion of the topic.

### 1.3.7. Actors of persecution

Both state and non-state actors, including armed groups, religious groups, political parties, the applicant's family, clans or even society at large, can be perpetrators of religion-based persecution. The role of the state as an actor of persecution can take different forms. States can actively persecute or criminalise certain religions, apostasy or the non-adherence to the rules of the state's official religion. They can impose laws that discriminate directly or indirectly against specific religious groups. They can also incite persecution or tolerate persecution of certain religious groups in society.

### 1.3.8. Absence of state protection due to religion

Religion-based persecution can also arise where the authorities are unwilling to provide protection to a person due to their religious affiliation. This is the case, for example, when the police refuse to assist a person in danger because of that person's religion <sup>(43)</sup>.

## 1.4. Challenges linked to the ground of religion

In addition to the challenges associated with the concept of religion itself and with the different forms of religion-based persecution, other factors can potentially add to the complexity of religion-based claims. This section intends to provide guidance on how to deal with these specific challenges.

<sup>(42)</sup> See Gunn, T. J., *The Complexity of Religion in Determining Refugee Status*, 2002, *op. cit.* fn. 19, pp. 31–33.

<sup>(43)</sup> Article 9(3) QD (recast) states that there must be a connection between the reasons and the acts of persecution or the absence of protection against such acts.

**Figure 4. Challenges commonly encountered with religion-based asylum claims**

### 1.4.1. Religious diversity

Religious practices, traditions or beliefs may be heterogeneous and vary from one denomination of a religion to another or from one country or region to another. They are also often intertwined. Therefore, researching country of origin information (COI) for specific situations may pose extra challenges. For instance, different denominations within the Protestant churches follow different beliefs and practices (e.g. Baptist and Pentecostal denominations do not practise infant baptism). Similarly, in certain sub-Saharan African countries, syncretic combinations of Christianity and animism often blend Christianity with traditional, animist beliefs and rituals that are unknown to mainstream (Western) Christian churches. In Islam, congregations that follow Sufism, also known as ‘Islamic mysticism’, have a very different understanding and approach to religion from other forms of Islam. Conversely, Sunni and Shia Sufi congregations can have much in common. Therefore, it is essential to tailor each interview to the specific religion that is at the basis of the asylum claim (see [Section 2.1.4 ‘How country of origin information can help you prepare’](#)).

When examining religion-based asylum claims, it might also be challenging for case officers to distance themselves from their own (non-)religious experience or from that of their community or country. The case officer may have very different experiences and be totally unfamiliar with those of the applicant, which may sometimes even appear strange. The case officer should therefore be mindful of their own preconceptions before and throughout the interview (see [Section 2.1.2 ‘How to prepare mentally’](#)).

### 1.4.2. Credibility challenges

Religion-based asylum claims raise, more often than not, particular credibility challenges, especially with regard to conversion cases. Applicants may assert certain religious or non-religious beliefs as part of their asylum claim. However, a person’s beliefs are a highly abstract aspect of their spiritual, inner life. Case officers may find it challenging to assess the credibility of such a personal and intangible element, as it is not possible to peer into a person’s soul.

Moreover, depending on the profile of the applicant, you may come across a variety of both sophisticated and simple narratives. For example, while some converts express their motivation solely at an emotional level and go through a very fast process of conversion, others might come up with rational and elaborate narratives concerning their motives and the process they went through. While the latter may possibly appear to be more credible at first sight, both can be genuine accounts of conversion.

You cannot directly observe the genuineness of a person's convictions. In general, the belief must attain a certain level of cogency, seriousness, cohesion and importance <sup>(44)</sup>. In order to make an appropriate credibility assessment, you should assess if, and to what extent, the credibility indicators have been met, taking into account the individual and circumstantial factors that may lead to distortion.

### Credibility indicators

- Internal consistency:
  - sufficiency of detail and specificity,
  - coherence and consistency.
- External consistency:
  - consistency with COI,
  - consistency with other evidence.
- Plausibility.

### Related EUAA tool



For more information, see also [\*Practical Guide: Evidence assessment\*](#), March 2015.

Additional credibility assessment challenges are posed by asylum claims based on conversion taking place after the applicant has left their country of origin. Sometimes these asylum applications based on conversion arising *sur place* come after a first application based on another ground has been rejected. For a detailed discussion on these types of claims, see [Section 4.1.6 'Sur place claims'](#).

Furthermore, claims based on adopting atheism or leaving religion altogether may prove particularly demanding, as they are usually not supported by documentary evidence and may not lead to any concrete actions on the part of the applicant. Case officers should therefore bear in mind that, in the context of a personal interview, it may prove difficult for an applicant to explain how they moved to a non-religious mindset in the same way as you would expect a convert to another religion to do so (see [Section 4.2 'Leaving one's religion to adhere to an atheistic, agnostic or non-religious system of belief'](#)).

### 1.4.3. Overlap with other grounds

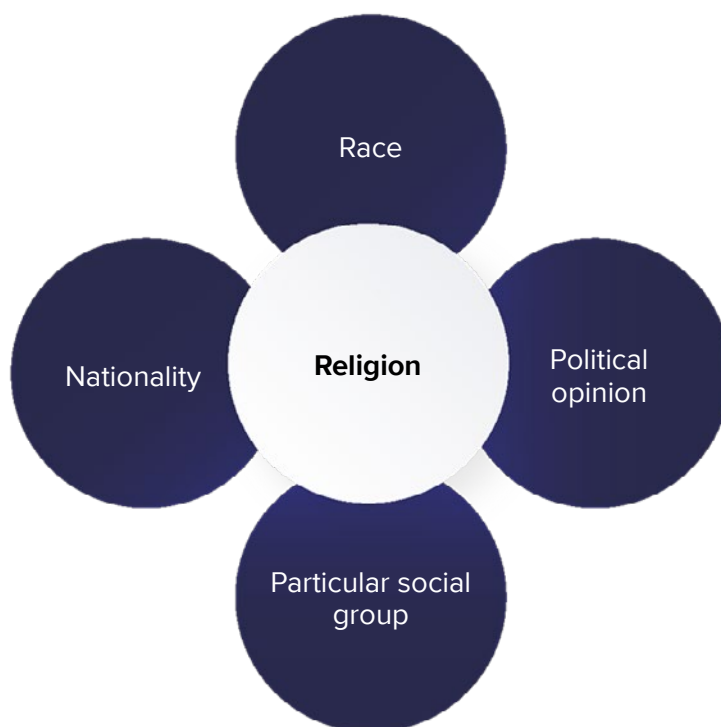
As is often the case with applications for international protection, religion-based refugee claims can also overlap with other grounds for persecution. Case officers should be mindful of the fact that the ground of religion may be imbricated with race, nationality, political opinion and/or membership of a particular social group.

<sup>(44)</sup> European Court of Human Rights, *Eweida and Others v the United Kingdom*, Nos. 48420/10, 59842/10, 51671/10 and 36516/10, ECLI:CE:ECHR:2013:0115JUD004842010, para. 81.





**Figure 5. Overlap between religion and other reasons for persecution**



Notably, there are many communities where religion and ethnicity coincide to form a ‘larger’ identity. When such ethno-religious groups are targeted, it may not be possible to distinguish whether persecution takes place for reasons of religion, race or even nationality. This may, for example, be the case with the Hazara (Shia) minority in Afghanistan. In other situations, belonging to a religious group implies having specific political opinions or, at least, being perceived as having them. This is the case, for example, when a particular religious community is associated with opposing the ruling party (which may be dominated by another religious group). This may for example be the case with the Protestants in Eritrea. In these situations, persecutors are likely to target entire specific religious groups, identifying them as a threat to their own identity or political ideology. In addition, there may be cases where grounds of both religion and membership of a particular social group apply, for example in countries where twins accused of witchcraft are persecuted. In these cases persecution can happen for religious reasons, but could also be because society perceives twins as ‘different’ owing to their innate characteristic.

Case officers should be mindful that the applicant may not be able to say whether they were persecuted for their religion or another of the five reasons for persecution. It may be up to the case officer to determine which reasons for persecution are relevant.

#### **1.4.4. The gender dimension of religion-based asylum claims**

Gender-based persecution occurs as a result of unequal power dynamics coupled with assigned gender roles based on biological sex. Often, the gender roles assigned are intrinsically linked with religious norms. Certain religions uphold and promote particularly uneven power dynamics based on sex. For example, when a woman does not fulfil her assigned role, this is often treated as a refusal to abide by the religious codes and she is



punished under those religious codes. As a result, a woman in such a situation may have a well-founded fear of being persecuted for reasons of religion. Clothing requirements, restrictions on movement, harmful traditional practices (such as FGM/C), or unequal or discriminatory treatment, including subjection to discriminatory laws and/or punishment, may all be relevant. Guidance on exploring certain types of claims where gender and religion-based persecution intersect is provided in [Section 4.5 'Gender-specific religious persecution'](#) <sup>(45)</sup>.



## Chapter 1: key points to remember

- Religion is a broad concept that also refers to non-theistic and atheistic beliefs.
- Religion can have three facets: religion as a belief, religion as a way of life and religion as an identity.
- Not all limitations to religion are considered persecution. Some of them can be legitimate.
- A violation of religious freedom is considered persecution when it is sufficiently serious and has a significant effect on the applicant.
- Applicants cannot be expected to conceal their religion and refrain from practising it to reduce the risk of persecution.
- Concealment of religious practices that are mandated by the applicant's religion and necessary for them to preserve their religious identity may be considered persecution.
- Coercing people into following certain religious rules may amount to persecution, depending on the level of intrusion.
- Discrimination based on religious affiliation can manifest itself in domains that are unrelated to religion, such as employment and education.
- In addition to the applicant's claimed religious affiliation, the perspective of the persecutor needs to be taken into consideration.
- Laws that seem neutral, such as mandatory military service, can have a disproportionate impact on some religious groups.
- States can become actors of persecution by, inter alia, imposing laws that discriminate against religious groups or by tolerating their persecution.
- Religion-based asylum claims can be particularly challenging to explore, because of the following:
  - religious beliefs and practices vary greatly;
  - they concern a very personal and abstract part of a person's life;
  - they are not always supported by documentary evidence or concrete facts;
  - they overlap with other reasons for persecution;
  - they can be intertwined with gender.

<sup>(45)</sup> See also UNHCR, [Guidelines on International Protection No 1: Gender-related persecution within the context of Article 1A\(2\) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees](#), 2002, HCR/GIP/02/01.



## 2. The personal interview

This chapter includes specific recommendations on how to prepare the personal interview, on the way the interview should be conducted and on the elements that need to be explored with regard to religion-based asylum claims. The identified best practices and principles that ensure a high-quality interview will be applied directly to points of attention and practical examples that are specific to religion-based asylum claims.

### Related EUAA tool



For more general guidance on the personal interview, see [\*Practical Guide: Personal interview\*](#), December 2014.

### 2.1. How to prepare the interview

In the following sections we will point out what you need to be particularly attentive to when preparing for an interview with applicants with religion-based asylum claims. Sound preparation will allow you to focus on gathering information that is relevant to making a decision on the applicant's eligibility for international protection and will help avoid unnecessarily lengthy or multiple interviews.

#### 2.1.1. How to create a safe interview environment

Neutrality and confidentiality are key elements in ensuring an environment in which the personal interview can take place safely.

How the case officer and interpreter are dressed or how the room is set up (e.g. the presence of certain religious or philosophical symbols) can hinder the applicant's ability to present their claim. Hence, attention should be given to clothing and to the interview room set-up to display a professional and neutral attitude.

Neutrality and confidentiality should always be ensured, including when the interview is conducted remotely. Interpreters and case officers should have a neutral screen background and be in a space where confidentiality of the interview is ensured (e.g. in a room where the applicant cannot be heard by anyone else). For more information on this topic, see the *Practical Recommendations on Conducting the Personal Interview Remotely* <sup>(46)</sup>.

In some cases, you may receive requests from the applicant for an interpreter of a specific sex, from a specific country or region, or even of a certain religion. Requests for interpreters of the same sex are explicitly regulated in the asylum procedures directive (recast) (APD (recast)). Where possible, requests related to an interpreter of the same sex should be accommodated, 'unless the determining authority has reasons to believe that such a request is based on

<sup>(46)</sup> EASO, *Practical Recommendations on Conducting the Personal Interview Remotely*, May 2020.



grounds which are not related to difficulties on the part of the applicant to present the grounds of his or her application in a comprehensive manner' <sup>(47)</sup>.

The possibility of accommodating requests for an interpreter or interviewer of a specific religion, however, is not specifically provided for by the APD (recast). Keep in mind that such requests are made by applicants who are often worried about their statements not being accurately interpreted or who may associate the interpreter with the actor of persecution and therefore not feel at ease to talk about their claim.

Since accommodating such requests is not mandatory, and not always possible in the national context, you should always reassure the applicant, as much as possible, that, in the asylum procedure, the interpreter is neutral, professionally trained and has the sole role of fully and accurately translating the conversation between the case officer and the applicant. Such requests may then be assessed on a case-by-case basis to allow the applicant to present their claims in a comprehensive manner.

## 2.1.2. How to prepare mentally

Being mentally prepared before conducting an interview on religion-based asylum claims will allow you to handle the interview content and situation in the best possible manner.

- ✓ **Be aware of your own cultural and (non-)religious perspectives.**

When assessing religion as a ground for persecution, it is particularly important for the case officer to be aware of their own cultural and religious or non-religious perspectives. One of the main risks when assessing religion-based asylum claims is that the case officer adopts their own perception or experience of religion as a point of reference.

The way applicants experience, think about or express themselves about their religion may vary. While some narratives might be elaborate and rational, others can be simple and based on personal feelings. You should always be aware of your own possible bias in this regard and keep an open mind. Reaching conclusions based solely on your own religious or cultural experiences should be avoided. This is even more crucial when the case officer belongs to the same religion as the applicant, as it may give the case officer a false sense of familiarity with the subject or the applicant's narrative.

- ✓ **Be mindful of the complexity of religion, religious beliefs and practices.**

Acknowledging that religion is a complex concept and that there are many different ways in which it can be experienced or perceived is essential. Be careful not to generalise specific COI findings. You need to keep an open mind and remain conscious that religious practices, traditions and beliefs may vary greatly from one religious denomination to another, but also within countries, regions and even communities.

- ✓ **Recognise that religion-based cultural dynamics may affect the interviews.**

You need to consider certain dynamics that may affect the interview. For example, applicants may perceive the case officer or the interpreter as a representative of their newly adopted religion and rely excessively upon their understanding. Conversely, the applicant may also perceive the case officer or the interpreter as belonging to their former religion, and may harbour apprehensive or even hostile feelings towards them. Such biases, from both the applicant's and the case officer's sides, might hinder open

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<sup>(47)</sup> Article 15(3)(c) APD (recast).



communication and impact the interview negatively. In this regard, see also [Section 2.1.6 'How to prepare the interpreter'](#).

- ✓ **Have reasonable expectations of the applicant's theoretical knowledge of their religion.**

Finally, it may be tempting to focus during the interview on the applicant's theoretical knowledge of their religion. Indeed, knowledge can be considered a tangible, and hence more straightforward, element to explore. However, expectations regarding the applicant's knowledge of their religion should be reasonable and take into account not only the applicant's level of education, but also the way they relate to their religion. See also [Section 2.3.1 'Exploring religious affiliation'](#).

#### **Mental preparation for religion-based personal interviews**

- Experiencing religion is a very individual matter and there are many different ways an individual can express their religious conviction (beware not to adopt your own experience of religion as a point of reference).
- Religious beliefs and practices are diverse, including within one single religion or denomination (avoid making general assumptions about a certain religion).
- Religion-based cultural dynamics may affect the interview.
- Expectations about the applicant's knowledge of their religion must be reasonable.

### **2.1.3. How to become familiar with the individual case**

The main source of information on the applicant, prior to the interview, is the case file. The nature and amount of information available in the case file before the personal interview will depend on the national set-up, especially with regard to registration and the possibility for the applicant to submit documents before their personal interview.

Relevant information can be found in documents such as asylum application forms, registration files, the registration interview reports, any other written statements and supporting documents. Religion-relevant information found in the case file may be explicit, but could also come in the form of cues that may give an indication of the applicant's religious affiliation.

#### **Examples of direct information on the applicant's religious affiliation**

- **Applicant's statements about their religious affiliation.**
- **Identity and civil status documents.**

In certain countries, current or former identity cards state the holder's religion. For applicants coming from countries where personal status affairs are governed by religious institutions, civil documentation such as birth and marriage certificates can also indicate religious affiliation. Furthermore, other types of documents found in the case file can directly pertain to the applicant's 'religious life' (e.g. baptism and religious activity certificates).



### Examples of indirect information on the applicant's religious affiliation

- **Applicant's name.**

In countries where certain names are clearly associated with one religious group or another, the name of the applicant or that of their family members may potentially indicate their religious background.

- **Place of birth or residence.**

Information on where the applicant was born and where they or the majority of their family live or used to live in the country of origin may give possible cues on religious affiliation. This is the case for areas (e.g. neighbourhoods, cities, provinces) known to be inhabited mainly or exclusively by specific religious groups.

- **Educational background.**

The applicant may indicate that they were educated in religious institutions (e.g. Koranic schools, parochial schools). However, it should be noted that, in some countries, parents may send their children to schools affiliated with a religion different from their own, simply because the education is of higher quality.

Scanning the case file for religion-relevant information is helpful not only to tailor the interview to the applicant's specific religious affiliation, including its local context, but also to enable you to identify potential inconsistencies or contradictions that need to be explored during the interview. For example, an applicant claims to have converted from Islam to Christianity in the country of origin, but his marriage certificate is issued by a Sharia court and shows that the applicant married a Muslim woman after his alleged conversion.

Besides the case file, you can prepare for the interview by searching for relevant information on the applicant's religious affiliation, religious activities, family background and communication with family members or other relevant persons by consulting the applicant's open social media profiles (e.g. on Facebook or Instagram) or other open-source information. Social media searches should be carried out in respect of the individual's privacy, meaning that the search should be limited to what is absolutely necessary for gathering information that is relevant to the case and should respect applicable data protection rules (the general data protection regulation <sup>(48)</sup> and national rules on data protection).



Remember that all findings gathered while preparing the interview are to be considered indications to be explored further during the interview. The interview should always be approached with an open mind.

## 2.1.4. How country of origin information can help you prepare

The use of COI is not only essential when preparing the personal interview: it continues to play a major role during and after the interview, when drafting the decision on the application for international protection.

Given the variation in religious practices, traditions and beliefs, it is important that the case officer has access to reliable, accurate, up-to-date and country-/region-specific information.

<sup>(48)</sup> [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016).



### Related EUAA tool



For more information on the use of COI by case officers, see the *Practical guide on the use of country of origin information by case officers for the examination of asylum applications*, December 2020 <sup>(49)</sup>.

The following non-exhaustive list of questions may be particularly relevant for religion-based asylum claims, depending on the country of origin and the applicant's profile.

### Examples of relevant questions for COI research

- What is the religious composition of the applicant's country of origin (i.e. demographic and geographical distribution of religious groups)?
- Does the applicant's country of origin have an official state religion?
- Is there specific legislation that governs the religion of the applicant?
- What is the state of religious freedom in the applicant's country of origin? Are there laws that interfere with the freedom of religion?
- If the applicant's religion is a minority religion, is it formally recognised? What is the position of women, men and children under the religion? What is the situation of children born of interreligious marriages?
- Does the state protection given to men and women belonging to a certain religious group differ? If so, in which regard and to what extent?
- What are the demographic trends concerning a particular religious group in the country of origin (e.g. have there been important developments such as migratory movements out of the country of origin or a specific area? Has the number of adherents of the specific religious group been reduced?)?
- What are the characteristics of the religion of the applicant in the country of origin (structure, places of worship, divisions and affiliations, beliefs, religious education, celebrations, well-known events, terminology used, etc.)?
- How is the religious affiliation of the applicant perceived in their country of origin by the state and/or other dominant groups?
- Are there reports of discrimination against members of the religious group or reports of violence or other forms of ill-treatment?
- Do the adherents of the religious group of the applicant receive protection from the state?
- Where COI indicates that members of certain religious groups are targeted, in particular by non-state actors, because of their religious affiliation, is there a part of the country of origin where members of that religious group live in safety? Is it an indicator of a potential internal protection alternative (IPA)?

### (a) Limitations of COI specific to religion-based asylum claims

Despite the importance of COI for the examination of an application, you always need to remain aware of its limitations. COI is, in itself, rarely conclusive as to the merits of a specific asylum claim and cannot normally provide information covering all aspects of a case.

<sup>(49)</sup> EASO, *Practical guide on the use of country of origin information by case officers for the examination of asylum applications*, December 2020.







The COI available to you for a specific case may not be country-, region- or community-specific, or might be outdated, for instance when the situation of the country of origin changes rapidly during a conflict. You also need to take into account that the applicant's fear of persecution can be very specific to the individual and not be reflected in the general situation in the country of origin. It is also important to be aware of how well information on a particular topic is documented in a particular country of origin. Restrictions or difficulties in reporting in the country of origin may limit the availability of information about a particular subject; this should always be taken into consideration. Finally, always remember that, even when certain facts are not reported in the available COI, this does not mean that they do not exist or did not happen.

## **(b) Sources relevant for religion-based asylum claims**

In general, relevant COI can be obtained from a variety of portals/databases, such as those of national COI units, the EUAA COI portal <sup>(50)</sup>, the European COI network <sup>(51)</sup>, refworld <sup>(52)</sup> and reliefweb <sup>(53)</sup>.

Many sources specialising in religious freedom can be useful in the preparation, exploration and assessment of religion-based asylum claims. A non-exhaustive list of such sources is provided below.

**UN Special Rapporteur on the freedom of religion or belief:** the Special Rapporteur is an independent expert appointed by the UN Human Rights Council with a mandate to identify obstacles to the enjoyment of the right to freedom of religion or belief and to provide recommendations to the Member States and other stakeholders. To this end, annual reports are published with a different thematic focus each year <sup>(54)</sup>.

**US Department of State's international religious freedom reports:** the US Department of State publishes annual country reports on 'the status of religious freedom, government policies violating religious belief and practices of groups, religious denominations and individuals, and U.S. policies promoting religious freedom in nearly every country and territory throughout the world' <sup>(55)</sup>.

**US Department of State's country reports on human rights practices:** the US Department of State publishes annual country reports on human rights practices that 'cover internationally recognized individual, civil, political, and worker rights, as set forth in the Universal Declaration of Human Rights and other international agreements' <sup>(56)</sup>.

**Human Rights Without Frontiers:** this independent non-governmental organisation, not associated with any religion or belief system, publishes advocacy papers and reports on, inter alia, freedom of religion and belief. It also runs a database of relevant news organised by country, collecting information from a variety of external sources <sup>(57)</sup>.

<sup>(50)</sup> EUAA COI portal (<https://coi.euaa.europa.eu/>).

<sup>(51)</sup> <https://www.ecoi.net/>

<sup>(52)</sup> Refworld (<https://www.refworld.org/>). Please note that the UNHCR no longer hosts COI products on refworld.

<sup>(53)</sup> Reliefweb (<https://reliefweb.int/>).

<sup>(54)</sup> UN Human Rights Office of the High Commissioner, 'Annual reports – Special Rapporteur on the freedom of religion or belief' (<https://www.ohchr.org/en/issues/freedomreligion/pages/annual.aspx>).

<sup>(55)</sup> US Department of State, 'International religious freedom reports' (<https://www.state.gov/international-religious-freedom-reports/>).

<sup>(56)</sup> US Department of State, 'Country reports on human rights practices' (<https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/>).

<sup>(57)</sup> Human Rights Without Frontiers (<https://hrwf.eu/>).







**Forum 18:** this Christian non-profit organisation provides a specialised news service and periodic reports and commentaries covering violations of freedom of belief in Central Asia, Russia, South Caucasus, Belarus and, occasionally, Turkey <sup>(58)</sup>.

**Open Doors:** this is a Christian organisation with country branches. It supports persecuted Christians around the world by supplying Bibles, training, practical support and advocacy <sup>(59)</sup>. Open Doors also aims to raise awareness of persecution against Christians and maintains a 'world watch list', which provides an 'annual ranking of the countries where Christians face the most persecution'.

## 2.1.5. How country-specific guidance can help you

Country-specific guidance can help you to direct your attention to the key issues at stake and adapt the interview strategy accordingly.

Apart from any available national guidance on specific countries, the case officer should consult available EUAA country guidance <sup>(60)</sup> documents for relevant countries as set out in Article 11(3) EUAA regulation. Based on the common analysis of the situation in a given country of origin by senior officials from EU+ countries, country guidance documents provide guidance on how to assess commonly encountered profiles (including profiles that have a link with the ground of religion) with regard to qualification for international protection. Depending on the country, relevant sections may include the topics of blasphemy, apostasy and conversion, the profiles of particular (ethno-)religious minorities, and other profiles that may be deemed to have a well-founded fear of persecution for reasons of religion (often interlinked with other grounds, e.g. political opinion). The UNHCR <sup>(61)</sup> also publishes similar country guidance materials, such as eligibility guidelines and international protection considerations.

## 2.1.6. How to prepare the interpreter

Specific terminology used during interviews for religion-based asylum claims might make it challenging for an interpreter to translate in an accurate and impartial way. Communicating with the interpreter on the topic of the interview helps the interpreter to better prepare for the interview.

### ✓ Inform the interpreter of the interview topic in advance.

Sharing some basic information on the applicant and the nature of their claim, such as the applicant's age, health situation, alleged religious affiliation, area of origin and their fear of persecution, prior to starting the personal interview, can help the interpreter prepare mentally for their task. This is to ensure smoother communication and avoid potential misunderstandings between the applicant and the interpreter during the personal interview. It can also help prevent any potential conflict of interest, for example if the applicant and the interpreter know each other because they attend the same religious minority organisations in the country of asylum.

### ✓ If possible, make terminology available to the interpreter in advance.

Another advantage of informing the interpreter of the interview topic prior to the interview is that the interpreter will have a chance to prepare on the specific

<sup>(58)</sup> Forum 18 (<https://www.forum18.org/>).

<sup>(59)</sup> Open Doors International (<https://www.opendoors.org>).

<sup>(60)</sup> EUAA country guidance (<https://euaa.europa.eu/asylum-knowledge/country-guidance>).

<sup>(61)</sup> UNHCR handbooks and guides (<https://www.unhcr.org/search?comid=4a2789926&cid=49aea93ae2&tags=GIP>).



terminology. It is good practice to provide the interpreter with a list of relevant terms and definitions (in the language of the interviewer or, if available, in both languages) related to the religion at issue in the interview. This will ensure that the interpreter has access to all the relevant concepts that might be relevant during the interview. See also [Section 3.2 'Recommendations for asylum administrations'](#). For concepts relevant to religion-based asylum claims, refer to [Section 1.2 'Concepts relevant to religion-based asylum claims'](#).

✓ **Emphasise the importance of neutral language.**

You need to remind the interpreter of the importance of translating the interviewer's questions and the applicant's answers in the exact way as they are phrased. The interpreter should also make sure to avoid using words that might be derogative and carry a negative connotation, such as terms that are not commonly used to self-identify (e.g. 'atheist' or 'convert' should not be translated as 'infidel' or 'apostate'). However, it should be made clear to the interpreter that, if the applicant resorts to using a negatively connotated word, the term should, of course, be translated as such.

## 2.2. How to conduct the interview

This section focuses on aspects particularly relevant for religion-based asylum claims and should be read in conjunction with the [Practical Guide: Personal interview](#) <sup>(62)</sup>, which it complements. Particular attention should also be paid to children and vulnerable applicants (for further information, please see the tool for the identification of persons with special needs <sup>(63)</sup> and the Practical guide on the best interests of the child in asylum procedures <sup>(64)</sup>).

✓ **Build rapport with the applicant.**

Building and maintaining rapport is considered the most influential factor to ensure productive interviews. This is of particular importance in the context of religion-related interviews. To ensure unhindered communication, you may have to invest additional efforts to reassure the applicant.

Stressing the principle of confidentiality, not only in the opening phase but throughout the interview, may be necessary in some cases (e.g. those related to conversion). Underlining the principle of neutrality may also be important to clarify that your own and the interpreter's personal views and (non-)religious beliefs will not in any way influence the assessment of the applicant's claim.

Providing information to the applicant about freedom of religion may also be important. Indeed, applicants may fear potential consequences resulting from talking about their religious affiliation. If the applicant seems reluctant to open up about their religious affiliation and experiences, you should consider reiterating throughout the interview the principle of the right to religious freedom.

### Example of informing the applicant about the right to express religious beliefs

You have told us that you applied for international protection because of your (non-)religious beliefs. Before I ask you to tell me more about this, it is important that you know that, in this country, everyone has the right to be open about their religious belief. Nobody should be discriminated against, threatened or abused because of their beliefs. This means that, during the interview today, you can openly share your experiences, thoughts and reflections.

<sup>(62)</sup> Section 3 of the *Practical Guide: Personal interview* is particularly relevant in this regard.

<sup>(63)</sup> EASO, *'Tool for identification of persons with special needs'*.

<sup>(64)</sup> EASO, *Practical guide on the best interests of the child in asylum procedures*, 2019.



✓ **Clarify the importance of words and concepts.**

It is also important to be aware that the same words may have different meanings across different religions and/or denominations and may vary depending on a person's religious experience. For example, a person may say that they have 'converted to Christianity' without having necessarily been formally baptised. Similarly, potentially subjective statements should be clarified. For instance, a person may call themselves 'not religious', but actually mean that they do believe, but are simply not actively practising their religion at the moment. This is why you should inform the applicant about the importance of explaining the meaning of relevant words and concepts from the outset of the interview.

**Example of the importance of explaining relevant words**

There may be words that you or I use that can be understood in different ways. Therefore, I will sometimes ask you to explain what you mean by certain words. I also want you to let me know if I use words that you do not understand.

✓ **Use the applicant's own words as 'door openers' to relevant information.**

In addition, you should make sure to talk about religious matters in a manner that will work as an actual 'door opener' for the applicant to provide relevant information. Your questions should be formulated in a way that invites the applicant to give you more information on the topic. Phrasing your questions in a way that is closer to the way the applicant expresses themselves regarding their religious beliefs may result in more productive replies on the part of the applicant.



A good way to do this is to formulate questions by using the applicant's own words as a starting point. For example, if the applicant mentioned that they 'love Jesus', you may follow up by asking 'What made you love Jesus?', rather than saying 'Please explain your relation to Christianity'.

✓ **Use open questions wherever possible.**

While exploring relevant topics as identified from the applicant's free narrative, you should keep in mind that beginning with open questions is important to allow the applicant to provide information about their own individual religious experiences or practices and to explain the personal significance of the religion to them.

**Examples of open questions**

- Please describe your path to becoming a Christian, from the first thought that it was something you wanted until you decided to convert.
- Describe how you experience being a Christian.
- Please tell me what it means for you to be a Christian.
- Explain what you experience as the main differences between Christianity and Islam.

When a credibility concern is identified, this should, in the first place, be used as an opportunity to explore and clarify further. You should do this in a manner that encourages the applicants to tell the truth, while at the same time strengthening your capacity to identify information that is not credible.



### Example of giving the applicant the opportunity to explain credibility concerns

You have told me that you decided to convert when you arrived in this country, and that becoming a Christian has changed your life. I have asked you to provide more information on the reasons that led you to this decision. Yet you are telling me only very little about your motivation to convert. Could you please help me understand why you cannot tell me more?

- ✓ Remind the applicant of their right to religious freedom in the host country at the end of the interview.

As the interview comes to an end, you should make sure that all relevant topics have been sufficiently explored. Ask the applicant if they have had the opportunity to include all relevant information and consider repeating the information about the right to be open about religious beliefs. Consider informing the applicant that, if they experience discrimination, threats or violence in the country of residence, this can be reported to the police or at the reception centre. Provide relevant information about what will happen next and information on the possibility of submitting (additional) supporting documents according to national practice, and the procedure to do so.

## 2.3. What to explore during the interview

This section recaps the elements that should be explored in the personal interview in general, with a focus on what can be especially relevant when exploring religion-based claims. It provides general guidance on the substance of the interview by listing topics that are relevant for all types of religion-based claims. Guidance on the topics to explore for specific types of religion-based asylum claims is provided in [Chapter 4 ‘Commonly encountered religion-based asylum claims’](#).

The grey boxes below show the relevant elements that should be explored when assessing the applicant’s eligibility for international protection based on the ground of religion. Different examples of relevant topics are provided under each of the elements. Please note that the examples provided are not exhaustive. Furthermore, not all the suggested topics will be relevant in each individual case and, where they are relevant, the extent to which these are to be explored will vary in each case.

### Related EUAA tool



For general guidance on assessing eligibility for international protection, see the *Practical Guide: Qualification for international protection*, April 2018 <sup>(65)</sup>.

### 2.3.1. Exploring religious affiliation

In most religion-based claims, you need to gather relevant information to establish the applicant’s (current or former) religious affiliation. This includes information about the applicant’s religious ‘belief’, ‘identity’ and ‘way of life’, depending on how they relate to their religion (see [Section 1.2 ‘Concepts relevant to religion-based asylum claims’](#)).

<sup>(65)</sup> EASO, *Practical Guide: Qualification for international protection*, April 2018.



Please note that the questions on the nature of the applicant's religious affiliation have been split up below along the three facets of religion (religious belief, identity and way of life). In practice, however, these three facets may overlap. In addition, documentary evidence of religious affiliation will help to establish religious affiliation during the personal interview.

### **(a) Knowledge of religion**

As a starting point, you should explore how the applicant understands their own religious affiliation. This will allow you to get a grasp of the applicant's relationship to their religion, that is, to understand which facet(s) of the religion (belief, identity, way of life) is/are relevant for the applicant. This will serve as an opener to explore the religious aspects of the applicant's life and will help you decide which subtopics are most relevant to establish religious affiliation in the individual case.

#### **Religion as a belief**

When exploring religious affiliation, theoretical knowledge of the religion's doctrine and teachings may be relevant, depending on the applicant's profile. Be aware that the level of theoretical knowledge can vary greatly depending on the applicant and that there may be many legitimate reasons that can account for lack of such knowledge.

#### **Examples of topics to explore on religion as a belief**

- The religious belief the applicant adheres or adhered to, their convictions and what it means/meant to them.
- The applicant's theoretical knowledge about their religion (religious doctrine, including religious rules and institutional set-up).

#### **Religion as a way of life**

In addition to their theoretical knowledge, applicants can be asked about how they practise(d) their (former) religion. Keep in mind that the extent to which an applicant was able to practise their religion in the country of origin will greatly depend on the situation in the specific country and on the risks associated with such practice.



### Examples of topics to explore on religion as a way of life

- The meaning of the religion for the applicant, for example what it means/meant to them, how important it is or was in their everyday life and whether this has evolved over time.
- Practice of the religion, for example what practices they do or do not follow / did or did not follow, and how they practise(d), whether in certain religious institutions, groups, within the family or privately.



Be careful not to content yourself with any labels used by the applicant. Try to clarify them, as certain terms may have a relative meaning. For instance, if the applicant claims to be 'religious' or, conversely, expresses that they are not, you should enquire for what reasons they describe themselves in that way. Possibly, you can ask them to illustrate their statements with concrete examples. In this respect, you may also ask the applicant how they compare(d) with other members of their community in terms of religious practice.

- Religious schooling, for example whether they attended religion classes at school or as an extracurricular activity, and what they remember about these lessons.
- Religious practices, traditions and rites, such as baptisms, marriages or religious festivities, and the feelings and memories they associate with them.

### Religion as an identity

In addition to the applicant's theological knowledge of their religion and practices, you should enquire about the applicant's religious community, including their family and wider community in the country of origin and, if relevant, in the country of asylum.

### Examples of topics to explore on religion as an identity

- Religious background of the applicant (e.g. coming from a practising or a non-practising family).
- The nature of the applicant's role, responsibilities and activities within their religious community.
- The way the applicant identifies themselves with their religious community in their country of origin and/or in the country of asylum.
- Composition of the applicant's local religious community (in the country of origin and/or in the country of asylum).
- Knowledge of their religious community (including important historical religious events, leaders of their community, evolution of the community's situation over the years, past incidents where religious community was targeted).

### Factors influencing the applicant's knowledge of their religion

The applicant's theoretical and practical knowledge of their religion can be a relevant element to establish credibility of their former and new religious affiliation. General factors (e.g. age, level of education) will have an impact on the applicant's ability to provide information. Further to that, which knowledge questions that you should ask, and to what extent, will vary depending on how the applicant lived their religion.



### Factors that explain variations in applicants' knowledge of their religion

- **The importance of religion for the applicant.**

A person who belongs to a certain religion by birth but has never practised might not necessarily have extensive knowledge of the religion. Conversely, a person who has grown up in a religious family will be able to talk about religion differently from someone who grew up in a non-religious family and decided to turn to religion at a later age.

- **The role of the applicant in the religious community.**

If the applicant claims to have occupied some form of leadership role or other formal position within their religious community (e.g. worship leader, spiritual guide, teacher, monk), they should be invited to describe their religion's doctrinal content in great detail. The same can apply to applicants who state to have extensively studied or shown a great interest in religious theory or who have otherwise been exposed to it. You can ask the applicant, inter alia, about the essential principles of their religion. You can also explore their knowledge of religious texts (e.g. holy books), historical events concerning their religion and prayers.

- **The applicant's religious instruction.**

The applicant may have little knowledge of their religion because they never received proper religious instruction. For instance, the applicant may come from a rural area in their country of origin and have had no access to religious courses, seminars or religious teaching. There may be practical reasons why the applicant has not been able to undergo religious training, for example because they lived at a great distance from the places where such training was provided. Furthermore, the applicant may be illiterate and the only information about their religion might stem from religious services, celebrations, holidays and occasional conversations with other members of the religious community. In addition, religious instruction might be forbidden and even expose the persons involved to great danger.

- **The interplay between religious membership and culture.**

You should not assume that all members of a certain religion are familiar with the details of their religion simply by virtue of being born into it. Many religious practices are interwoven with traditional practices. Some people who consider their religious affiliation part of their cultural life and identity may not practise it very actively, yet they hold on to it (and may therefore be subject to persecution). In this case, questions about the theoretical aspects of the applicant's religion should remain basic and not take up a major part of exploring religious affiliation. The focus should be on the applicant's relationship with religion as an integral part of their daily life (religion as a way of life) and the role of religion in their family and the wider community (religion as an identity).

- **Duration of the applicant's new faith.**

For applicants who converted to another religion or who adopted a non-religious way of life, the duration of their new belief will have an impact on the amount of knowledge they can demonstrate. Applicants who are in the early phases of conversion will have less knowledge of their new belief than applicants who have had sufficient time to delve into it.

As an illustration, here are some examples of questions that could be asked on the knowledge of the applicant about Christianity.

- What parts of the Bible do you feel most attracted to?
- Please, tell me what you know about what is important in Christianity.
- Are there verses in the Bible that are important to you?
- Please describe a celebration of Christianity that is important to you.







Be aware that, even if the applicant has detailed theoretical knowledge of their religion, this does not necessarily mean that their belief is sincere. Conversely, a person may be persecuted on the basis of their religion even though they have little or no knowledge about it. Lack of knowledge could be explained by various factors, as outlined above. Hence, the applicant should always be given the opportunity to clarify the reasons for their lack of knowledge, for inconsistencies or for contradictions.

### Exploring the imputed religious affiliation or imputed apostasy

Be aware that, even if the applicant's religious affiliation is not established, the applicant may still be perceived by the persecutor as having such a religious affiliation or being an apostate. Therefore, you should also explore possible reasons why the applicant may be attributed a certain religious affiliation.

#### Examples of topics to explore on imputed religious affiliation

- Explore who perceived the applicant as affiliated to a specific religious group or as an apostate, and whether this is limited to individuals, to the actors of persecution, to a certain group or if it is by a whole part of society.
- The circumstances under which the applicant came to know about this attributed religious affiliation.
- The applicant's explanations of why they were perceived as belonging to a specific religion or being an apostate.
- Any situations the applicant was involved in that led to them being perceived as being associated with a certain religion, with apostasy, or with an atheist, agnostic or non-religious system of belief.
- Whether the applicant knows people in similar situations who have also had such beliefs attributed to them and the consequences that this has had on their lives.
- The perception of the attributed religious group by the society or state.

### (b) Documentary evidence

The applicant may submit documentary evidence issued by authorities or persons from the country of origin or from religious organisations or persons from the religious community in the country of asylum. The circumstances under which the documents were issued and their content and purpose are possible topics to explore during the interview. Apart from what is included in the documents themselves, the applicant's awareness of these topics and how they relate to the applicant's statements should also be explored. If relevant, lack of documentary evidence and its reasons may also be explored. Such information will help you assess the probative value that the documents should be given in that specific case.

#### Documents issued in the country of origin

Identity documents, such as passports or identity cards, or civil documentation, such as marriage or birth certificates, may indicate the applicant's (former) religious affiliation. Moreover, if the applicant has converted in their country of origin, conversion certificates from their religious community may have probative value, if they are deemed authentic and reliable.





## Documents issued in the country of asylum

Applicants may submit documents or written testimonies issued by their religious community or institutions in the country of asylum. These documents may serve as credentials as they testify to their religious affiliation or even their position within a religious community. Documents and statements submitted by third parties serve as additional evidence and should be explored to verify whether they can confirm the applicant's statements.

### 2.3.2. Exploring past persecution

If the applicant was persecuted in the past, the starting point will be to explore **what** happened, **how** it happened (including by what means), **when** it happened (including how often), **where** it happened, **who** did it (including with whose support), **why** it happened (in terms of both cause and purpose) and **what the consequences** were (including the impact on the applicant). In the context of religion-based persecution, it is especially relevant to further examine the topics below.

#### Examples of topics to explore on past persecution

- Whether the applicant has experienced any harmful acts or suffering because of their religion.
- Whether the applicant has experienced discrimination due to their religious affiliation.
- Whether the applicant has experienced restrictions imposed on their religious practice and how this has affected the applicant.
- Whether the applicant has experienced any restrictions due to rules imposed by a religious authority, and how this has affected the applicant.
- Whether the applicant has concealed their religious identity, belief or way of life; the reasons for the concealment; and what impact this had on the applicant (e.g. how it made them feel).

### 2.3.3. Exploring fear of persecution upon return

You should explore what the applicant fears may happen in the event of their return to their country of origin, including why the applicant thinks this would happen. As part of exploring future risks, you should also gather information about whether the applicant would be able to practise their religion upon return based on what is necessary to them according to their religious beliefs.



It is important to remember that the applicant cannot be expected to conceal their religious or non-religious affiliation in order to avoid persecution if it is essential for them to practise their conviction in order to preserve their religious identity. Similarly, the applicant cannot be expected to participate in activities that conflict with their religious convictions <sup>(66)</sup>.

<sup>(66)</sup> CJEU, 2012, *Y and Z*, *op. cit.* [fn. 16](#), paras 70 and 80.



### Examples of topics to explore on the fear of persecution upon return to the country of origin

- The religious practices that the applicant considers necessary, based on their religious beliefs, upon return.
- Restrictions on the applicant's ability to conduct these practices upon return.
- The impact of not being able to practise their religion freely.
- The risks associated with the applicant's envisaged religious activities (including the applicant's awareness of sanctions and penalties).
- Coercion of the applicant to adapt to the prevailing religion in their country of origin.
- How coercion to conform to the prevailing religion would affect the applicant and their family.
- Risks encountered by the applicant in the event of non-compliance with prevailing religious rules.

For further information on religion-based persecution, see [Section 1.3 'Religion-based persecution'](#).

## 2.4. Exploring whether religion is the reason for being persecuted (nexus)

It is important to explore whether the nexus between the (feared) persecution and the ground of religion can be substantiated. Acts that do not directly concern or interfere with religion (e.g. a violent land dispute) may nevertheless be based on religious motives. As previously mentioned, laws of general application that, at first sight, may not seem to target any religious group in particular may, nevertheless, introduce discriminatory measures for certain (non-) religious groups or practices. Therefore, you need to explore whether the actor of persecution was motivated to act against an applicant on account of the applicant's (actual or perceived) religious affiliation, belief, identity or way of life.

It should also be noted that, in some cases, the nexus between the feared persecution and the ground of religion can also be based on the religious conviction of the victim, even if the actors of persecution themselves do not act out of religious motives. This can be the case with conscientious objection to military service for reasons of religion, where a state conscripts all citizens from a certain age group into the army without taking into account strong religious objections of certain groups who object to carrying arms, and does not offer any alternative service to this group of persons. In this case, the nexus between the act of persecution (having to serve in the military against one's convictions or being severely punished in the event of refusal) and the ground of religion would nevertheless be established, as the state deliberately overlooks the needs emanating from religious convictions. By doing so, the state denies the victim protection that it would, in normal circumstances, be able to provide, for example by offering alternatives (see [Section 4.4 'Conscientious objectors to military service for reasons of religion'](#)).



### Key points to be kept in mind when exploring the nexus

- The applicant cannot be expected to know the exact motives of the persecutor. It is sufficient to establish the facts that would lead a person to reasonably fear persecution for reasons of religion.
- Persecution may happen on more than one convention ground (e.g. race and religion) or on a convention ground and for a reason unrelated to it (e.g. interpersonal animosity and religion). What matters is that at least one substantial motive of the persecutor should be related to a convention ground. (See also [Section 1.4.3 'Overlap with other grounds'](#).)
- Persecution may be initially triggered by other (non-convention-related) reasons, but may become based on religion later (e.g. a person is robbed out of purely pecuniary motives, but then gets badly beaten up when the perpetrator finds out about their religion).
- The actor of persecution might think that they are acting in the interest of the applicant without wanting to harm or punish them (e.g. a harmful traditional practice imposed in the name of religion and for the 'good' of the applicant).

Where an applicant claims to fear persecution from non-state actors for reasons unrelated to religion or to any of the other convention grounds (race, nationality, membership of a particular social group, political opinion), the connection with the religion ground can be established if the absence of protection (e.g. by state authorities) is connected to the applicant's (attributed) religious affiliation. For example, the applicant is a member of a religious minority who fears persecution from members of the religious majority due to a land dispute. If the state authorities refuse to protect the applicant because of their religious affiliation, a nexus with the religion ground can be established <sup>(67)</sup>.

#### Examples of topics to explore on the reasons or motives behind the persecution

- View of the applicant on the reasons behind the acts of persecution, and the concrete facts they base their view on (e.g. official reasons given by the persecutor to the applicant on why they were targeted and any rhetoric that accompanied acts of persecution).
- Any statements made by the persecutor with respect to the applicant's religious affiliation.
- Treatment of other members of the same religious affiliation by the actors of persecution.
- Any other potentially legitimate reasons that could explain the actions of the alleged persecutor (notably where religious practices are limited or forbidden).

## 2.5. Exploring whether protection is available in the country of origin

Where the state or its agents are the actors of persecution, there is a presumption that effective protection is, in general, not available to the applicant. As laid out in Article 7 QD (recast), in cases of non-state actors of persecution, you should explore whether national authorities or parties/organisations controlling a substantial part of the country are able and willing to provide protection to the applicant. The protection given needs to be effective, of a non-temporary nature and accessible.

<sup>(67)</sup> Article 9(3) QD (recast) states that there must be a connection between the reasons and the acts of persecution or the absence of protection against such acts.

### Examples of topics to explore on protection in the country of origin

- Whether the applicant has asked for protection from relevant authorities and the result of this attempt.
- The applicant's reasons for not seeking protection from their national authorities (potential obstacles, view of the applicant on what would have happened).
- Whether the applicant is aware of other members of their religious group who requested protection from the authorities, and the outcome.
- The applicant's knowledge of how the relevant authorities usually handle reports of persecution due to religion (is it condoned or tolerated?).
- Whether the applicant has concrete examples of non-action by the authorities when protection was sought.

## 2.6. Exploring whether an internal protection alternative could be envisaged

Depending on national practice, explore if the applicant can avoid persecution by settling in another part of the country of origin <sup>(68)</sup>. Keep in mind, however, that an IPA is presumed to be not applicable when the actor of persecution is the state. However, an IPA could be applicable if the state's ability to persecute is, for some reason, limited or non-existent in the IPA location <sup>(69)</sup>. Furthermore, the assessment needs to focus on the time when the decision on the asylum claim is made.

When identifying a location where an IPA could potentially be considered for an applicant with a religion-based claim, an area where members of the same religious community live in safety could serve as a starting point. The presence of such a religious community may also play a role in the ability of the applicant to reasonably settle there (e.g. it may facilitate access to means of subsistence or finding housing).

Whether an IPA can be applied to a specific case depends on the outcome of an individual assessment. Such an assessment needs to ensure not only that the safety criterion is met, but also that the applicant can travel and be admitted to the identified location. It should also be assessed whether it is reasonable for them to settle there. Each of these criteria should be explored in detail if an IPA is envisaged in a particular case.

### Related EUAA tool



For more detailed guidance, see the [\*Practical Guide on the Application of the Internal Protection Alternative\*](#), May 2021.

<sup>(68)</sup> Article 8 QD (recast).

<sup>(69)</sup> See also UNHCR, [\*Guidelines on International Protection No 4: "Internal flight or relocation alternative" within the context of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees\*](#), 23 July 2003, HCR/GIP/03/04, paras 13–14.



### Examples of topics to explore on an IPA for religion-based asylum claims

- Demographic distribution of the applicant's religious group across the country of origin.
- The situation of members of the same religious affiliation in different regions of the country of origin.
- Whether the presence of other members of the applicant's religious group is necessary for the applicant's practice of their religion.
- Whether other members of the applicant's religious group could assist the applicant to settle in the IPA area (housing, employment, etc.).
- Whether members of specific religious groups are at heightened risk if they travel to a particular area to reach the proposed IPA location and whether there are any restrictions imposed on this group to gain access to that region and settle there.



## Chapter 2: key points to remember

### 1. Preparing the interview.

- Create a safe (physical or virtual) interview environment free of religious or ideological symbols, and ensure confidentiality.
- Where possible, accommodate requests for interpreters of the same sex, if this would otherwise lead to difficulties for the applicant to present their claim.
- For other types of requests concerning interpreters, reassure the applicant that the interpreter is neutral and is only tasked with accurate interpretation of their statements.
- Prepare mentally:
  - be aware of your own cultural and (non-)religious perspectives;
  - be aware of religious diversity and complexity;
  - be aware of religious biases;
  - have reasonable expectations of the applicant's theoretical knowledge of their faith.
- Familiarise yourself with the case file by also paying attention to implicit clues about the applicant's religion.
- Read COI by making use of religion-specific COI sources and keeping in mind its limitations.
- Find religion-specific information on country guidance reports, for example from the EUAA and UNHCR.
- Prepare the interpreter by debriefing and, if possible, by making religion-specific terminology available in advance.

### 2. Opening the interview.

- Build rapport with the applicant.
- Inform the applicant of their right to express religious beliefs.
- Inform the applicant about the importance of explaining words and concepts.

### 3. Conducting the interview.

- Use the applicant's own words to gather information.
- Use open questions wherever possible.





## Chapter 2: key points to remember

### 4. Substance of the application.

- Explore (imputed) religious affiliation based on the following.
  - The applicant's knowledge of their religion as a belief, as a way of life and as an identity. Take into account the following factors that may explain variations in the applicant's knowledge of their religion:
    - the importance of religion for the applicant;
    - the role of the applicant in the religious community;
    - the applicant's religious instruction;
    - the interplay between religious membership and culture;
    - duration of the applicant's new faith.
  - The documentary evidence.
- Explore past persecution (what happened, how, when, where, why, who did it, and what were the consequences).
- Explore fear upon return.
- Explore the nexus with religion, keeping in mind the following:
  - the applicant cannot be expected to know the exact motives of the persecutor;
  - persecution may be related to multiple convention grounds;
  - persecution may start based on another ground and become based on religion later;
  - the actor of persecution might think that they act in the interest of the applicant;
  - lack of protection from the state may be linked to the applicant's religion.
- Enquire about available protection in the country of origin.
- If applicable, ask about an IPA.

### 5. Closing the interview.

- Check with the applicant if they have had the opportunity to give sufficient information about their claim.



## 3. Recommendations for an efficient interview

The examination of religion-based asylum claims is often resource-intensive. It may require multiple interviews and a long time to draft a decision. A prolonged examination procedure can have an adverse effect on the applicants, who are left in a state of uncertainty and cannot move forward with their new lives in the country of asylum. The strain on resources and the resulting backlog are not beneficial for the asylum authorities either.

### 3.1. Recommendations for case officers

#### 3.1.1. Dos

- ✓ **Select only the topics that are relevant to the individual case.**

When exploring the topics during the interview (e.g. those listed in [Chapter 4](#)), there is no need to systematically cover each and every topic. Being knowledgeable about the different aspects and topics that can be explored when dealing with religion-based claims will help you be flexible during the interview and not focus on a topic that does not correspond to the profile of the applicant. Focus only on the topics that are relevant for the applicant's specific case, based on their profile and narrative.

You should also know when to stop once you have explored a topic sufficiently. For example, if your national guidance concludes that the members of a religious minority from a certain country of origin are generally considered to be at risk of persecution, you do not need to explore at length the risk upon return. Rather, you should focus the interview on exploring the applicant's religious affiliation.

- ✓ **Consider all credibility indicators during the interview.**

In complex cases such as religion-based asylum claims, especially when COI is lacking, case officers tend to rely on the amount of details provided by the applicant as the sole credibility criterion. This results in lengthy questioning on details of the applicant's narrative. Remind yourself that the sufficiency of detail is not the only credibility indicator that will have an impact on credibility assessment. Other relevant credibility indicators are specificity (the personal, individual and unique characteristics of the applicant's account), internal coherence and consistency, plausibility and consistency with other evidence.

Even though a high level of detail is, in general, an indicator of credibility, keep in mind that lack of details does not affect credibility in all situations. It depends on the personal circumstances of the applicant.

Remember that the credibility criteria have their limits as well. They are there to allow you to conclude, in all reasonableness, if a certain material fact can be accepted or not, but not necessarily to establish the truth beyond reasonable doubt. In particular, there are limits to the extent to which beliefs and convictions can be established as genuine.

- ✓ **Have knowledge of the applicant's claimed current and former religion(s).**

As a case officer, it is your duty to prepare appropriately and acquire the necessary background knowledge on the case before the interview. In religion-based asylum claims, preparation will include familiarising yourself with the relevant terminology,



concepts, institutions and practices, including, if relevant, in the country where the application for international protection was made (i.e. *sur place* conversion). Religions and the way they are lived and practised differ to such an extent that the same or a similar set of questions may be relevant for one type of religion or denomination, but not for another. Appropriate knowledge of the religion(s) in question will help you to avoid asking irrelevant questions.

✓ **Gather information necessary for the risk assessment.**

Make sure that, during the interview, you place enough emphasis on gathering information on which you will ultimately base your risk assessment. This means that the starting point of the examination is the applicant's fears of or risks upon returning to their country of origin. Ask the applicant how their return to their country of origin would impact them in terms of religious practice and belief, how they would deal with potential restrictions and what consequences this would have for them personally. Remember to sufficiently explore the perception of the actor of persecution before assessing the credibility of the religious beliefs of the applicant. Having this forward-looking risk assessment in mind during the interview, instead of unduly dwelling, for example, on the applicant's knowledge of their religion or on their behaviour in the country of asylum, will help you save time in the interview.

✓ **Make use of productive questioning techniques.**

If the applicant does not provide a satisfactory answer to a question, do not persist in repeating the same question multiple times. Instead, make sure from the outset that the applicant understands why a specific question is asked and what is expected from them (in terms of detail, specificity, etc.). If, despite these preliminary explanations, the applicant cannot reply to a question in a satisfactory manner, let them know why you find their statements insufficient (e.g. too vague, too succinct) and ask if there is a reason behind these shortcomings. This gives the applicant a real chance to provide the most adequate answer possible or an explanation for their inability to do so.

### 3.1.2. Don'ts

× **Do not focus extensively on theoretical/theological knowledge.**

The applicant is expected to have at least elementary theoretical knowledge of their religion's doctrine. Depending on the applicant's level of education and other factors (e.g. whether they claim to have received religious instruction or to have otherwise engaged with religious theory or how they experience their religion), more advanced knowledge could be expected. However, the personal interview should never amount to a 'quiz' on religion. You should remain realistic about the level of knowledge you may expect from the applicant and not give disproportionate attention to theoretical knowledge to the detriment of other elements more relevant to the assessment of the claim. Keep in mind that religion is not only about what the applicant knows about the religious doctrine (religion as a belief), but also about how the person identifies with the religious community (religion as an identity) and how they practise it in their daily life (religion as a way of life). The extent to which each of these aspects is relevant will depend on the individual experience of the applicant.

× **Do not spend too much time exploring the formal conversion.**

In cases where a formal conversion ritual has taken place (e.g. baptism), do not spend too much time asking questions about the event. Often, the fact that a person was baptised, for example, is not the main determining factor when assessing risk upon return. You should set aside enough time in the interview to focus on the sincerity of the new belief and the resulting life changes. Focusing on these aspects, rather than on the credibility of the formal act of conversion, will serve to gather information that is relevant to the risk assessment and will be more helpful when you draft the decision.





- × Do not focus too much on exploring reliable and relevant documentary evidence.

Sometimes, it clearly appears from the outset that the documents presented by the applicant (e.g. authentic baptism or membership certificates from religious institutions) are reliable and relevant. In this case, refraining from asking many questions on such documents during the personal interview can save a lot of time.

## 3.2. Recommendations for asylum administrations

In addition to the tips for case officers, the following good practices have been identified for asylum administrations.

- ✓ Provide religion-specific terminology to interpreters.

The terminology used can be very subject-specific, particularly for conversion cases, and can lie beyond the capacity of many interpreters, regardless of their linguistic proficiency. For these cases, the determining authority can support interpreters by providing them with a list of terms and their translations in the commonly used languages, for example Christianity-related terms in Arabic. This would enhance the quality and efficiency of the personal interview by avoiding interruptions to allow the interpreter to search for the appropriate translation.

- ✓ Provide country-specific guidance on religion-based asylum claims.

Country-specific guidance relies on a common analysis of the COI. It directs the attention of the case officer to the outstanding key questions that need to be answered during the individual examination. For instance, if country-specific guidance says that members of a certain religious community in a given country are subjected to group persecution, the main focus of the personal interview would be the religious affiliation of the applicant and there would be less need to explore past and feared persecution at length.

- ✓ Communicate with religious institutions and faith-based organisations at national level to improve the quality and relevance of the documents they issue.

Religious institutions and faith-based organisations are often involved in assisting applicants with religion-based asylum claims. Collaborating with such entities can therefore lead to the issuance of more reliable documents that give information that is relevant to the asylum claim (e.g. time and place of the baptism ceremony, time and duration of religious instruction received, relationship between the issuer of the document and the applicant, the applicant's role and activities in the religious community, the position of the person who signed or issued the document).

- ✓ Cooperate with religious institutions and faith-based organisations to ask for their feedback on religion-related national guidance.

Religious institutions could advise asylum authorities on how to avoid unrealistic expectations or excessively complicated or abstract questioning. Conversely, asylum authorities could explain the asylum procedure to the religious institutions so that their possible interaction with the applicants would be based on correct information. Such a two-way collaboration could contribute to improving the quality of internal guidelines and of the interview strategies.



## 4. Commonly encountered religion-based asylum claims

This chapter provides guidance on interviewing applicants with five commonly encountered asylum claims that have a connection with religion as a reason for persecution:

- conversion to another religion ([Section 4.1](#));
- leaving one's religion to adhere to an atheistic, agnostic or non-religious system of belief ([Section 4.2](#));
- religious minorities ([Section 4.3](#));
- conscientious objectors to military service for reasons of religion ([Section 4.4](#));
- gender-specific religious persecution ([Section 4.5](#)).

Under each type of claim, guidance is provided on the relevant topics to explore during the personal interview and on how to do so. The topics to explore focus on the specific aspects of each type of religion-based claim and complements the guidance provided in the previous chapter.

With regard to the topics to explore, discussed for each type of claim below, keep in mind the following.

- ✓ The topics to explore do not replace the free narrative.

The exploration of the topics covered under each type of claim should never replace the free narrative, which must always be considered the core component of the interview.

- ✓ Not all topics need to be explored in all cases.

Not all the topics mentioned below under the sections covering the different asylum claims need to be addressed during the personal interview with an applicant whose asylum claim falls under the respective category/ies. The topics that it is relevant to explore will vary from case to case and will need to be adapted depending on the applicant's narrative and situation in the country of origin.

- ✓ The applicant's narrative should serve as a basis to select the topics to explore.

You need to take the applicant's narrative as a basis to decide which topics are relevant to be explored further. The list of topics presented below is not exhaustive, and the order in which they are presented is not an indication of the order you should follow during the interview.

### 4.1. Conversion to another religion

This section focuses on interviewing applicants who voluntarily converted to a new religion. 'Conversion' to atheism, agnosticism or a non-religious system of belief is covered in [Section 4.2 'Leaving one's religion to adhere to an atheistic, agnostic or non-religious system of belief'](#).

The circumstances in which the applicant's conversion took place can differ greatly. The topics for exploration listed below will guide you to approach the conversion with an open mind and to be receptive to diversity. Bear in mind as well that the conversion process could have taken place entirely in the country of origin, or it could have started in the country of origin and have concluded in the country of asylum, or could have taken place entirely in the country of asylum <sup>(70)</sup>.

The topics to explore are as follows:

- the former religion or belief ([Section 4.1.1](#));
- the conversion process ([Section 4.1.2](#));
- living the new religion ([Section 4.1.3](#));
- documentary evidence ([Section 4.1.4](#));
- risk upon return to the country of origin ([Section 4.1.5](#));
- *sur place* claims ([Section 4.1.6](#)).

**Figure 6. Conversion to another religion**



The practical examples that are provided in the sections below focus largely on conversion to Christianity because this topic of conversion is commonly encountered in asylum claims across EU+ countries. However, these topics can be used for the exploration of conversion to any religion.

### 4.1.1. The former religion or belief

This Section applies to both [Sections 4.1 ‘Conversion to another religion’](#) and [4.2 ‘Leaving one’s religion to adhere to an atheistic, agnostic or non-religious system of belief’](#).

<sup>(70)</sup> For relevant UNHCR guidance, please see UNHCR, [Guidelines on International Protection No 6](#), 2004, *op. cit.* fn. 12.

The information gathered on the former religion or belief will be useful for exploring the motivation for conversion. It places the applicant's conversion claim into its proper context and provides the background information needed to understand the conversion process.

### **(a) The role of religion in the applicant's past**

The role that religion played in the applicant's upbringing, family and social environment before converting has an impact on how they currently experience the new religion. Hence, it is relevant to explore the significance that the applicant used to give to their belief, how they identified with it or to what extent religion was a way of life for the applicant. The applicant's answers to your questions covering these topics will help you understand their personal conversion path and allow you to focus on relevant questions and pick up on potential inconsistencies.

Keep in mind that it is common that converts are much more active in or devoted to their current religion than they were in practising the former one. Such a change in commitment to religious practices may be explained by the impact that the current religion has had on the applicant's life and should not be considered an inconsistency in itself.

#### **Examples of topics to explore on the role of religion in the applicant's past**

##### **The applicant's religion as a belief**

- The applicant's relationship with their former religion and the role religion played in shaping their view of the world prior to converting.
- The applicant's potential questions or doubts about their former faith.
- The family's or relevant institutions' (schools, places of worship, etc.) reactions to the applicant's doubts.
- The applicant's response or feelings towards those reactions.

##### **The applicant's religion as an identity**

- The applicant's life within the religious community and the social cohesion among its members, and whether the applicant remembers specific situations where they experienced this social cohesion, either positive or negative.

##### **The applicant's religion as a way of life**

- The way in which religion was practised in everyday life within the applicant's family and by community members.
- Any particular experiences that involved religion in the applicant's family.
- The celebration of special religious holidays, religious events and rituals and how the applicant remembers feeling during these occasions. For example, certain religious practices may have left the applicant with memories of mixed emotions.

### **(b) The current view of the applicant on their former religion**

Explore the applicant's current view on their former religion, keeping in mind that it should not be expected that the applicants express solely negative feelings about their former religion. It is not unusual for applicants to have positive sentiments about at least some aspects of their former religion.



### Examples of topics to explore on the current view of the applicant on their former religion

- Whether the applicant's attitude towards the former religion has changed.
- If so, in which way it has changed, especially if the applicant now possibly views some aspects of their former religion as difficult or even problematic.
- The applicant's feelings about the traditions and social contacts related to their former religion, for instance whether they now miss certain aspects of it, and, if so, how they are dealing with this loss.

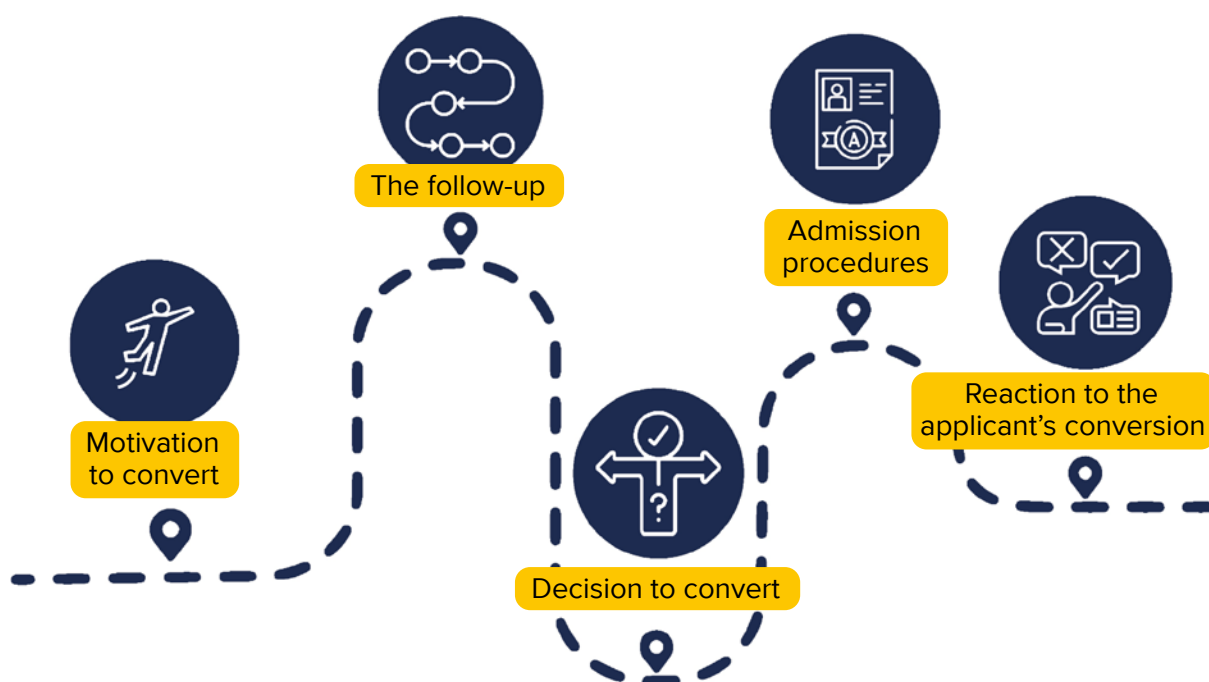
In some cases, applicants who converted to another religion or adopted a non-religious way of life used to have a solid connection to their former religion. They could have been religious leaders, scholars or daily practitioners of their former religion. In such cases, it is useful to investigate thoroughly what made the applicant leave their previous religion. It would, in general, be expected of the applicant to be able to provide sufficient, consistent, plausible and detailed information about how and why they gave up their former religion, also taking into account the factors that could affect a person's ability to provide the necessary details.

#### 4.1.2. The conversion process

Religious conversion is a highly personal and individual process. There is no fixed pattern of how a conversion should occur. It is recommended that you focus on the experiences, thoughts and feelings that led the applicant to convert, rather than on the applicant's knowledge of their new religion. The time it may take an applicant to convert can vary greatly: sometimes conversion may happen very quickly; sometimes it may be the result of a longer intellectual and emotional process of leaving the former religion or non-religious affiliation and acquiring a new faith. When exploring the applicant's feelings during the conversion process, do bear in mind that, depending on their cultural background, some applicants may not be used to talking about their feelings.

Even though there is no fixed pattern of the conversion process, in broad brush strokes, conversion processes do tend to include the elements outlined in the following figure.



**Figure 7. Commonly encountered elements of the conversion process****(a) Motivation to convert**

Conversion can happen in various ways and for different reasons, including intellectual, mystical, experimental, affectional and revivalist reasons <sup>(7)</sup>. The element that triggered the conversion process needs to be explored with an open mind, no matter how unusual the narrative may seem to you personally.

The motivation for conversion may have been triggered actively or passively, or by a mixture of both.

- **Active triggers.**

In cases of active triggers, the applicant is searching for another religion. This process may take more time and could have a more gradual emotional effect than the passive trigger, which may be experienced more as a revelation. Exploring this in the interview may take longer, but it is likely that the applicant's statements will be expressed in more rational terms.

- **Passive triggers.**

Passive conversion may be, inter alia, triggered by a dream, a vision or a situation experienced as a miracle or revelation. It often happens in a short time span and has a strong emotional effect. Moreover, it can happen without the applicant having had any interest in the other religion before.

Similarly, the process of conversion may have been set in motion by 'push' and 'pull' factors.

<sup>(7)</sup> Kéri, S. and Sleiman, C., 'Religious conversion to Christianity in Muslim refugees in Europe', *Archive for the Psychology of Religion*, 2017, Vol. 39, pp. 283–294.



- **Push factors** drive the applicant away from their former belief. For example, the applicant discovered some discrepancies within their former religion, such as religious leaders not abiding by the rules or rites. The applicant may have tried to ask questions but was refused an answer and warned not to ask such questions. Disappointed, the applicant began turning away from their former religion.
- **Pull factors** attract the applicant to the new religion. For example, in their new religion they found a fulfilling concept of god's love and forgiveness of sins. The applicant may also have found the doctrine and dogma of the new religion engaging on an intellectual level. These aspects appealed to the applicant, who felt pulled towards the new religion. In addition, many conversions happen in the context of a marriage where one partner converts to the religion of the other partner as a requirement for the marriage to take place (see also [Section 4.5.3 'Interreligious relationships/marriages'](#)). Another pull factor may be the charitable work carried out by religious institutions, as the applicant may have found a sense of belonging and is being taken care of by a religious community.

The conversion process of the applicant should be fully explored during the personal interview.

#### Examples of topics to explore on the motivation to convert

- The origin of the applicant's conversion (particular situations, incidents, experiences or circumstances that led the applicant to start their conversion journey) should be asked about in detail.
- Any potential key moments in the applicant's conversion journey (e.g. after reading about Christianity on the internet, the applicant decides to approach a Christian friend to ask them about religion and later enters a church for the first time).
- The applicant's experiences, thoughts and feelings throughout the process (worries, inner conflicts, doubts, excitement about certain aspects, etc.).
- Other persons involved in their conversion process (if applicable):
  - the applicant's relationship with these persons;
  - how these persons affected the applicant's decision to convert.
- If applicable, whether there were any particular reasons that made the applicant choose a certain denomination rather than another.

#### (b) The follow-up

Irrespective of what started the conversion process and how it happened, it must have set the applicant in spiritual motion. What were the concrete actions that the applicant took in follow-up to the motivation to convert?



### Examples of topics to explore on the follow-up

- The applicant's reaction to the conversion triggers.
- The way in which the applicant sought and found more information about the new religion and the types of sources used (e.g. pamphlets, books, online sources such as YouTube videos or podcasts, radio, DVDs, TV, etc.).
- Whether they made any efforts to get in contact with members of the new religious community:
  - if so, how they got in contact with them;
  - if not, what prevented them from doing so.
- Whether the applicant has read or studied the holy texts of the new religion. If so:
  - which ones;
  - how the applicant came across those.
- The applicant's participation in meetings, religious services or faith study courses, if applicable:
  - the applicant's memories about how they were received by the members of the community;
  - the applicant's memories about anything special that happened on that occasion;
  - whether the applicant faced any language barrier and, if so, how they managed to overcome this.
- If the conversion took place in the country of origin:
  - whether the applicant participated in any illegal or unauthorised religious activities;
  - whether any safety measures were applied to avoid detection.
- If there were aspects of the new religion about which the applicant had doubts:
  - how the applicant has dealt with them;
  - whether anyone helped the applicant in getting answers.
- The thoughts or concerns of the applicant in this period, before they finally decided to convert.

### (c) Decision to convert

After exploring the applicant's conversion process, you should focus on their final decision to convert to the new religion. The guidance below will help you explore this element. Bear in mind that the decision to convert may not be very clearly delineated for the applicant and that it is not abnormal for converts to still have serious doubts about the conversion, even after the concrete conversion has taken place. This does not make the conversion less genuine. It is not uncommon that religious convictions are filled with doubts.

### Examples of topics to explore on the decision to convert

- The applicant's final commitment to the new religion (including timing and circumstances).
- Whether the applicant's shared their thoughts of converting with someone beforehand and reactions received.
- Whether they reflected on the consequences of their conversion for their future life.
- The applicant's thoughts about coping with the resulting risks.





#### (d) Admission procedures

The new religion may require the applicant to undergo a certain formal admission procedure, ceremony or ritual, such as baptism for conversion to Christianity or reciting the declaration of faith for Islam. However, this is not always the case. Some religions do not prescribe any specific formality to convert.

##### Examples of topics to explore on the admission procedure

- Whether there was a conversion procedure (if so, time and place).
- A description of the admission process, including any preparation (e.g. seminars).
- The way in which the applicant experienced the process and what it meant for them personally (observations, impressions, thoughts).
- Practical aspects, such as:
  - logistical arrangements;
  - measures taken to avoid detection by the authorities, depending on the country where the admission procedure took place.
- If the applicant has not gone through the admission process yet, reasons for this and potential plans to go through the procedure in the future.

#### (e) Reactions to the applicant's conversion

When the applicant's conversion to another religion becomes known, the applicant's family and/or social environment usually react to the news, especially if the applicant comes from a country or a family where the new religion is prohibited or not accepted.

##### Examples of topics to explore on reactions to the applicant's conversion

- Whether anyone knows about the applicant's conversion:
  - the way in which they became aware of the applicant's conversion;
  - the manner in which the applicant learned that their conversion had been exposed.
- The applicant's family's and/or social environment's perception of the applicant's conversion and possible reactions:
  - whether the applicant's relationship with their family members changed after they became aware of the conversion;
  - if so, how the relationship changed, and whether or not the applicant was supported by their family or other persons in their decision to convert.
- Other events that may have taken place as a result of the conversion.
- If the family and/or social environment of the applicant is/are not aware of the conversion, what are the reasons for this.
- If the applicant intended to conceal their conversion:
  - reasons for concealment, for example if the applicant foresaw negative reactions and what made them think there would be such reactions;
  - measures taken by the applicant to conceal the conversion, for example participation in rituals and celebrations of their former religion in order not to raise suspicion;
  - whether the measures taken were successful in concealing the applicant's conversion;
  - the applicant's internal processes, experiences, thoughts and feelings while concealing their decision to convert from their family members and/or social environment.



### 4.1.3. Living the new religion

Another crucial part of the exploration of conversion claims is the applicant's life after conversion. You can simply ask the applicant to compare their life before and after conversion. Information provided by the applicant in this regard is important for the risk assessment. It will give you an insight into the significance of the applicant's new religion for their identity or way of life, highlighting any behavioural changes and how this could influence their life upon return to the country of origin.

#### (a) Impact of the conversion on the applicant's life

The changes in the applicant's life following conversion should be fully explored, focusing on changes experienced in both a positive and a negative way. It should be kept in mind that applicants might be unwilling to talk about any changes experienced in a negative way, for fear that their conversion might not be considered genuine. Therefore, it might help to remind the applicant that the mere fact of sharing doubts or something negative about their new religion will not, in itself, be taken as an indication of lack of genuineness.

#### Examples of topics to explore on impacts and changes

- The applicant's experiences after having converted to a new religion.
- The changes, both negative and positive, that they have experienced.
  - For example, the applicant might feel a more intense contact with the divine in their new religion whereas they previously used to pray in a mechanical way. Yet the applicant might also feel uncomfortable during some rituals of their new religion.
- The applicant's thoughts and emotions about such changes.
- How the applicant's private life has been shaped by their new religion. For example, Christian converts may make time for prayer, Bible reading, etc.

#### (b) Knowledge

The focus of exploring the applicant's conversion should not lie only on knowledge questions about the religion's doctrine. The extent to which this topic should be explored will depend on the applicant's individual circumstances and the way they experience their religion. Furthermore, the applicant's level of knowledge will depend on the religious instruction they may have received and on the knowledge requirements of the new religion. While some religious groups, such as certain Jewish denominations, require a long learning path before conversion and put much emphasis on knowledge prior to conversion, other religions do not (for more guidance on this topic, see [Section 2.3.1 'Exploring religious affiliation'](#)).

A high level of knowledge would be expected from an applicant who had actively started the conversion process, reading and studying numerous books and articles from different sources (e.g. social media, the internet) and gathering information on different aspects of the new religion before eventually deciding to convert. However, if the applicant's knowledge is lacking to the point that they cannot describe the essential foundations of their new religion, a thorough exploration is needed to clarify the reasons for this. You should also bear in mind that religious practices, beliefs and institutions vary greatly within different religions. In the case of conversion to Christianity, for example, there are many differences between churches, congregations and denominations. Nevertheless, exploring the applicant's knowledge does not mean that the personal interview should take the form of a test or exam on religious



doctrine. The meaning of the new religion for the applicant, and their thoughts, feelings and personal understanding of it, is more important for the exploration of the claim than any information the applicant may have learned by heart.

#### Examples of topics to explore on knowledge

- Learning about the new religion:
  - whether the applicant has received any theoretical education on the new religion;
  - if so, how and by whom the applicant was instructed;
  - what the applicant did to gain more knowledge.
- Personal meaning of religious doctrine for the applicant (e.g. a part of a holy text that they find important and why).
- Rituals of the new religion:
  - description of certain rituals as performed in the applicant's new religious community;
  - what these rituals represent;
  - what they mean to the applicant personally.

#### (c) Activities with the community

New social interactions that are part of the religious community, whether in the country of origin, the country of asylum or both, may form an important part of the applicant's new life. In some cases, applicants do not engage in any religious activities and may have sound explanations for this.



### Examples of topics to explore on activities and community

- Community activities.
  - Religious activities in the context of the applicant's religious community (in the case of conversion to Christianity, these may be, for example, attending church/congregation, holy communion, participating in Bible study groups, social relationships with other members of their religious community).
  - Position or function in their congregation.
  - Initiatives taken by the applicant to share their new religion with others (including details about specific circumstances). For example, the applicant may be handing out leaflets or engaging in discussions regarding their new religion, for example by telling fellow nationals in the reception centre about their new faith and inviting them to join them in attending religious services.
  - Importance of such activities to the applicant.
- Lack of activities.
  - Reasons why it has not been important for the applicant to join a religious community or undertake religious activities.
  - Which other aspects of their new religion they consider important and how they express those aspects.
  - Whether the applicant wishes to undertake any religious activities in the future and, if so, of what type.
  - Possible reasons for not yet engaging in activities of the community. There could be, for example, a language barrier.

In certain cases, an applicant may have converted to a new religion without attending a religious service and without being part of a local religious community (see also [Section 1.2.1 'Religion as a broad concept'](#)). For example, an applicant may have come across a Christian TV channel or website that may have caught their interest. So they may have started to look for further information, for example by calling the TV channel or searching on the internet and social media. Eventually this may have led to their conversion to Christianity. In this case, it will be important to focus more on the trigger, the motivation and the steps that led the applicant to the decision to convert.

#### 4.1.4. Documentary evidence

To support their reasons for and process of conversion, and their knowledge and activities, converts often provide documentary evidence.

If the applicant does not provide any, or provides only sparse, documentary evidence in support of their conversion, you may want to explore the reasons for this. However, keep in mind that, in some religions, it is not customary to certify membership or admission, particularly in situations where membership of a religion may give rise to persecution.



### Examples of topics to explore on documentary evidence

- The applicant's knowledge of the content of the documents submitted.
- The manner in which the applicant obtained the document, whether they asked for it actively or if it was given to them without requesting it.
- The issuer of the document, their function in the religious community and the applicant's relationship with them.
- The purpose of submitting the document, that is, the reasons why the applicant presented the document and why the issuer found it necessary to draft such documents.
- The circumstances under which the document was issued, for example whether there were any requirements for obtaining the document and, if so, what they were.
- In the case of submitted photographs, the circumstances under which the photographs were taken (e.g. location, time, purpose).

You can distinguish between three kinds of documents: formal documents, informal documents, and social media and internet sources.

#### (a) Formal documents

Examples of formal documents are:

- certificates of admission (e.g. baptism certificates in the case of Christianity);
- membership certificates;
- summons, invitations for interrogations by the authorities with a potential link to the applicant's conversion.



A mere certificate of formal conversion may not be sufficient to assess the risk of persecution upon return to the country of origin. In order to assess the risk upon return, you would still need credible statements made in the personal interview about the changes in the applicant's life following conversion and the importance of the new religion for their identity.

#### (b) Informal documents

Informal documents may include:

- photographs of baptism or missionary activities;
- letters of recommendation from spiritual leaders;
- personal letters of religious leaders and other members of the religious community;
- credentials from other sources (e.g. a fellow convert).

These documents may serve as credentials because they attest to the converted person's commitment to and position within the new religious group. They can be of help in assessing the credibility of life-changing effects as a result of conversion.





In cases of doubt regarding the information gathered in the interview, statements by third parties can be helpful if they present additional information. If the information gathered in the interview is not considered credible, a statement by a third party that does not add new insights or present new information is unlikely to outweigh the assessment of the interview<sup>(72)</sup>

#### **(a) Social media and internet sources**

Open sources documenting the applicant's conversion and new religious life, and their critical remarks about their former religion, may be found by running an internet search. In some cases, applicants might also submit evidence of their activity on social media. When such documents are presented during the interview, it is recommended to verify the profile, the date and time of the internet activity, and the reactions of other users in order to assess whether these are in line with applicant's statements. In the event of inconsistencies, the applicants should be given the opportunity to explain.

If the applicant claims that their convictions are known in the country of origin because of their activities on social media or other channels, the following topics can be addressed during the personal interview.

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<sup>(72)</sup> In this context, it is worth noting that, in Germany, when the conversion is documented by valid certificates, the determining authorities and administrative courts 'must see the church membership as fact and use it as the basis for their review; they can question neither the validity of a baptism nor the way in which religious communities understand themselves' (German Federal Constitutional Court – 2 BvR 1838/15 from 3 April 2020). The determining authority can nevertheless explore the sincerity of the conversion in order to assess the future risk of persecution without questioning the credibility of the conversion per se.



### Examples of topics to explore on social media and internet sources

- Confirmation of the applicant's data on open sources. How the applicant can be identified on social media, for example whether they use their real name or a nickname, if there are pictures or videos of the applicant, what the reasons for this are.
- The nature of the information posted, for example only reposting or sharing other people's views, or also making personal contributions.
- Extent of the exposure, for example indicative number of posts; whether the posts are public or restricted to a specific group or to specific people who are known to the applicant; whether the posts are still active or have been deleted, why or why not <sup>(73)</sup>; social media friends/followers; likes.
- Reactions to the information posted, for example if others reacted to the applicant's post and whether the applicant responded to the reactions. If so, the applicant's views on these reactions.
- The applicant's views on the possible risks associated with the internet activity upon return to the country of origin.
- The applicant's views on future activity on the internet related to their faith, for example whether continuing their social media activities upon return would be essential for them. In this context, always bear in mind that the applicant cannot be expected to abstain from religious practices that are necessary to them based on their religious beliefs <sup>(74)</sup>.
- If the applicant claims that they will continue their social media activities upon return, explore how they envisage doing this, for example what kind of information they would publish; where they would search for information; where they would post information; and which safety measures they would adopt, if any.

## 4.1.5. Risk upon return to the country of origin

This section applies to both [Sections 4.1 'Conversion to another religion'](#) and [4.2 'Leaving one's religion to adhere to an atheistic, agnostic or non-religious system of belief'](#).

In order to explore the applicant's risk upon return to the country of origin, both the current and the future exposure of their conversion should be explored.

### (a) Past and current exposure of the applicant's conversion to the actors of persecution

In a case of conversion activities in the country of origin before departure, and especially when the applicant states that their conversion is already known in their country of origin, the following topics need to be addressed during the interview.

<sup>(73)</sup> Keep in mind, however, that electronic evidence leaves a cyber footprint and may have an infinite life, which allows you, or the persecutor, to find or recover the publications even after the author has deleted them.

<sup>(74)</sup> CJEU, 2012, *Y and Z*, *op. cit.* fn. 16, paras 71 and 80. See also [Section 1.3.2 'Violations of the right to religious freedom as an act of persecution'](#) for a more detailed discussion of the point.



### Examples of topics to explore on the past and current exposure of the applicant's conversion

- How the applicant practised their new belief in their country of origin.
- The difficulties they encountered and how they coped with them.
- The extent of the exposure, for example who is aware of the applicant's convictions, how these persons or the state found out about them, and how the applicant became aware of this.
- Reactions to the applicant's conversion.
- Documentary evidence of the exposure, for example written communication between the applicant and the persons who found out about their conversion, convocation letters, messages on social media.
- The activities undertaken in the country of asylum.

### (b) Future exposure of the applicant's conversion to actors of persecution

The statements of the applicant on how they imagine living, and wish to live, their new life as a convert constitute another element to be explored to assess the risk upon return. In essence, the case officer will need to assess, after the interview, to what extent the applicant will be able to practise their new conviction as they consider necessary, without being exposed to persecution. Questions to ask a Christian convert may include, for example, whether they want to and can talk openly about their Christian faith, read the Bible at home or join a religious community without being persecuted. In this context, it is important to be open-minded about the various ways of expressing religion. Some people have a stronger tendency to stand up for their beliefs than others.



If the activities that the applicant intends to undertake in the country of origin in the future differ from the current activities they undertake in the country of asylum, the discrepancy should be addressed in the interview. If the applicant does not express their convictions in the country of asylum but would express them in the event of return, you should explore why.

### Examples of topics to explore on the future exposure of the applicant's conviction

- The applicant's life as a convert upon return to the country of origin, for example how the applicant imagines resuming their new life as a convert after returning to their country of origin.
- How the applicant will express their conviction in the country of origin, including what they may have to renounce and how they feel about it.
- How the resumption of their life as a convert will be noticed and perceived by the outside world.
- The applicant's future relations with the old community, for example what their relationship with the old faith and community would be like and how the applicant plans to deal with this.
- Activities that the applicant plans to engage in, for example participation in certain groups or organisations in their home area.
- Activities that the applicant plans to refrain from, for example not attending ceremonies of their old religion and what the consequences of this will be.





### Examples of topics to explore on the future exposure of the applicant's conviction

- If the applicant states that they will act as a missionary in the event of a return, you should explore whether evangelising and proselytising are fundamental activities stipulated by their new affiliation. You may ask the applicant to explain why this activity is necessary for them, how they would proceed and who they would try to convince. This is a crucial part to explore because, in some countries, converts are allowed to practise their new religion as long as they do not evangelise or proselytise actively.
- Any discrepancies in activities in the country of asylum versus the envisaged activities in the country of origin upon return.

### (c) Consequences of the exposure of the conversion

Finally, the case officer needs to explore what the applicant assumes will happen in the event of return to their country of origin as a consequence of resuming their life as a convert. Explore why they have such a fear, whom they fear and which specific indications make them assume that their fear will possibly materialise.

Past persecution in the country of origin may be an indication that the applicant will again be subject to persecution upon return. Therefore, it is important to explore whether the applicant has been persecuted for their convictions in the past (see also [Section 2.3.3 'Exploring fear of persecution upon return'](#)).

Bear in mind also that, if the applicant had experienced past persecution for other reasons, this might increase the risk of persecution due to their (imputed) religious affiliation. Applicants who have been under observation or intimidated by the actor of persecution for other reasons might run a higher risk of their religious affiliation being exposed. Hence, the case officer needs to explore all past persecution and intimidation.

### Examples of topics to explore on the fear of persecution

- Future risks, for example what could happen if they will continue to practise their new conviction in the same way upon return. For example, an applicant may find obstacles to receiving (higher) education or to being employed in specific work, such as public service, because their religion is not the one required by the country's authorities. Future risks may also concern the applicant's spouse and children.
- What protection is available from any future risks.
- Reasons behind the risks, for example the applicant's knowledge of the legislation on conversion or leaving the state religion of their country of origin, whether this is punished, whether the punishment is actually enforced, and whether there are similar cases of people who left the state religion and have been punished.
- Depending on who the actors of persecution are and the individual circumstances of the applicant, the possibility of an IPA.

## 4.1.6. *Sur place* claims

This section applies to both [Sections 4.1 'Conversion to another religion'](#) and [4.2 'Leaving one's religion to adhere to an atheistic, agnostic or non-religious system of belief'](#).



Many conversions to another religion happen *sur place*, in the country of asylum, after the applicant has left their country of origin. Therefore, it is necessary to point out the specificities inherent in this type of conversion. *Sur place* conversion claims can be made as a first-time application for international protection (e.g. the applicant came to the country of asylum as a student and applies for asylum after converting to another religion during their studies) or as a subsequent application, after the rejection of a previous asylum claim based on another ground <sup>(75)</sup>.

#### (a) *Sur place* claims in first-time applications

In principle, the same topics should be explored for both conversion in the country of origin and *sur place* conversion. A point that distinguishes the interview of an applicant with a *sur place* conversion claim from that of an applicant who has converted in their country of origin is that, in the former, the applicant will be asked to project themselves into an unfamiliar situation that they have not personally experienced before, that is, the situation of living the life of a convert in their country of origin.

Yet the applicant might have encountered difficulties due to their conversion in the country of asylum. There are reports of converts having been physically attacked by fellow citizens because of their conversion. If you are confronted with information of this type, inform the applicant about their rights concerning religious freedom in your country and encourage them to report these incidents to law enforcement agencies.

#### Examples of topics to explore on *sur place* conversion claims in first-time applications

- How people in the applicant's close environment in the country of asylum reacted to the applicant's interest in another religion. This may include compatriots or followers of the old religion living in the same reception centre as the applicant.
- How the conversion activities or the process of leaving religion became known to these people.
- Whether there could be any consequences of these incidents for the applicant in the event of return to their country of origin.

#### (b) *Sur place* claims in subsequent applications

Some *sur place* conversions may arise in the context of a subsequent application. Any subsequent application will have to pass the preliminary assessment of whether there are new elements or findings that add significantly to the likelihood of qualifying for international protection.

#### Related EUAA tool



For more information on this topic, see the [\*Practical Guide on Subsequent Applications\*](#), December 2021.

<sup>(75)</sup> Please note that *sur place* claims may also arise following changes in the country of origin.



Conversion can be a ground in a subsequent application in two distinct scenarios:

- conversion to another religion was a basis for the claim for international protection in the previous application and it is resubmitted with new elements;
- conversion to another religion is a new ground in the subsequent application.

In the first scenario, the applicant had already made an application based on their fear of persecution due to their conversion. The application was rejected, possibly owing to lack of credibility related to the conversion, but the applicant comes up with new elements such as new statements, findings or documentary evidence that justify a subsequent application. There can be valid reasons for late submission of evidence. For example, the applicant might have been in a very early process of conversion in the country of asylum. Or the applicant might not yet have been a part of a religious community or might not have been formally converted so as to be able to submit documentary evidence. It could also happen that the applicant, who was not active as a convert, has, over time, become more active in their religious community or in a non-religious organisation, or started proselytising.

#### Examples of topics to explore on sur place claims in subsequent applications

- How the applicant was able to obtain the new evidence.
- Why the applicant was not able to present the new evidence in the previous application.
- How the shift to being a more active member of the community happened.
- Why this shift happened after the last rejection.
- Depending on the time that passed since the first application, how soon the applicant has been able to come forward with new evidence.

In the second scenario, the applicant left their country of origin for a reason other than conversion. They did not qualify for international protection and submitted a subsequent application based on conversion as a new ground. This new ground will have to be explored thoroughly, as mentioned above. There can be cases in which the applicant has converted to another religion after the last application. In other cases, the applicant could have been in the process of conversion, but might have not mentioned it in the previous application. In the latter case, possible reasons for the late disclosure should be explored. The applicant might have been afraid of disclosing their conversion for fear of repercussions. It is also possible that the risk upon return due to their conversion was not initially clear to them. Furthermore, the applicant might have been in an early stage of conversion and may not yet have been willing to declare their new conviction <sup>(76)</sup>.

## 4.2. Leaving one's religion to adhere to an atheistic, agnostic or non-religious system of belief

This section focuses on interviewing applicants who claim to fear persecution in the country of origin because they have adopted an atheistic, agnostic or non-religious system of belief (for definitions of these terms, see [Section 1.2 'Concepts relevant to religion-based asylum claims'](#)).

<sup>(76)</sup> Please note that there is a request for a preliminary ruling pending at the time of publication (November 2022) regarding the interpretation of Article 5(3) QD (recast), case C 222-22 (<https://curia.europa.eu/juris/document/document.jsf?text=&docid=261689&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1901672>).



Interviewing an applicant under this type of asylum claim is similar, in certain aspects, to interviewing an applicant who has converted to another religion. Yet there are often a number of differences that need to be taken into account.

- Compared with converts to another religion, who commonly join religious communities (e.g. church congregation), **affiliation** to secular groups, organisations or institutions (e.g. humanist association, atheist advocacy group) is much less common for applicants who have left their religion.
- Applicants who claim that they have left their religion usually provide little or no **documentary evidence** of their conviction to support their self-declared beliefs.
- As opposed to knowledge about religious doctrines in most conversion claims, **knowledge** of theoretical concepts / schools of thought associated with agnosticism or atheism would rarely be relevant when interviewing applicants who claim to have left their religion.
- Leaving one's religion can be motivated by other reasons in addition to religion itself: some applicants may leave their religion for political reasons or due to their sexual orientation and gender identity. **Multiple reasons for persecution** may therefore apply.



Whether the applicant should be defined as an atheist, an agnostic or a non-religious person will depend on their own statements on the subject. Case officers should not expect the applicants to know the exact definitions and differences between these terms. What matters is the personal meaning they attach to these terms. It is therefore important during the personal interview to clarify what the applicant means by their self-declared atheism, agnosticism, etc. For example, they may refer to themselves as an atheist while meaning that they are not practising any religion, without implying disbelief in a god. This may mean a significant difference for the risk assessment.

This section provides specific guidance on how to explore certain topics that are relevant to applicants who have left religion. The topics of former religion, risk upon return and *sur place* conversion are common to both applicants who leave religion and applicants who convert to another religion.

The below list of topics to explore is non-exhaustive. For an overview of the elements that should be explored during the interview in general, see [Section 2.3 'What to explore during the interview'](#):

- the former religion ([Section 4.2.1](#));
- the process of leaving one's religion ([Section 4.2.2](#));
- new way of life after leaving religion ([Section 4.2.3](#));
- documentary evidence ([Section 4.2.4](#));
- risk upon return to the country of origin ([Section 4.2.5](#));
- *sur place* claims ([Section 4.2.6](#)).

#### 4.2.1. The former religion

For guidance on how to explore the topic of the former religion of an applicant who claims to have left their religion, see [Section 4.1.1 'The former religion or belief'](#).

## 4.2.2. The process of leaving one's religion

Each applicant goes through a unique process of leaving their former religion and adopting a non-religious way of life. Different push and pull factors may be involved in the decision to leave one's religion. These can be of a personal, emotional, social, cognitive or cultural nature. Most push factors (i.e. the factors related to the applicant's dissatisfaction with their former religion) are likely to be similar to those relevant to converts to a new religion (see [Section 4.1.2\(a\) 'Motivation to convert'](#)).

For persons who come from a society in which religion is a clearly visible part of daily life, leaving one's religion may be a more drastic step than converting to another religion. This more drastic change in belief patterns should be explored further in the interview. The process shares similarities with the process of converting to another religion, that is, motivation to leave religion, the follow-up, the decision to leave religion and possible reactions to the applicant's change in belief. In contrast to applicants who convert to another religion, applicants who adopt non-religious beliefs typically do not undergo an admission procedure to formally declare their new belief.

**Figure 8. Commonly encountered elements of the process of leaving one's religion**



### Examples of topics to explore on the process of leaving one's religion

#### Motivation to leave one's religion

- The circumstances in which the applicant started distancing themselves from their former religion (events, situations, encounters, inner thought processes, persons involved, etc.).
- Depending on the applicant's reasons for leaving their religion (e.g. an applicant who rejects only rites specific to a certain denomination within a religion), whether they ever considered converting to another denomination or religion, rather than abandoning their religious system of belief altogether.

#### The follow-up

- How the applicant has become aware of their current atheistic, agnostic or non-religious ideas; the sources they used in order to learn more about their current belief.
- Thoughts and doubts of the applicant in this period.

#### Decision to leave religion

- Time when and way in which the decision to leave the religion was taken.
- Whether they shared their thoughts of leaving religion with someone beforehand and, if so, what effects this entailed.
- Duration of the process, persons involved and the inner thought processes that accompanied it.

### Examples of topics to explore on the process of leaving one's religion

#### Reactions to the applicant's change in belief

- Other people's awareness of the applicant's new, non-religious belief:
  - how this may have become known;
  - how the new belief was exposed;
  - if the applicant concealed their new belief, the reasons for such concealment, the measures taken to this end and their impact on the applicant.
- Implications of the conversion process for the applicant:
  - the applicant's attempts to share their new ideas with their social environment;
  - abandonment of traditions and perhaps social contacts; how this came about (gradual or abrupt abandonment, etc.).
- How the applicant dealt with the expected implications of their conversion, for example possible rejection by friends and family.

### 4.2.3. New way of life after leaving religion

As with conversion cases, the transformation that the applicant experienced as a result of leaving religion, and how this change affected their current life, is central to the claim and should be explored thoroughly.

#### (a) Impacts and changes

The impact of the applicant's decision to leave religion can be explored by asking the applicant to compare their life before and after leaving religion. The applicant can be asked to elaborate on what distinguishes their current beliefs from their former religious affiliation, and how they currently view the latter.

### Examples of topics to explore on the new way of life after leaving religion

#### 'Material' changes in the applicant's life

- Abandonment of religious customs and traditions by the applicant and the impact this has had on their family and social circle.
- If the applicant continues to engage in certain religious traditions, their changed perception and experience of such traditions as an 'outsider'. New habits and activities taken up (e.g. the applicant now allows themselves to engage in certain activities that they formerly did not feel comfortable with or the applicant may no longer avoid certain places or people).



Many religious traditions and rituals are often not exclusively religious. They may be social and cultural events within a specific community and, as such, these traditions may still be important in the applicant's life from a cultural point of view. Therefore, it may be that an applicant continues to participate in some events even after abandoning the religious belief associated with them (e.g. the applicant may attend a religious wedding). This should not be interpreted as an indication that the applicant has not genuinely left their religion. However, the new way in which the applicant now experiences these traditions should be specifically addressed during the interview.



### Examples of topics to explore on the new way of life after leaving religion

#### **‘Inner changes’ in the applicant’s life**

- For example their current views on existential issues such as the meaning of life and what happens after death, or moral issues such as good and evil.

#### **(b) Knowledge**

In general, an atheist or an agnostic person cannot be expected to have a deep substantive and theoretical knowledge of atheism or agnosticism.

Depending on the profile of the applicant, on their personal narrative and on the circumstances that led to the decision to leave religion, knowledge questions may be asked. For instance, if the applicant is an academic who claims to have adopted an atheist system of belief after studying the subject extensively, it would be appropriate to explore the applicant’s knowledge. For other applicants who left their former religion solely out of lack of interest, knowledge questions might not be relevant.

### Examples of topics to explore on knowledge (when relevant)

- Thinkers, schools of thought, literature, websites or social media that the applicant is familiar with.
- The applicant’s views on thinkers or contents, for example (dis)agreement with, or preferences for, certain thinkers, contents.
- Knowledge of organisations or personalities that represent or advocate for the relevant belief system, historical background of atheism, agnosticism.

#### **(c) Activities and community**

In some cases, the applicant may have translated their change in belief into social activism and/or made contact with like-minded people who could have influenced them. These aspects should be enquired about and, if applicable, explored during the interview.

### Examples of topics to explore on activities and community

- Membership of any organisations or movements (e.g. humanistic organisations, atheist advocacy groups) and participation in their activities.
- Applicant’s motivation to support these organisations and to propagate their convictions.
- Participation in the organisation’s activities and their importance for the applicant.
- Applicant’s role in these organisations and visibility of their activities (e.g. creation of publicly available content such as articles or interviews).
- Persons met through such organisations and the applicant’s relationship with them.





## 4.2.4. Documentary evidence

Documentary evidence is less common in the claims of applicants who have left their religion. It is still possible that this kind of evidence be submitted. Like converts to another religion, applicants with such a claim can provide three types of documents: formal documents certifying their non-believing status, informal documents such as photographs testifying their process of conversion to non-religion or other evidence pertaining to the applicant's activity on the internet.

The documentary evidence should be approached in the same way as for converts to another religion. For detailed guidance, see [Section 4.1.4 'Documentary evidence'](#).

### (a) Formal documents

Examples of formal documents are:

- membership certificates issued by relevant organisations such as atheist groups;
- documents issued by religious institutions, such as excommunication decrees or expulsion orders, stating that the applicant no longer belongs to that religion, or an official request from the applicant to be excluded from the religious institution;
- summons, invitations for interrogations by the (religious) authorities with a potential link to the applicant's non-religious affiliation.

### (b) Informal documents

When the applicant has engaged in social activism to promote or defend their newly adopted system of belief within relevant organisations, they may submit the following documents:

- photos of the applicant participating in activities (e.g. public protests);
- testimonies from staff and/or other members of relevant organisations.

### (c) Documents from internet sources

The following internet sources can also be relevant:

- content created by the applicant (e.g. articles and social media posts authored by the applicant);
- evidence of the applicant's social media activity (content shared (but not authored) by the applicant, groups and posts endorsed by the applicant, critical comments, contact with like-minded social media accounts, etc.).

For detailed guidance on how to approach documents from internet sources during the personal interview, see [Section 4.1.4\(c\) 'Social media and internet sources'](#).







### 4.2.5. Risk upon return to the country of origin

For guidance on how to explore the topic of the risk upon return to the country of origin for an applicant who claims to have left their religion, see [Section 4.1.5 'Risk upon return to the country of origin'](#).

### 4.2.6. *Sur place* claims

For guidance on how to explore the topic of *sur place* claims for an applicant who claims to have left their religion, see [Section 4.1.6 'Sur place claims'](#).

## 4.3. Religious minorities

Religious minorities are communities that are affiliated with a religion that is distinct from the dominant religion in a given country or region. The dominant religion may be the one followed by the majority of society in the country of origin as a whole or in the applicant's area of origin. However, it can also be the religion adhered to by the groups that have authority over relevant power structures, even though they may not represent the largest part of the population. Therefore, the term 'religious minorities' is not necessarily to be understood in the demographic sense. It can also designate a religious group that is subordinated to another, more dominant, religious group.

For the purpose of this section, members of religious minorities are understood as persons who were born into their faith. For applicants who have converted to a minority religion in their country of origin, see [Section 4.1 'Conversion to another religion'](#).

Depending on the country of origin, religious minorities may be the target of discrimination and persecution. They may not be protected by the state or their religion may even be prohibited altogether. In the context of asylum claims, members of religious minorities may claim that they have been persecuted by state authorities and/or non-state actors (e.g. neighbours, members of the religious majority or other private persons).

In the next sections, you will be provided with guidance on how to explore:

- belonging to a religious minority ([Section 4.3.1](#));
- risk upon return to the country of origin ([Section 4.3.2](#)).

### 4.3.1. Belonging to a religious minority

Assessing whether a person belongs to a religious minority is key to assessing the claims of applicants who allege that they are part of such a religious minority group. Both the applicant's statements with regard to their religious affiliation and any documentary evidence submitted by them should be explored.



## (a) Knowledge of religion

When exploring the applicant's knowledge of their religion, remember that knowledge refers not only to the theoretical knowledge of the doctrine, but also to practical knowledge. It is pertinent to take into account how the applicant is living and experiencing their religion, as believing in a doctrine, as part of their identity and as their way of life. See also [Section 2.3.1 'Exploring religious affiliation'](#).

- The applicant's local community

For applicants belonging to religious minorities, the 'identity' aspect of religion (i.e. membership of a community) often plays a significant role in the applicant's understanding of their religious affiliation and should therefore be explored thoroughly.

If the applicant affirmed that they regularly attended organised congregations (parishes, temples, mosques, etc.), invite them to tell you about their local religious community. The applicant may be asked to share information about the size and nature of the local community, for example whether it included different religious subgroups or different ethnicities. You could also ask from which areas worshippers would come (e.g. which neighbouring villages, towns) and/or for what occasions (e.g. regular church service may be held in a church based in the city, but the neighbouring villages may host certain religious festivities).

You should also ask the applicant to describe how their community was organised, notably whether there were one or more persons responsible for the community, what their roles were and how responsibilities were divided. It may be appropriate to find out how daily business was performed in this religious community (e.g. how decisions were made and agreements reached) if the applicant's involvement in the community was such that they would be expected to have these kinds of insights.

Enquire about what kind of religious activities were organised within the congregation, and ask the applicant to describe, in as much detail as possible, when, where and how these activities took place.

Even if an applicant claims that they did not regularly attend a place of worship or congregation or other meeting places, it may still be relevant to ask them to provide the name of important places of worship and to explain, in general terms, how these are organised and what kind of religious activities they host.

- Intra-communal relations

Members of religious minorities may share a strong feeling of solidarity that leads them to socialise and gather outside the purely religious context. Religious communities may also interact and organise themselves in other non-religious domains. For instance, they might run their own schools or hospitals. Explore what the applicant knows about how the members of their community interact outside places of worship or religious activities, for instance in the framework of other community organisations or events in domains such as children's education, healthcare, business, sports or charity.

- Relations with other communities and religions

You can enquire what the applicant knows about their local religious community's relations with the rest of society, including with other religious or ethnic groups and with the state authorities. The applicant can tell you about the reputation that the applicant's community has, in particular in the area where they lived. You can ask the applicant to tell you about the coexistence of different communities in their local area and in the country in general, including whether there were any interactions between religious leaders. There can be cases in which there were relationships with other religious groups or even regular meetings with other religious leaders. You can also enquire about any tensions or problems between the applicant's community and other segments of society or state

actors. Ask the applicant to give concrete examples of such cases and how they were dealt with.

### Examples of topics to explore on religious affiliation for religious minorities

#### Applicant's religion as a belief

- The religious belief the applicant adheres to, their convictions and what it means to them.
- The applicant's theoretical knowledge of their religion (religious doctrine, including religious rules and institutional set-up).



Remember that, just as the average person in your own country may not be able to answer complex theoretical questions about their religion, you should not expect deeper knowledge from the applicant simply because they belong to a religious minority in their country of origin. During the interview, however, you should enquire about the reasons behind the applicant's lack of knowledge of their religious doctrine (for more information on factors that explain variations in knowledge, see [Section 2.3.1 'Exploring religious affiliation'](#)).

#### Applicant's religion as a way of life

- Applicant's own practice of their religion.
- Applicant's practical knowledge of their religion (religious celebrations, customs, ceremonies, the applicant's congregation).
- Religious training received by the applicant (at school, extracurricular activities, personal initiative, etc.).

If it appears that no religion classes were available for the applicant's religious minority, you should ask the applicant whether they were obliged to attend religion classes of another religion and how they felt about that.

#### Applicant's religion as an identity

- Their family's relationship with religion, for example whether there are differences among family members with respect to religious practice or belief or whether the role of religion evolved in their family throughout time.
- Important persons in the applicant's religious upbringing, for example whether they were encouraged or urged to practise certain rites and by whom.
- The applicant's local religious community in their country of origin (size, composition, areas of origin), including who occupied leadership roles, the division of responsibilities, organisation of community activities.
- The applicant's contacts with members of the religious community in the country of asylum, for example how they got in contact with them and, if not, reasons why they did not make any contact.

## (b) Documentary evidence

Documents issued in the country of origin

In certain countries of origin, (former) identity documents such as passports and identity cards explicitly state the holder's religious affiliation, provided that the religious group in question is officially recognised by the state. In countries where religious affiliation is indicated on identity documents, belonging to a non-recognised religious minority could mean that a person cannot register their faith on their identity card. As a result, persons in this situation may be denied the issuance of identity and other civil documents. Furthermore, members of non-recognised religious minorities may be erroneously listed as members of the dominant religious group on

their identity documents. If an applicant submits a document indicating an allegedly false religious affiliation, their religious affiliation must be explored in as much depth as possible.

In countries where religion is not mentioned on identity cards, both first names and surnames imprinted on these documents may, nevertheless, indicate a certain religious affiliation. For instance, in some Islamic countries the surnames Masih (Messiah) or Khourey (priest) are commonly, but not always, carried by Christians. Sometimes, the place of issuance of the identity documents or the place of residence or birth of the applicant may indicate religious affiliation (e.g. if the applicant resided in an area exclusively inhabited by a certain religious group). If it has been established that the applicant's identity documents are authentic and these mention either a specific religious affiliation or other religion-specific indications (names, places, etc.) whose relevance is corroborated by COI, the exploration of religious affiliation should be less thorough.

In addition, for applicants coming from countries where personal status affairs are governed by religious institutions, civil documentation such as birth and marriage certificates can also indicate religious affiliation. Documents that attest the applicant's religious activities (e.g. baptism, religious training certificates) or attendance of institutions or activities otherwise related to their religious communities (sport clubs, charities, etc.) may also be submitted.

#### Documents issued in the country of asylum

Applicants may submit documents issued by their religious community in the country of asylum testifying to their inclusion in the religious community to prove their belonging to a religious minority.

#### Examples of topics to explore on documentary evidence for religious minorities

- The content of the submitted document.
- The way in which the applicant obtained the document (application procedure or irregular methods, organisations involved in its issuance, the time between application and issuance, whether the applicant requested it or it was given to them without a request, etc.).
- Issuer of the document (their function and the applicant's relationship with them).
- Intended and actual use of the document by the applicant in the country of origin.
- Purpose of the submission of the document, for example why the applicant finds it necessary to submit the document.
- If the applicant does not submit any documentary evidence despite COI and their personal narrative indicating that this can be expected, explore (possibly valid) reasons for the lack of documents.
- If the applicant claims to have been denied civil documents due to their religious affiliation, explore the adverse consequences that this has had for their everyday life, and how they attempted to circumvent these.

### 4.3.2. Risk upon return to the country of origin

The following examples are meant to illustrate how to explore some of the possible ways in which religious minorities are persecuted in their countries of origin. Keep in mind that you do



not need to explore all of the topics below because **not all of them will be applicable in all cases**.

Discrimination against and persecution of religious minorities can take multiple forms. It can be very outspoken, visible and imposed through laws, or it can be more subtle and sustained over the long term. In some countries, religious minorities are protected by law under the condition that they are officially registered. On the basis of these laws, the state can decide which religious communities are permitted and protected and which communities are banned. Consequently, religious communities collaborating with the state and obeying its orders will be protected and granted the right to organise controlled religious activities. If the applicant is a member of a religious minority that rejects being registered, the community will be considered prohibited, which, in turn, may increase the risk of persecution.

In other countries, certain religious groups are not officially banned but are visibly under observation by the state for the sole purpose of intimidation. In some cases, the state introduces admission controls at religious sites with the purpose of restricting participation in religious meetings to the members of the religious minority and to avoid participation by members practising the state religion.

Some countries have laws against insulting the state religion, generally or partially, making it easy for potential persecutors to accuse members of religious minorities of blasphemy. Discrimination of religious minorities is, however, not limited to religious domains; it also extends to other domains of life such as occupation, health, education, etc., which can produce possibly less visible, but more sustained or systematic forms of discrimination. Only when viewing them in their entirety will case officers be able to determine whether they amount to persecution.

#### Examples of topics to explore on the risk upon return to the country of origin for religious minorities

##### Accusations of blasphemy

- Explore the applicant's knowledge of laws against insulting the state religion and how or to what extent they are implemented.
- If the applicant was persecuted based on these laws, allow them to explain what happened, what caused persecution, who was involved in the accusations and the nature of the relationship between the applicant and the persecutor.

##### Status of religious minorities

- The official status of the applicant's religious community in the country of origin.
- If the minority has official status, how it was gained and whether some limitations persist.
- If the minority has no official status, the reasons for this and the impact of lack of status.

##### Intimidating measures

- The applicant's experiences of being observed or intimidated by the state authorities.
- Restrictions caused by these measures to the applicant's life and how they felt about this.

##### Controlling religious sites

- Effect on the applicant of restrictions on admission to religious sites where members of the religious minority meet and any specific problems that this might have caused (e.g. attempts to circumvent these restrictions).
- The applicant's feeling about these restrictions and the impact it had on their community.



## Examples of topics to explore on the risk upon return to the country of origin for religious minorities

### Accumulation of discriminatory measures

- Examples can include being permitted to take on only poorly paid jobs; being limited to basic schooling with no access to higher education; being forced to live in a ghetto; having a right to basic healthcare only, which does not include certain medical treatment options; being excluded from inheritance, but paying higher taxes than others; being unable to obtain personal documents; receiving offers from the government that, if they give up their religious affiliation and convert to the state religion, all of the aforementioned restrictions will end.



If several discriminatory measures are mentioned by the applicant, you have to explore **each** single act and its intensity thoroughly and eventually look at the entire picture of discrimination in order to conclude whether the persecution threshold has been reached.

## 4.4. Conscientious objectors to military service for reasons of religion

This section deals with applications for international protection motivated by a refusal to fulfil military obligations in the country of origin due to conscientious objection for reasons of religion <sup>(77)</sup>. Conscientious objection to military service refers to an objection to perform military service out of ‘principle and reasons of conscience, including profound convictions, arising from religious, moral, ethical, humanitarian or similar motives’ <sup>(78)</sup>. The right to conscientious objection is recognised by different international human rights instruments, including the EU Charter of Fundamental Rights <sup>(79)</sup>.

Whether someone is a conscientious objector will depend on whether the opposition to military service is motivated by ‘a serious and insurmountable conflict between the obligation to serve in the army and a person’s conscience or his deeply and genuinely held religious or other beliefs’ <sup>(80)</sup>.

A conscientious objector may reject serving in the army altogether due to their religion, for example because their religion prohibits carrying weapons or saluting the flag (absolute conscientious objectors). Conscientious objection for religious reasons also includes those who reject serving in a specific military action, for example when a member of a religious minority refuses to engage in military operations that target members of their own religious affiliation (partial conscientious objectors).

<sup>(77)</sup> Please note that ‘the religion ground may also be relevant in cases based on military service other than in situations of conscientious objection’, UNHCR, *Guidelines on International Protection No 10: Claims to refugee status related to military service within the context of Article 1A (2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, 12 November 2014, para. 50.

<sup>(78)</sup> See UN Commission on Human Rights, 1998, ‘*Conscientious objection to military service*’, *op. cit.* fn. 24, E/CN.4/RES/1998/77, 22 April 1998.

<sup>(79)</sup> Article 10(2) EU Charter of Fundamental Rights: ‘The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.’

<sup>(80)</sup> European Court of Human Rights, judgment of 7 July 2011, *Bayatyan v Armenia*, No 23459/03, ECLI:CE:ECHR:2011:0707JUD002345903, para. 110. This is a landmark judgment of the European Court of Human Rights as it sets the conditions under which compulsory military service may entail a violation of the freedom of thought, conscience and religion.



### Relevant terminology

- **Military service:** service or acts performed in the service of the armed forces of a state. It may be performed during peacetime or during an armed conflict. It can follow a voluntary entry into the military, or be based on a compulsory conscription. Non-state actors cannot impose military conscription.
- **Alternative service:** service performed by conscientious objectors as a substitute for conscription into the armed forces of the state. Alternative service may take the form of civilian service outside the armed forces (e.g. in a public health facility, voluntary work for a charitable institution) or a non-combatant role within the army (e.g. a position as a cook or an office worker).
- **Draft evasion:** when a civilian fails to register for or comply with a call for recruitment for compulsory military service.
- **Desertion:** when a soldier serving within the armed forces leaves their military post or function without leave, or resists being called to fulfil military obligations.

#### 4.4.1. Legitimacy of military service

States have a right to defend themselves and are therefore entitled to require citizens to perform military service. According to the UNHCR, to be justified, the recruitment process and military service must have a legal basis, be implemented in a non-arbitrary and non-discriminatory manner, and be based on military needs and plans. Furthermore, it must be possible to challenge conscription in a court of law <sup>(81)</sup>. It is also within the sovereign powers of states to punish the persons who, without valid reasons, desert or evade military service. Any punishment should be non-discriminatory, proportionate and provided for by the law and entail the possibility of being challenged in a court of law.

##### (a) Persecution or serious harm in the context of the military service

Irrespective of the reason, acts of persecution or serious harm in the context of military service may occur in several situations.

- The way the military service is implemented by the state can, in itself, entail inhuman or degrading treatment. This can be the case for example with particularly brutal initiation or hazing of junior conscripts, organised or condoned by the military structure.
- The punishment for refusing to serve in the military can be disproportionate, amount to threat of life and serious ill-treatment, or be imposed in a discriminatory way.

<sup>(81)</sup> UNHCR, *Guidelines on International Protection No 10*, 2014, *op. cit.* fn. 77, p. 2. See also UNHCR, *Handbook on procedures and criteria for determining refugee status*, 2019, *op. cit.* fn. 12, para. 171, 'Not every conviction, genuine though it may be, will constitute a sufficient reason for claiming refugee status after desertion or draft-evasion. It is not enough for a person to be in disagreement with his government regarding the political justification for a particular military action. Where, however, the type of military action, with which an individual does not wish to be associated, is condemned by the international community as contrary to basic rules of human conduct, punishment for desertion or draft-evasion could, in the light of all other requirements of the definition, in itself be regarded as persecution.'





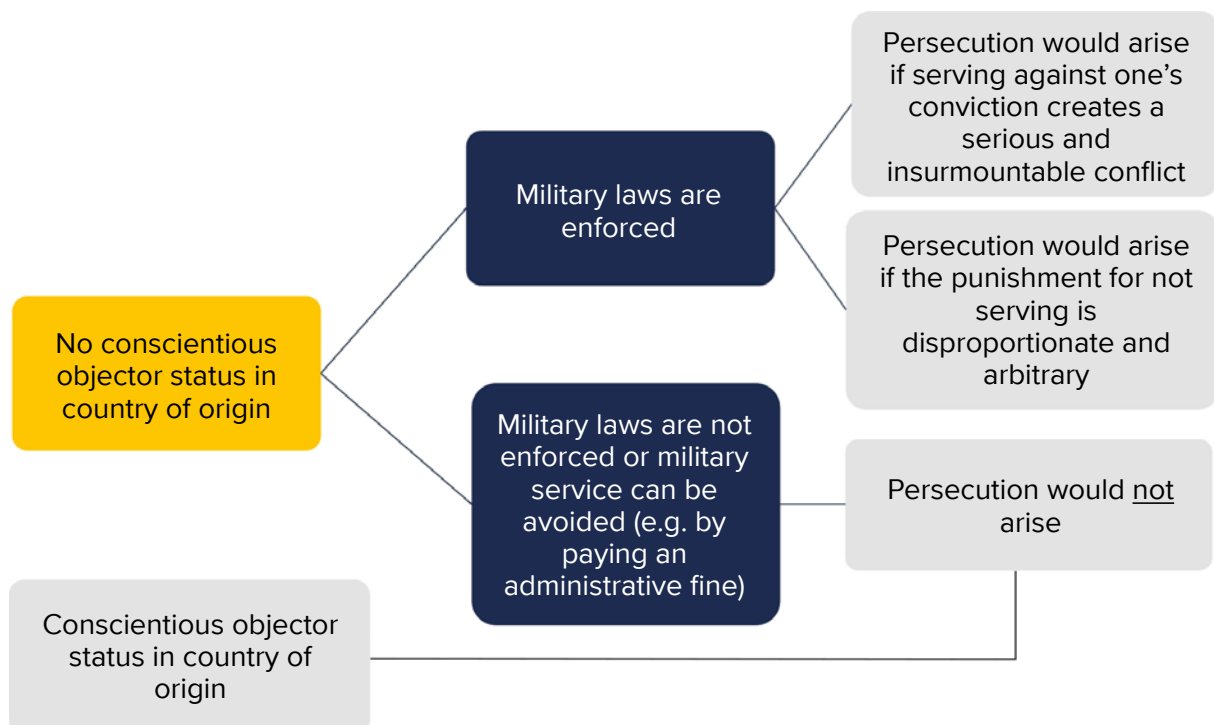
- Prosecution or punishment for refusal to perform military service in a conflict where performing military service would include crimes or acts falling within the scope of the grounds for exclusion is also regarded as an act of persecution <sup>(82)</sup>.
- The fact of being obliged to serve in the military against one's profound convictions may, in itself, constitute persecution if it causes intense mental suffering amounting to inhuman or degrading treatment. As pointed out above, these objections can be against the military service as such (absolute conscientious objection) or against a particular military intervention (partial conscientious objection).

### (b) Conscientious objector status

Despite the right to conscientious objection being recognised as a fundamental right, there are still many countries where military service is compulsory but where there is no possibility of obtaining a conscientious objector status. In these countries, refusal to serve is generally considered a serious offence, irrespective of the reason for the refusal. It should be noted that, in these countries, being punished for refusing to serve in the military will most often still not exempt a person from having to serve in the military after the punishment.

In situations where a state provides an exemption from military service or an alternative service to conscientious objectors <sup>(83)</sup> or where military service laws are not enforced in practice or military service can be avoided by paying an administrative fine <sup>(84)</sup>, persecution would not arise.

**Figure 9. Persecution as a result of conscientious objection**



<sup>(82)</sup> Article 9(2)(e) APD (recast). See also CJEU, judgment of 26 February 2015, *Shepherd v Bundesrepublik Deutschland*, C-472/13, ECLI:EU:C:2015:117. Summary available in the [EUAA Case Law Database](#).

<sup>(83)</sup> However, for alternative service that is punitive in nature or implementation, persecution may still arise. See UNHCR, *Guidelines on International Protection No 10*, 2014, *op. cit.* fn. 77, para. 20.

<sup>(84)</sup> According to the UNHCR, 'excessive administrative fees designed to deter genuine conscientious objectors from opting for alternative service or which are considered punitive would be considered discriminatory and may on a cumulative basis meet the threshold of persecution.' UNHCR, *Guidelines on International Protection No 10*, 2014, *op. cit.* fn. 77, p. 5, fn. 48.





### (c) Nexus with the religion ground

Refusal to perform military service often originates from religious motives or political opinion, or can be linked to membership of a particular social group, race or nationality. However, the reasons may also hold no connection with any of the five reasons for persecution and originate, for example, from the mere fear of the dangers that a military service can entail. From the perspective of the authorities, the deserter or the draft evader, irrespective of the actual motives, may be seen as a political opponent, that is, someone who opposes the government's policy or questions its legitimacy.

In the *EZ* judgement <sup>(85)</sup>, the CJEU considered if, even when there is persecution as described in Article 9(2)(e) QD (recast), a nexus needed to be established between the act of persecution and one of the five reasons for persecution of the Geneva Convention.



#### Article 9(2)(e) QD (recast)

2. Acts of persecution as qualified in paragraph 1 can, *inter alia*, take the form of:

[...]

(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2);

[...]

The CJEU held that, even though a connection to one of the five reasons for persecution always needs to be established, in the situation defined in Article 9(2)(e) QD (recast), there is a 'strong presumption' of the connection of the refusal to perform military service with one of the five convention grounds <sup>(86)</sup>. Within this context, it is for the national authorities to ascertain the plausibility of the connection between the reasons for persecution and the prosecution and punishment. Furthermore, the CJEU stressed that, in specifying the reasons for the acts of persecution mentioned in Article 9(2)(e), the 'EU legislature did not intend to make it more difficult for conscientious objectors to obtain refugee status by imposing an additional condition for obtaining that status, but, on the contrary, took the view that that reason for persecution related, as a general rule, to at least one of the five reasons for persecution conferring entitlement to refugee status' <sup>(87)</sup>. In addition, the CJEU pointed out that the refusal to perform military service, in particular where this is heavily penalised, suggests 'a high degree of conflict in political or religious values and opinions between the person concerned and the authorities of the country of origin' <sup>(88)</sup>. The CJEU also stated that 'in the context of armed conflict, particularly civil war, and where there is no legal possibility of avoiding military obligations, it is highly likely that the authorities will interpret the refusal to perform military service as an act of political opposition' <sup>(89)</sup>.

<sup>(85)</sup> CJEU, judgment of 19 November 2020, *EZ v Bundesrepublik Deutschland*, C-238/19, ECLI:EU:C:2020:945. Summary available in the *EUAA Case Law Database*.

<sup>(86)</sup> CJEU, *EZ v Bundesrepublik Deutschland*, para. 57, *op. cit.* fn. 85.

<sup>(87)</sup> CJEU, *EZ v Bundesrepublik Deutschland*, para. 58, *op. cit.* fn. 85.

<sup>(88)</sup> CJEU, *EZ v Bundesrepublik Deutschland*, para. 59, *op. cit.* fn. 85.

<sup>(89)</sup> CJEU, *EZ v Bundesrepublik Deutschland*, para. 60, *op. cit.* fn. 85.



The CJEU also clarified that, where the refusal to perform military service due to religious beliefs leads to acts of persecution, the latter should also be regarded as being connected to the ground of religion <sup>(90)</sup>.

This Section provides guidance on how to explore claims of applicants who refuse military service for reasons of religion. To assess them, three parts of the claim need to be addressed:

- the recruitment process ([Section 4.4.2](#));
- conscientious objection for reasons of religion ([Section 4.4.3](#));
- documentary evidence ([Section 4.4.4](#)).

#### 4.4.2. The recruitment process

Before exploring the credibility of the applicant's conscientious objection and its possible consequences in the personal interview, it is recommended to first investigate whether the applicant's alleged status as a conscript or their deployment in a specific military action is credible. This can be explored by assessing the applicant's awareness of the military legislation and recruitment practices of their country of origin, and the status of their own recruitment.

To this end, it is indispensable that you take into account the situation with regard to military conscription in the applicant's country of origin as it appears from the COI (see [Section 2.1.4 'How country of origin information can help you prepare'](#)) and the concrete circumstances of the individual case. This includes the country of origin's applicable military legislation, recruitment practices and consequences endured by individuals refusing to serve in the military.

##### (a) Applicant's awareness of the military legislation in the country of origin

Applicants are expected to have a certain level of knowledge of the legislation governing the rules of recruitment and the recruitment process, as these have concrete implications for their status as conscientious objectors and their risk of mistreatment or persecution.

##### Examples of topics to explore on the applicant's knowledge of the military legislation in the country of origin

- The applicant's awareness of the applicable military legislation in their country of origin, including possible exemption or deferral grounds such as family situation, studies, professional career or medical condition.
- Knowledge of the current duration of military service.
- Knowledge of the recruitment process.
- Knowledge of sanctions that result from refusal of service, refusal to engage in a specific military action or desertion.

If the applicant demonstrates a lack of knowledge of the military legislation of their country of origin, invite them to account for these gaps.

<sup>(90)</sup> CJEU, [EZ v Bundesrepublik Deutschland](#), para. 47, *op. cit.* [fn. 85](#).



## (b) Applicant's knowledge of the recruitment practices

There can be differences between the military legislation on recruitment and the implementation of such legislation. Conscientious objectors are expected to have knowledge of not only the legislation but also, and more importantly, the extent to which this legislation is, or is not, implemented in practice.

### Examples of topics to explore on the applicant's knowledge of the recruitment practices in the country of origin

- The applicant's knowledge of the de facto recruitment practices in the country of origin.
- The applicant's knowledge of the authorities' prosecution policy against draft evaders and deserters.
- The way in which the applicant acquired information on recruitment practices (e.g. concrete examples of individuals known to the applicant who have been recruited in certain circumstances).
- If COI indicates that actions to avoid military service are commonly available (e.g. paying an administrative fine or bribe), explore the applicant's awareness of such practices.
- The applicant's view on the available options (including whether they have envisaged availing themselves of these possibilities to be exempted or to evade military service, or indeed have done so) and reasons for not doing so.

## (c) Status of the applicant's recruitment

In addition, you can ask the applicant about the status of their own recruitment.

### Examples of topics to explore on the status of the applicant's recruitment

- Stage of recruitment process (e.g. receiving call-up papers or undergoing a medical examination).
- Any prior deferrals of military obligations (if so, on what basis these were obtained).
- If the recruitment process has not yet begun, expected starting date.
- If they have already served in the military, reasons for not refusing military service or for engaging in a specific military action earlier.
- If they have served in the military, functions held by the applicant, type of training received, weapons used, manoeuvres the applicant has participated in.
- The applicant's awareness of being currently considered a draft evader or a deserter in the country of origin, whether they are being officially prosecuted for this and how they received that information.
- Possibility of obtaining amnesty for deserters and, if the possibility exists, reasons for not availing themselves of the amnesty.

## (d) Applicant's deployment to a specific military action

Some applicants may have been requested to join a specific military action, but may object, allegedly for reasons of conscience. In this case, you need to explore the circumstances surrounding the applicant's (planned) deployment.



### Examples of topics to explore on the deployment of the applicant to a specific military action

- Type or nature of the specific military action, including the military target and objectives.
- Time, place and duration of the deployment.
- Process of the deployment, for example the way in which the applicant's deployment was decided and in which the applicant was notified, whether the applicant actually undertook the deployment or how they avoided it.
- The possibility for the applicant to officially refuse to undertake the deployment or to perform specific activities/tasks that such deployment would entail, and whether the applicant could request an alternative to deployment.
- Specific activities or tasks that the applicant was or would be required to undertake as a result of such deployment.
- The applicant's awareness of the specific activities or tasks that the deployment would entail, including the effects of these activities/tasks.
- The applicant's views on the military action and activities/tasks that they were or would be required to undertake.

#### 4.4.3. Conscientious objection for reasons of religion

In addition to exploring recruitment or conscription to the army or deployment to a specific military action, the other focus of the personal interview should lie on exploring whether the applicant's objection to military service for reasons of conscience is authentic and connected to their religious affiliation. This should be further complemented by exploring whether the applicant expressed any objection before fleeing the country of origin, whether the convictions with regard to military service are in line with the wider religious background of the applicant, precisely what consequences the applicant fears in the event of recruitment and whether they had the option of a reasonable alternative to military service.

**Figure 10. Topics to explore when addressing conscientious objection to military service for reasons of religion**





### (a) Genuineness of conscientious objection for reasons of religious affiliation

#### Examples of topics to explore on the genuineness of conscientious objection for reasons of religion

- Reasons why the applicant considers themselves a religious conscientious objector and whether this is absolute or partial.
- In cases of objection to a particular military action, reasons behind this partial objection (difference between the applicant's participation in other military actions and the one the applicant objected to).
- Information about the applicant's religious experiences, taking into account their personal circumstances (e.g. how they adopted their religious persuasion; the place, manner or rituals of worship; the personal meaning of the religious persuasion or the values it upholds, particularly with regard to the use of arms).
- Position of other members of the applicant's religious persuasion towards military service (e.g. general opposition to the military, whether some members actually perform military service, and how the religious community in general and the applicant in particular view such members who do carry out military service).

### (b) Applicant's expression of conscientious objection

#### Examples of topics to explore on the applicant's expression of conscientious objection

- Whether the applicant has expressed their religious conscientious objection prior to the military call-up (including circumstances, by which means and what consequences this has had).
- Previous problems encountered by the applicant due to their religious affiliation.
- If the applicant did not refuse to join the army previously, reasons for lack of refusal (e.g. change of conviction, circumstances).

### (c) Applicant's religious beliefs in the wider context

#### Examples of topics to explore on the applicant's religious beliefs in the wider context

- Depending on how the applicant explains the religious reasons behind their conscientious objection (e.g. complete prohibition to engage in violence), you can explore the applicant's prior occupation, professional career and hobbies in connection with physical violence (e.g. practice of martial arts) or carrying a weapon (e.g. hunting).
- The applicant's family and entourage experiences and views on military service (e.g. family members who served or refused to serve in the military; their role and experiences during military service; if they refused, the consequences of their refusal).
- The applicant's view on how the authorities of their country of origin should react to a military attack by a foreign power or how they think that their religious community should react if it is attacked by another group.

### (d) The consequences of military service or deployment feared by the applicant

In addition to examining the sincerity of the conscientious objection, the case officer must explore whether the objections are irresistible or insurmountable.



**Example of topics to explore on the consequences feared by the applicant**

- Consequences (including at physical, spiritual and emotional levels) for the applicant should they be forced to serve in the military or to be deployed in a specific military action.

**(e) Reasonable alternatives to military service (if applicable)**

Keep in mind that the rights of the conscientious objector are respected only if they are exempted from the obligation to engage in military service or can perform an appropriate alternative service. In a case of a personal objection to bear arms, an alternative can be considered appropriate when it involves a non-combatant position within the military apparatus or a civil activity that serves the public interest.

If COI indicates that the status of conscientious objector is recognised in the country of origin, the applicant's knowledge of the conditions, procedure and de facto access to alternative service should be explored. This means that you need to explore whether fleeing the country of origin was the only possible way to escape this inner conflict.

**Examples of topics to explore on reasonable alternatives to military service**

- Steps taken by the applicant to be considered for alternative service.
- Reasons why no steps were taken to be recognised as a conscientious objector or reasons why these steps failed.
- The applicant's knowledge of the conditions, procedure and de facto access to alternative service.

**4.4.4. Documentary evidence**

Finally, the case officer will explore whether the applicant possesses any documentary evidence of the recruitment process, of their participation in a particular military action or of their possible prosecution as a conscientious objector or deserter. If no documentary evidence is submitted, although the applicant's narrative or COI would suggest that such evidence should be available, you should explore the reasons for this lack of documentation in the interview.

**(a) Documents pertaining to the applicant's military status**

The applicant may submit documents that pertain to the stage of their recruitment process if they have not yet served in the military (e.g. call-up papers, evidence of a medical examination or of a deferral of military service for studies). For applicants who have already served in the military, military booklets or similar documents are useful to gain an insight into the applicant's duration of service, their exact unit and function.

The applicant can be asked how they obtained the documents and what their content is. This exploration would serve to determine the applicant's actual understanding of the documents submitted. If the applicant fled while being in possession of the documents, they can be asked how they managed to do that and whether they faced any difficulties.



## (b) Documents pertaining to the status of conscientious objectors in the country of origin

The applicant may also submit information on other cases of conscientious objectors in their country, such as press articles or social media posts.

If there is no conscientious objector status in the country of origin, the applicant cannot be expected to submit documentation of their refusal to perform the military service.

## 4.5. Gender-specific religious persecution

You should be aware that gender and religion often intersect in international protection claims since ‘women and men may fear or suffer persecution for reasons of religion in different ways to each other’ <sup>(91)</sup>. You should keep in mind that claims that, at first glance, might seem to be strictly related to gender may in fact amount to persecution on the basis of a convention ground, such as religion, as in the example of Yazidi women who were abused as sex slaves or Christian girls in Nigeria who were kidnapped and forcefully converted by Boko Haram. Therefore, you should always explore the reasons behind gender-related persecution and verify if persecution is linked to a convention ground, such as (actual or imputed) religion, political opinion or membership of a particular social group.

On the other hand, religious persecution or repression often follows gender lines as well and tends to hit women harder. Women might be at a heightened risk of religion-based persecution because of their gender.

### Related EUAA tool



For further information, see the *Guidance on Membership of a Particular Social Group*, March 2020 <sup>(92)</sup>.

The following sections explore three commonly encountered claims entailing gender-based persecution for reasons of religion. You will be provided with guidance on how to investigate the religion-specific aspects of each claim.

### 4.5.1. Harmful traditional practices

Some harmful traditional practices may be perceived as required or promoted by certain religions. However, they are often the result of a combination of other factors too. For example, FGM/C is a sociocultural tradition that is not linked to any particular religious faith, but religion may sometimes be invoked as justification of the practice. The same can apply to other harmful traditional practices, such as child marriage and honour-based violence. These can be motivated by religious norms, but other factors too come into play, such as culture and socioeconomic class. It is important to remember that the three realms of religion, culture and socioeconomic class are often very closely interlinked and influence each other heavily. In

<sup>(91)</sup> UNHCR, *Handbook on procedures and criteria for determining refugee status*, 2019, *op. cit.* fn. 12, p. 128.

<sup>(92)</sup> EASO, *Guidance on Membership of a Particular Social Group*, March 2020.





addition to exploring the reasons for persecution, you also need to explore the consequences that the harmful tradition has on the applicant. This includes exploring potential consequences if the applicant refuses to comply with, or tries to avoid, the harmful practice.

#### Examples of topics to explore on harmful traditional practices

- Views of the applicant on these practices.
- Views of the applicant's family on these practices.
- Occurrence of the harmful practice in the applicant's family and wider social environment.
- Similar cases within the applicant's family and wider social environment and their outcomes.
- If the applicant is the sole case in the family, possible reasons for it.
- Applicant's knowledge of the legislation concerning this practice in their country of origin.
- The way in which the applicant tried to cope with the practice, for example acts to avoid the practice, or compliance with it and underlying reasons.
- Consequences of avoidance or compliance for both the applicant and their family.
- The applicant's attempts to seek protection from the state and the outcomes of such attempts.
- If the applicant did not seek protection from the state, the reasons for not doing so.

### 4.5.2. Religion-based discrimination related to gender

There is a strong intersection between religion-based persecution and the gender of the applicant. For example, there may be (social or legal) requirements for women to behave in a certain way in order to follow (real and perceived) religious norms. Women might have to wear a certain type of clothing and face restrictions on freedom of choice and movement. Religion-based discrimination may also mean that the authorities may restrict access to sexual and reproductive rights. For example, marital rape may be legal whereas contraception and abortion are illegal or not tolerated. Women might also encounter obstacles in reference to socialising with other people; obtaining education; or being able to work in general, or in specific professions such as journalism, medicine or politics. Discrimination can be expressed in laws influenced by religion that restrict women's civil rights and access to protection. Religion-based laws can also involve unequal punishments depending on the gender.

It is important to explore all acts of discrimination based on the individual characteristics of each applicant. The accumulation of discriminatory measures may amount to persecution depending on severity and repetitiveness of such acts.

#### Examples of topics to explore on religion-based discrimination related to gender

- Restrictions that the applicant experienced due to religious rules, traditions or norms.
- The impact of these restrictions on the applicant's life.
- The risk of gender-specific discrimination to which the applicant could be exposed in the event of return to their country of origin.
- Views of the applicant on the discrimination they experience and its connection to religion.
- Applicant's knowledge of the legislation that discriminates between men and women in the country of origin.





### 4.5.3. Interreligious relationships/marriages

A relationship or marriage with a person from another religion or even from another denomination of the same religion might lead to risk of persecution.

A relationship or marriage with a person of a different religion or denomination may not be allowed, or it may be allowed only under specific unfavourable conditions (e.g. the applicant may not be able to officially register their marriage, or the children born of such a marriage or relationship may have limited or no access to education, healthcare or private property).

When exploring interreligious relationships/marriages, you should keep in mind that gender is usually a factor that contributes to potential risks, as girls and women often suffer graver consequences than men. However, depending on the country of origin, this does not mean that men cannot have a well-founded fear of persecution under these profiles (e.g. a husband in an interreligious marriage or a brother protecting a sister from harmful traditional practices). There might be, however, different expectations and consequences for the applicant depending on their gender. For example, in some countries, women who are in interreligious relationships are the target of honour crimes while men are not. However, in other countries, men and women might face similar risks. Therefore, apart from the impact that religion may have on an interreligious relationship or marriage, the impact of gender should also be taken into account.

#### Examples of topics to explore on interreligious relationships/marriages

- Impact of religion on the applicant's relationship/marriage.
- Reactions of the applicant's family, society and the authorities.
- Unequal treatment or persecution caused by the interreligious relationship/marriage.
- Domains of the applicant's life in which discrimination is experienced and whether discrimination amounts to persecution due to its seriousness and repetitiveness.
- Applicant's knowledge of the legislation in their country of origin concerning interreligious relationships and its practice.
- In cases of children born of an interreligious relationship/marriage, the problems that the children encounter during the marriage and in the event of divorce, such as:
  - registration of birth;
  - receiving documents (e.g. identity documents, birth certificates, family documents);
  - access to education;
  - religious upbringing, possible conflicts and how they are dealt with.
- If the applicant intends to have children in the future, which faith their children would follow and whether they would receive any religious education.





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