

**THE
CHRISTIAN
AND
PERSECUTION**

Advocating for the Rights of the Persecuted

MODULE 7



Lesson Seven

Advocating for the Rights of the Persecuted

Learning Objective:

By the end of the lesson the students will have an understanding of what advocacy is. They will be equipped with a basic understanding of what is involved in planning and running an advocacy campaign and of the range of potential advocacy targets on national, regional and international levels. They will have an awareness of the importance of authorization and of accuracy and vocabulary, and of the challenge of using publicity wisely.

Preparatory Bible Reading: Luke 10:25-37

Lesson Outline:

Introduction

1. What is advocacy & why get involved?
 - a. Definition
 - b. System vs. individual
 - c. Biblical mandate
2. How: Advocacy process
 - a. Monitoring
 - b. Documentation
 - c. Advocacy
3. How: Advocacy Targets
 - a. National
 - b. Regional
 - c. International
4. Best Practises

Conclusion

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Lesson Seven

Advocating for the Rights of the Persecuted

There are a range of advocacy, publicity and support options which enable us to speak up for those persecuted for their faith.

Introduction

Many Christians in the Middle East and North Africa face discrimination, marginalization and even persecution because of their allegiance to Christ, especially where that allegiance leads them to evangelize, to receive converts into their care and their church. Often more difficult is the plight of those brothers and sisters who were born into Islam but who made a decision to follow Christ.

Another lesson looks at the different ways of responding to persecution that are mandated by the bible: accepting and enduring it, fleeing from it, or challenging it. In this lesson we will focus on the latter response.

We will look at a specific approach to challenging discrimination and persecution of ourselves or those around us through human rights advocacy. We will start by briefly looking at what advocacy is. Next we will spend most of the lesson on gaining a basic understanding of what the process of advocacy looks like and what are potential advocacy targets on a national, regional and international level. We will finish with a brief reflection on what is 'wise' advocacy by looking at best practices re. authorization, accuracy, vocabulary and publicity.

1. Advocacy: What and why?

As a Biblical mandate, advocacy is action to rectify incident and systemic injustice

Before we start looking at how to do advocacy it is helpful to look at what advocacy is. Although many will have an image of what advocacy is, it is notoriously difficult to come up with a definition. This is not simply playing semantics. At a minimum most definitions include the activities included in advocacy and its aim(s). More elaborate definitions often also include who does advocacy, who are the beneficiaries of advocacy or include values undergirding the advocacy approach. Veneklasen & Miller conclude (17):

"Diverse advocacy approaches are not just different ways of reaching a similar end. They embody different values, political views and goals, and thus seek different ends. The distinctions have important implications for excluded groups such as women, indigenous communities, and ethnic minorities."

1a. Definition

While we lack the space here to look more deeply into the different definitions and the results that has on the actual advocacy efforts, it is important to start by defining what we mean by advocacy in this lesson, and briefly elaborate on that definition.

In this lesson we will use a simple and broad definition of advocacy:

Advocacy is a whole range of organized and systematic actions aimed at changing laws, policies, practices, attitudes or behaviours.

Let's look at this definition more closely. Advocacy can comprise of a *whole range* of different activities, e.g. using the media to shape public opinion or shame a government, lobbying decision-makers, educating the public, raising human rights awareness or different protest actions (e.g. demonstrating).

The advocacy process is *organized and systematic*. An advocacy campaign does not happen by itself. It is hard work, requires a lot of organization and planning and follows a set procedure (we will elaborate on this in the remainder of this lesson).

Finally, advocacy is always aimed at *change*, at improving the situation to a person or to a group of persons. Advocacy can seek to change:

- *laws*: official laws can discriminate against certain communities (e.g. laws pertaining to building places of worship can be more restrictive for Christians than it is for Muslims) or criminalises certain behaviour (e.g. conversion or evangelism).
- *policies*: a state can consistently discriminate against communities or prohibit activities, even though there is no law prescribing them to do so. The police can detain and mistreat converts even though there is no law against conversion. Or the state can systematically refuse the registration of new denominations or new church buildings, even though there is no legal reason to do so.
- *practices*: there can be actions by state bodies that may not be persistent or nation-wide, but can happen sometimes. A country may not have a law prohibiting Christian religious classes for Christian students, nor systematic policies discouraging this, but there may still be schools that do not offer these classes, e.g. because a local head of a state school refuses to hire a teacher for these classes. Or there may be a law or policy that gives Christians a holiday at Easter, but a local head of school may schedule important exams on Easter, in order to prevent Christian students taking this day off.
- *attitudes*: it is not only state bodies that can discriminate against or commits acts of violence. Often the problem lies with non-state actors, e.g. family members of converts or certain groups in society. Advocacy can be aimed at changing attitudes towards a community and their needs. It can aim to reduce tensions in a village due to the construction of a church, community complaints against the opening of a Christian school, or a rumour that Christians drink blood during Holy Communion.
- *behaviours*: often negative attitudes against Christians can lead to negative actions by non-state actors against Christians. These can range from relatively innocent acts of vandalism against Christian buildings to more serious acts of

discrimination or even violence against buildings or persons. Advocacy can seek to bring an end to this behaviour.

1b. System vs. individual

In this lesson we will be distinguishing between two broad types of advocacy: **Incident advocacy** and **systems advocacy** (sometimes called system change advocacy). The former involves advocating for the victim or victims in a specific incident, e.g. a person who is in prison, a church building that was closed or attacked, or attacks on Christians in a certain village after a rumour that a church was being built. The latter, systems advocacy, is not focused on a specific incident, but seeks to bring structural change that will benefit many people (or even a whole community) over a longer period of time. Systems advocacy seeks a change in a law, policy or attitude that systematically discriminates against or underlie persecution to a general group of people, e.g. Christian children in a state school, converts, etc.

Advocacy organizations can focus more narrowly on civil and political rights (e.g. people imprisoned for the opinion, religious persecution, torture) or more broadly on social justice issues (e.g. poverty or environmental issues).¹ While many of the topics broached in this lesson will be relevant for all forms of advocacy, and even more so for advocacy based on civil and political rights, the focus is on religious freedom advocacy.

1c. Biblical Mandate

There is a clear mandate in the Bible to stand up and assist the weak and vulnerable and to assist those who are suffering. For a more elaborate exposition I refer to lesson five ("Theological Approaches to Human Rights") which describes numerous biblical doctrines that support the concept of human rights and involvement in human rights advocacy and provides a rebuttal to common objections raised by Christians to human rights.

Here I just want to briefly look at one passage that supports a mandate for what human rights advocacy is about: Luke 10:25-37 (the Parable of the Good Samaritan): Jesus is asked to clarify who is our neighbour (after stating that we are to love our neighbours). Jesus does more than just answering that specific question; he elaborates on what it means to obey the commandment (to love our neighbour). He tells about a man who is very vulnerable (after being beaten by robbers he is left for dead). First two very highly esteemed members of the community come by (a priest and a Levite), both see the man and pass him on the other side of the road. Then a highly despised person (a Samaritan) sees the man, stops and cares for his wounds, brings him to an inn pays the inn keeper for further treatment. Jesus ends the passage by telling the person who asked him the question that in order to obey the command to love our neighbour we have to follow the example of the Samaritan (and not of the priest and Levite): "Go and do likewise."

¹ Sometimes this distinction is described as human rights vs. social justice issues. I believe this is not helpful and factually incorrect (many if not all of the social justice issues are human rights issues as well). It is more helpful to distinguish advocacy based on the 'three generations of human right' (see Tomuschat [25] for this terminology). First generation human rights are civil and political rights (rights protecting individuals from mistreatment by the state), second generation rights are social, economic and cultural rights (e.g. right to work or a minimum wage) and the third generation rights include the right to peace, development and a clean environment.

When we see people who are suffering abuse we are called to do what we can to help them. Sometimes advocating for them may be part of an appropriate response.

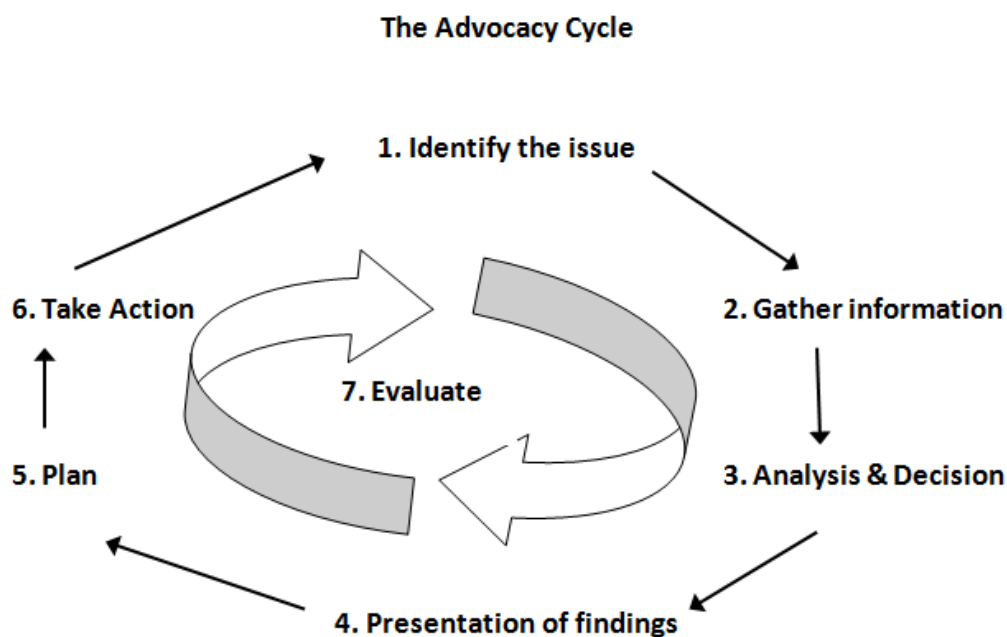
Review and Discussion Questions

- a. The definition of advocacy refers to seeking change in (i) laws, (ii) policies, (iii) practices, (iv) attitudes or (v) behaviours. Can you give an example of each of these categories that underlies marginalization, discrimination or persecution of Christians in the Arab World?
- b. Do you agree with the author that the parable of the Good Samaritan offers a mandate to be involved in human rights advocacy on behalf of those suffering persecution? Why?

2. Advocacy Process

The advocacy process is of three phases: monitoring, documenting, and action

The advocacy process can be divided in a seven step cycle:



For the sake of simplicity I will summarize these seven steps into a three part process: a) Monitoring (step 1-2), b) Documentation (step 3-4) and Advocacy (step 5-6).

Human rights monitoring in the broad sense is the collection (and verification) of information about the status of human rights in general or about specific human rights violations.

Human rights documentation involves the analyzing and presenting of the information gathered in the monitoring phase, and to make recommendations based on that presentation within the framework of international human rights standards.

Human rights advocacy describes the process of planning and implementing a strategy to bring about the fulfilment of the recommendation(s).

2.a Monitoring

A well-known human rights investigator believes (Groome, p. 23):

"Effective and just enforcement of the law in any system depends upon the professional investigation and monitoring of violations. Before the law can be applied to a case, there must be clear and complete understanding of the facts; an understanding not based on speculation or hearsay, but critically examined evidence. [...] The professional and reliable investigation of human rights violations is the foundation of human rights enforcement."

As mentioned in the first part of this lesson, advocacy can focus on structural change in laws, policies, etc. (systems advocacy) or on helping the victim(s) in a specific incident (incident advocacy). In the broad sense 'monitoring' applies to both forms. Sometimes, however, 'monitoring' is used in a more narrow sense to refer to the collecting of information on human rights issues related to systems advocacy, while monitoring related to a specific incident is called human rights investigation.

In the more narrow sense monitoring involves the regular periodic observance of governmental systems, policies and actions to check that they are in compliance with local and international standards of human rights. It looks at a specific issue, e.g. prison conditions, personal status laws or policies and practices regulating places of worship, and sees how these abide by or violate international human rights law.

Looking at the advocacy cycle, the **first step** of monitoring is the identification of the issue to monitor.

In human rights investigation this may seem obvious since one is looking at a specific incident, e.g. a convert who is in prison for his beliefs. However, even in specific cases there can be a number of human rights violations that happen. In case of a convert in prison, the violations may involve his right to have and practice a religion of his choice, his right not to be arbitrarily arrested, the right not to be tortured or his right to a fair trial. It is important to keep an open-mind and identify all the relevant human rights abuses.

For human rights investigation you will need to answer the following question:

Who did what to whom, when, where and why?

- Whom: as much details are possible on the victim (personal background, marital status, children, Christian background, etc.)
- Who: as much detail as possible about the perpetrators (e.g. 'the authorities arrested him' is less helpful than 'three officers from State Security came with two uniformed police men to arrest him')

- What: as much detail as possible about what happened to the victim(s) and what is his current status
- When: it is important to have an accurate timeline of what happened
- Where: it is important to have details of locations (of arrests, of imprisonment, of torture, etc.)
- Why: it is important to have details both of the official reasons the authorities or other perpetrators are giving for their action, and also what are believed to be the real reasons (if different from the given reasons). What is the assessment of the real reasons based on?

In the context of systems advocacy, the choice of an issue to monitor will be influenced by your aims (what you want to accomplish) and competencies (expertise, resources, objectivity to enable credibility) as well as by the wider context (what issues are currently of concern, are other already carrying out similar projects?). Once an issue is chosen, it is important to:

- Identify human rights standards: what standards cover the issue/need that is monitored? This provides the benchmark against which the real situation is assessed.
- Determine what information is needed to assess the issue being monitored, and the possible sources of the information (media reports, other NGO reports, official (government) documents, interviews, etc.)

The **second step** in the monitoring process is the actual gathering of relevant information.

All evidence can be classified into three groups: physical evidence, testimonial evidence and documentary evidence.

Physical evidence refers to any physical object that can provide information about an event. It may include weapons that were used, the condition of the victim's body, or the area where an attack took place. Physical evidence may also refer to photographs.

Testimonial evidence is a broad term that includes the statements of victims, witnesses and suspects. It is different from physical evidence in that testimonial evidence is only as reliable as the witness who gives it. The accuracy of the facts testified depend on the honesty, perception and communication skills of the witness.

Documentary evidence refers to forms, documents or letters that can provide information on an event. It can include public records, court verdicts, media accounts, government edicts, etc.

In human rights investigations you will most likely deal mainly with testimonial evidence (victims or others tell you what happened). Unfortunately, testimonial evidence is the least reliable of the three groups of evidence. Therefore it is important to verify the testimonial evidence as much as possible with either physical evidence, documentary evidence (e.g. court verdicts) or further testimonial evidence of other, independent, sources.

There are three important principles in the assessment of information:

- i. Reliability and credibility of the source
 - a. Credibility is a measure of the truthfulness of a source's testimony. Is the source telling the truth as he honestly believes it, or is he lying?
 - b. Reliability is whether or not the "truth" as told by the source actually happened. Even if the source honestly believes the information to be true, he can be (honestly) mistaken.
- ii. Consistency with information collected from independent sources. Are there other, independent sources of information which corroborate the information you have been given on the alleged human rights violations? Are the sources really unrelated to each other? If sources unrelated to each other give concurring information, this is supportive.
- iii. Fitting into the context: Does the information fit into a pattern of what you already know about the area and situation? Does the information seem probable in light of the present knowledge?

2.b Documentation

The Documentation phase involves the steps of analyzing and presenting of the information gathered in the monitoring phase, including making recommendations.

Analyzing data and reaching conclusions is perhaps one of the most challenging and important steps of the monitoring and documentation phases. It requires examination of what could be voluminous amounts of information and determination of what those findings mean. Drawing conclusions is a process of synthesizing information, identifying patterns, themes, relationships, and causes. It requires continual verification, and you have to honestly identify both information that fits or contradicts the pattern as it emerges.

In a human rights investigation, an important question is determination whether the incident in question violates international human rights law. For instance if the spouse of a convert is against his or her conversion and files for divorce then the dissolution of the marriage is not a human rights violation. But if both spouses want to continue their marriage, but still the court dissolves the marriage due to the conversion of one of the spouses, then this is a human rights violation.

The presentation of the findings in a report is a crucial next step, especially when involved in systems advocacy. The most important elements to be included (whether done in written or verbal format) are as follows:

- Executive summary: many advocacy targets are busy people, they will decide whether or not to engage in your issue and whether or not to read the report based on the executive summary.
- Methodology: it is important not only to state your finds and your analysis of your findings, but also the methodology you used in collecting the information (what is your information based on). Without it people cannot assess the credibility of you

as a source of information and will be less inclined to take up your issues (and for your adversaries it will be easier to discredit you).

- Findings: this will be the bulk of your report; present an ordered overview of the findings emerging from the monitoring. Findings are usually ordered chronologically, or by issue, perpetrator or victim.
- Analysis of findings: see above
- Recommendations: Use an international human rights framework to define violations, both violations in the law and in practice. Next evaluate what needs to change to meet the human rights standards. This might be training, funding, victim assistance and protection, offender accountability, or legal reform. Consider whose involvement is required for those measures – this might be lawmakers, law enforcement, judges, prosecutors, health care providers, media, civil society organizations, state agencies, or private enterprises? Identify and highlight the most important changes necessary. Consider identifying and highlighting priority recommendations, particularly where there are numerous recommendations.

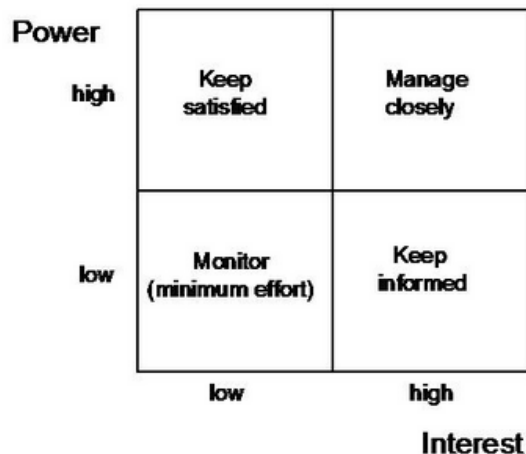
2.c Advocacy

If you decided to go ahead with advocacy you move to the next phase: the advocacy campaign. The first step in this phase is to make an advocacy plan, followed by the actual implementation of that plan.

The advocacy plan should include:

- the *main problem*: This was already defined in step one of the advocacy cycle
- the *objectives* of your advocacy work: in incident advocacy this will be the rectification of the human rights violation (e.g. person released from prison or perpetrators of an attack brought to justice) and possibly restitution for the victim(s). In systems advocacy these would be all or a selection of the recommendations from the documentation phase.
- the *people* who have the power to change the situation² (you will target your advocacy to them). These may be direct advocacy targets (groups or individual decision makers whose attitudes or actions you want to change in order to reach your objectives), or indirect advocacy targets (groups or individuals that can influence the choices and priorities of your direct targets. This can include the media, the general public, etc). You will most likely be restricted by limited resources, which will force you to focus your activities on a limited number of targets. It is therefore important to assess possible targets according to the power/influence and the interest they have (either to support or oppose your recommendation):

² See the next section of this lesson for more information on different categories of advocacy targets.



- *Messaging*: explain what you are proposing, why it is worth doing, and the positive impacts of your recommendation. The message is specific to its target and usually needs to be reinforced repeatedly.
- The *methods and activities* that will be appropriate, given the cultural, social or political situation. There are several kinds of action (this list is by no means exhaustive):
 - Direct influence (*lobbying*) on the target. This could include writing letters to officials, meeting with them, providing information and research findings to the target group, inviting officials to visit and learn more about the situation themselves or attending public meetings already arranged by the target group.
 - *Campaigning* involves telling others about the situation in a way that encourages them to take action. It could include arranging public meetings, taking part in demonstrations or marches, writing newsletters, providing information sheets or preaching.
 - Using the *media*³ to spread the message can greatly expand the number of people that are aware of the situation, though usually in a less direct way than campaigning. Media work could include writing an article or letter for a newspaper or magazine, talking on the radio, working with journalists to tell them about the situation or producing a press release about some activity or event.
 - *Prayer* should support every kind of action. In some cases, where direct action is too risky, it may be the only way of influencing the situation. Information for prayer can be shared in churches, within organisations for staff meetings, as prayer topics in magazines or within small groups.
- *liaison* with other supporting groups. A coalition of people or organisations can often achieve more together than individually – so it's important to consider if it is worth investing time and energy to build and maintain a coalition. For religious freedom advocacy, natural coalition partners could be human rights groups, other religious minorities who are facing similar issues and sometimes even Muslim religious leaders.
- *time schedule*: the activities need to be put in a timeline so you can plan when and in which order they will be implemented.

³ See the Best Practices section for a closer look at the benefits and possible drawbacks of using media

- possible *risks/challenges*: advocacy is not an easy task. In addition to resource limitations there can be opposition from those whose attitudes or actions you try to change or who benefit from the status quo. Therefore it is important to think ahead of possible problems that can happen (which can range from running out of resources, getting no or negative responses to your recommendations, to the government arresting you or shutting down your efforts). This risk assessment will allow you to see if you can a) adapt your plan to reduce the risk of these challenges happening, b) the best response to challenge when they happen, to overcome the challenge or reduce the impact on the advocacy campaign.
- *responsibilities*: assign people to be responsible for each planned activity.
- *measurement of success*: it is important to make sure you have benchmarks which will help you monitor the progress of your efforts, so you can regularly evaluate (see below).

When you have an advocacy plan in place the next step is to implement the plan. In reality, of course, flexibility will be needed to adapt the plan as it progresses. That is why it is important to continually evaluate the implementation of the plan and the outcomes of the activities to see where and how the activities and the plan needs to be modified to be more effective.

Review and Discussion Questions

- For the following two issues suggest one advocacy target to collaborate with, explaining the rationale behind your choice
 - direct advocacy target
 - indirect advocacy target
 - ally (person or individual who would support your campaign and is willing towards the same aim)

Issue 1. A church has been closed by security after complaints were received from the local community that it is evangelizing.

Issue 2. In the overwhelming majority of countries in the Arab World a BMB woman cannot marry a Christian man (since she is still considered a Muslim by the authorities). Two possible solutions for this would be either to campaign for BMB's to be allowed to register their conversion (if the BMB woman is recognised as a Christian she can marry a Christian man), or for the institution of civil marriage in your country (in that case the religion of the spouses no longer affects who can marry who.) Choose one of these approaches and answer the three questions above.

- The author mentions several methods and activities one can use for advocacy. Which two you find most useful and practical in your context? Explain. Then, explore how to grow in relying on one more challenging activity that may prove effective.

3. Advocacy: Targets

There exist local, regional, and international partners to engage in the advocacy effort

Advocacy targets and allies, both direct and indirect, can be classified in many different ways. In this section I want to classify by geography – advocacy targets and allies can be found at national, regional and international levels.

3.a. National actors

Often victims of human rights abuses in the Arab World look outside their country for help in raising human rights abuses (either to the United Nations or to the United States or Europe). While this is understandable, it is important not to limit oneself to these options. Depending on the country there may be viable options at a national level. In this section we will briefly consider two non-state options – lawyers and local human rights organizations, and one state option – national human rights institutions.

It may be possible to challenge human rights violations through the national courts. There have been numerous cases where people employed a lawyer to challenge arrests, deportation orders, church closures and other acts of persecution in the courts, sometimes successfully.

There have also been cases where the existence of a court case in the national court allowed Arab governments a way of giving in to international pressure without losing face. For example, in 2014 there was a case in Sudan where a BMB woman was sentenced to death for apostasy. This led to an international advocacy campaign which put pressure on the Sudanese authorities. The appeals court then acquitted her of the charges after which she was released. There is little doubt that the international advocacy campaign was instrumental in her release. However, the existing court case gave the government of Sudan a way to release this woman, and thereby to relieve the international pressure (by claiming that international pressure had nothing to do with her release, as it was the courts that released her).

For systems advocacy it may also be possible to challenge a law, policy or behaviour through the courts. One example is the Baha'i community in Egypt. Egypt lists the holder's religion on the identity cards, but accepts only three religions: Islam, Christianity and Judaism. It took the Baha'i community several years of court cases (and two appeals) before the Supreme Administrative Court issued a verdict that the Baha'i cannot be refused an identity card, but they should be issued an identity card with their religion marked as '---'. On 9th August 2008 the first identity cards were issued to Baha'i without them having to claim that they are Muslims (which most Baha'i refused to do, leaving them without Identity cards).⁴

The track record of the rule of law (i.e. governments abiding by the national law) and thereby the ability of lawyers and human rights organizations to challenge the government differs greatly within the Arab world. While there have been examples where these avenues have been helpful in changing laws or solving human rights

⁴ See: <http://news.bahai.org/story/726>

abuses, this is not always the case. These national options should be evaluated on a case-by-case basis and engaged where and when they can be helpful.

A second possible option on a local level is engaging local human rights organizations. They can be important allies in incident advocacy when the case falls within their mandate. In 2013 a BMB was brought before the court in Morocco. The Moroccan Association for Human Rights was willing to take up his case and was very helpful in eventually getting him acquitted on all charges.⁵

They can also be helpful in systems advocacy to push for structural change. One example is the issue of civil marriage, which several human rights organizations advocate for in the Arab World – they call for the introduction of civil marriage which would solve the marriage problems of converts.

A third possible avenue are so-called National Human Rights institutes. National human rights institutions are State bodies with a constitutional and/or legislative mandate to protect and promote human rights. They are part of the State apparatus and are funded by the State. However, they operate and function independently from government (at least in theory).⁶

In the Arab World the following countries have established a national human rights institute: Algeria, Bahrain, Egypt, Iraq, Jordan, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Sudan and Tunisia.⁷

National human rights institutes are ranked (by the worldwide association of national human rights institutes) based on their adherence to the agreed Paris Principles (including to what extent they function independently from the state). The ranking is listed on the website mentioned in footnote 7.

The record of human rights institutes in the Arab World (and elsewhere) is patchy. Some are fronts whose main function is to support the government; others may be truly committed to human rights promotion and protection, but are largely ignored by their governments; others may be helpful and also able to influence their governments to some extent.

3.b Regional actors

There are two regional bodies who have human rights mechanisms that apply to Arab countries: the African Union and the Arab League.

The African Union⁸ has the following Arab members: Algeria, Egypt, Libya, Mauritania, Sudan and Tunisia.

⁵ See <http://morningstarnews.org/2013/10/appeal-hearing-postponed-for-moroccan-convert-from-islam-sentenced-for-proselytizing/> and <http://morningstarnews.org/2014/02/proselytism-conviction-of-convert-from-islam-in-morocco-overturned/>

⁶ For more background on national human rights movements and the 'Paris Principles' by which they operate, see OHCHR (2010), pp.7, 21

⁷ For a current listing on national human rights institutes, including their contact details, see: <http://nhri.ohchr.org/EN/Contact/NHRIs/Pages/Global.aspx>

⁸ For a helpful overview of advocacy opportunities within the African Union see: Knox, Seiple & Rowe, p. 101-112.

The main African Union human rights document is the African Charter on Human and Peoples' Rights,⁹ which came into force in 1986. The Primary body responsible for monitoring compliance to the charter and for receiving complaints is the African Commission on Human and Peoples' Rights. The Commission is mandated to "collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organise seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights and, should the case arise, give its views or make recommendations to governments" (Charter, Art. 45).

Member states of the African Union have to file reports to the Commission to give updates on the implementation of the charter in their country. The Commission then issues recommendations to states on how to improve their performance. The Commission will work with NGO's during this process and accepts information and suggested recommendations to be put to countries.

In addition, the Commission has an individual complaints procedure: a victim of a human rights abuse, who could not get justice through the courts in his or her own country, can file a complaint before the Commission (usually a NGO will file the complaint on behalf of the victim). At the end of the procedure the Commission will issue a recommendation to the state.

Generally, challenging rights abuses through the African Commission has its limits, as member states will face few consequences if they ignore the recommendation of the Commission. However, there can still be benefit in doing so, especially as one of several approaches. One example of a positive contribution in an individual situation was the case of a convert in Egypt, Bahaa.¹⁰ Even when an Egyptian court ordered his release, the security police refused to release him. However, within weeks after his lawyers filed a complaint with the African Commission on Human and Peoples' Rights, he was released.

A second, but much less developed, regional mechanism is part of the Arab League.¹¹ The Arab League adopted a revised version of its Arab Charter on Human Rights in 2004. It entered into force in March 2008. At the time of writing the charter has been ratified by the following countries: Algeria, Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Palestine, Qatar, Saudi Arabia, Syria, the UAE and Yemen.

The Charter established a body charged with monitoring the implementation of the Charter: the Arab Human Rights Committee, which came into existence in 2008. This Committee has no complaints procedure. It only reviews reports by states on their implementation of the Charter and issues recommendation. Those reports and

⁹ For the text see: http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf

¹⁰ See: https://www.worldwatchmonitor.org/2006/10-October/newsarticle_4596.html/

¹¹ For a more elaborate overview of human rights in the Arab League, and especially the bodies responsible for dealing with it see Sheldon & Carozza, p. 159-169

recommendations are published on its website.¹² Unfortunately, there is very little scope for interaction with NGO's.¹³

Following a proposal by Bahrain in 2014, the Arab League agreed to establish an Arab Court of Human Rights. That Court would have a complaints procedure. However, according to the draft statutes of the court individual victims would NOT have the right to file complaints. Only other member states of the Arab League would have the explicit right to file a complaint. It will be up to states to decide whether they grant NGO's the right to file complaints against them.¹⁴

In other words, the possibilities for engagement with the Arab League mechanisms are very limited at the moment, but there is a possibility it will increase in the future.

3.c International actors

Finally, there are options of engaging with advocacy targets or allies in the international arena. Again, we can divide these targets in two categories, based on the type of advocacy they can perform: multilateral or bilateral.¹⁵

The opportunity for bilateral advocacy (cooperating with one country to have them petition another country to change its laws or policies or to rectify individual human right abuses) are endless. Many countries have an interest as part of their foreign policy to promote human rights internationally. From my own experience, we work with many countries, predominantly in North America and Europe, but also in South America, Asia, Oceania and sometimes Africa to raise violations of religious freedom in Arab countries.

For the purpose of this lesson I want to focus on three more structural approaches that are aimed at strengthening the promotion of religious freedom as part of foreign policy: the United States, the European Union and Canada.

In 1998 the United States adopted the International Religious Freedom Act. The law aims to make the promotion of religious freedom an important part of American foreign policy. The law creates two offices that are important in furthering this purpose:

- the office on International Religious Freedom within the state department, headed by an Ambassador-at-large
- The United States Commission on International Religious Freedom, which is tasked with monitoring the implementation by the US government of the law and

¹²

http://www.lasportal.org/wps/portal/las_ar_humanrights/hompage!/ut/p/c5/dY7NcolwFEafpQ_g3BtAcAsGw49UoCiYTQfUZilhqaXTUZ6-OuPW8y3PtzjA4T7d_knR_kqjWwUNcPcTSVltU0aQOTTA2CtSy93FGdpzSIALZbr7s6aH_kqNL2hly3EKUEWdlWxiJsPkw_hhFqnZoL1bHvR4KOy9MHTQIZz_NFNeKE9hzDsp5clZnxmO6dLaN5oc-W1hMT5dST7K1Xg5LrZ0mavSFV9eZuwV1l_i14WV8_Qv8BHelzOc4Lvv8Oz4b_9-TEkL/dl3/d3/L2dBISEvZ0FBIS9nQSEh/

¹³ See FIDH for limitations and some examples of interaction to date.

¹⁴ For an (very critical) evaluation of the draft statutes see:

<http://www.amnesty.org/en/library/asset/IOR65/001/2014/en/a0a566c0-173a-4fb6-9ea2-e29fe1ad3bee/ior650012014en.html>

¹⁵ bilateral means it involves direct relationships between individual countries, e.g. when it involves the relationship between Lebanon and France, or between an association of countries like the European Union and an individual country; multilateral means it involves a larger number of countries working together, e.g. within the United Nations.

its intent (to make the promotion of religious freedom an important part of the US foreign policy).

Both offices liaise extensively with NGO and representatives of religious communities, and as such offer great opportunities to lobby them as part of advocacy efforts. The law also make it obligatory for US Embassies around the world to monitor and promote religious freedom and to engage with representatives of religious communities for these purposes.

In June 2013 the Foreign Affairs Council of the European Union¹⁶ adopted the "EU Guidelines on the promotion and protection of freedom of religion or belief." The stated intention of the guidelines is: "Through its external policy instruments, the EU intends to help prevent and address violations of this right in a timely, consistent and coherent manner." These guidelines provide opportunities to liaise with the different parts of the European Union, especially the European Parliament and the European External Action Service (which functions as the ministry of foreign affairs of the EU). By extension this also includes the EU Delegation (EU embassies) in the Arab World.¹⁷

Finally, the Canadian government established an office of religious freedom as part of their Ministry of Foreign Affairs in February 2013, led by an Ambassador. The office's mandate is: "advocacy, analysis, policy development and programming relating to (i) protecting, and advocating on behalf of, religious minorities under threat, (ii) opposing religious hatred and (iii) promoting Canadian values of pluralism and diversity abroad."¹⁸ The fact that the promotion of religious freedom is an important foreign policy goal of the Canadian government opens up avenues to engage the Canadian government, including Canadian embassies, in religious freedom advocacy in the Arab World.

Multilateral religious freedom advocacy in the Arab World on an international level (as opposed to the regional level) is done primarily through the United Nations. The United Nations documentation, structure and involvement in human rights issues is quite elaborate and therefore complicated. We will focus briefly on three possible avenues for cooperation:¹⁹ Mandate holders, Universal Periodic Review and the Human Rights Committee.

Mandate holders (usually called 'Special Rapporteurs') have a specific mandate to monitor the implementation and enforcement of a specific subset of human rights standards. They issue annual reports about their work and about trends in the issues they cover, visit countries to meet with victims who face abuse of the human rights issues covered by the Rapporteur and they communicate directly with governments about specific human rights abuses.²⁰ For religious freedom advocacy the two main

¹⁶ The foreign affairs council is comprised of the ministers of foreign affairs of the individual member states of the European Union. For the text of the guidelines see:

https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137585.pdf

¹⁷ Each delegation has a human rights focal point person. For a list of the EU delegations see:

http://eeas.europa.eu/delegations/index_en.htm

¹⁸ See: http://www.international.gc.ca/religious_freedom-liberte_de_religion/faq_faq.aspx

¹⁹ For a fuller overview see Thames, Seiple & Rowe 15-42 or OHCHR (2000).

²⁰ For the format of submitting specific cases to the mandate holders, please see: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>

Rapporteurs of interest are the Special Rapporteur on Freedom of Religion or Belief,²¹ and the Special Rapporteur on Minority Issues.²² In addition, there are Special Rapporteurs on some specific countries (dealing with all human rights issues in one specific country). At the time of writing there are three special rapporteurs for Arab countries:²³ Palestine, Sudan and Syria.

The Universal Periodic Review is a procedure whereby every country's implementation of the Universal Declaration of Human Rights is reviewed on a four-year cycle.²⁴ The Universal Declaration is the most well-known and in many ways most important human rights document, adopted by the United Nations in 1948. The Universal Period Review is undertaken by the UN's Human Rights Council (the principal organ of the United Nations that deals with human rights).

The reviews are based on three documents: 1) information provided by the State under review; 2) information contained in the reports of other UN entities, such as Special Rapporteurs; 3) information from other sources including national human rights institutions and non-governmental organizations. The actual review takes place through an interactive discussion between the State under review and other UN Member States. During this discussion any UN Member State can pose questions, comments and/or make recommendations to the States under review.

NGO's can be involved in this process by providing reports about specific human rights issues in the country under review.²⁵ They can lobby other states to raise certain issues with the state under review, e.g. the treatment of converts, regulations concerning church buildings or other forms of religious freedom violations. After the final list of recommendations has been published, NGO's can use systems advocacy campaigns to advocate for one or more of the recommendations that are relevant to religious freedom issues.

The Human Rights Committee monitors State Party compliance with the International Covenant on Civil and Political Rights (ICCPR). Because the ICCPR is a treaty document, those countries that have chosen to sign and ratify the ICCPR have a legally binding obligation to adhere to that treaty, including the religious freedom commitments (Article 18).

The following Arab states are state parties to the ICCPR: Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Sudan, Syria, Tunisia, Yemen.²⁶ These countries are therefore subject to scrutiny by the Human Rights Committee.

²¹ For more details of his mandate see:

<http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FreedomReligionIndex.aspx>

²² For more details on her mandate and activities see:

<http://www.ohchr.org/EN/Issues/Minorities/IEExpert/Pages/IEminorityissuesIndex.aspx>

²³ <http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx>

²⁴ For the current cycle (2012-2016) see: http://www2.ohchr.org/SPdocs/UPR/UPR-FullCycleCalendar_2nd.doc

²⁵ For guidelines about submissions see:

<http://www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf>

²⁶ For a list of state parties, see:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en

The mandate of the Human Rights Committee is twofold: monitoring process and individual complaints procedure. The state parties to the ICCPR commit to providing a report every five years on how they are implementing the provisions of the ICCPR in their country. These reports are discussed by the committee and then it issues recommendations to the state. The options for NGO's to influence in this process are similar as for the Universal Periodic Review procedure in the Human Rights Council: NGO's can contribute their own reports on the country under review and they recommendations issued by the committee can be used for advocacy purposes.

In 1976 an Optional Protocol was added to the ICCPR (the First Optional Protocol). The Optional Protocol is open for state parties to the covenant to sign up to (but this is a separate step in addition to becoming a state party to the covenant itself). The First Optional Protocol established an individual complaints procedure, whereby individuals who believe that their government has violated one (or more) of the rights granted under the ICCPR, and who failed to have the violation redressed in their own country, can file a complaint against their government before the Human Rights Committee. Only three countries in the Arab World have signed up to the First Optional Protocol: Algeria, Libya and Tunisia.²⁷

Review and Discussion Questions

- a. What state and non-state actors can be made available as targets on the local/national level?
- b. Briefly describe the limitations of regional actors in the Arab world. Suggest ways that you can partner with in your context, which would constitute practical and effective complementary substitutes.
- c. Are there any particular sensitivities you find necessary to consider as advocates on rights issues in the MENA region collaborate bilaterally with "Western" countries? Explain and elaborate, while suggesting ways to address them.
- d. Describe one real individual or systemic case of persecution you know of. Identify at what level it has occurred (laws, policies, practices, attitudes, or behaviours); and explain what best actors would help rectify the injustice.

4. Best Practices

Authorisation, accuracy, and wise publicity are at the core of effective advocacy

At the beginning of this lesson, when discussing the definition of advocacy I stated:

"The advocacy process is *organized and systematic*. An advocacy campaign does not happen by itself. It is hard work, requires a lot of organization and planning and follows a set procedure."

²⁷ for more information and guidelines on using the complaint procedure see:
<http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>.

We looked at the procedures for doing advocacy throughout this lesson, but we mainly focused on how to do advocacy well. Now I want to look at doing advocacy wisely. As Knox, Seiple & Rowe rightfully conclude (p.5-6):

"For every good story about international advocacy freeing a religious prisoner or reforming laws, there is another about an overly aggressive or troublingly ill-informed activist causing more harm than good."

I would like to briefly raise four points in terms of best practices: authorization, accuracy, vocabulary and publicity.

Before any action on behalf of the victim(s) of persecution can be taken we need to have the authorization. We need to know what the relevant parties want us to do on behalf of the victim(s).

There are often three parties involved: the victim him/herself, the immediate family (if they have a favorable attitude towards the victim) and the relevant Christian leadership the victim(s) relates to. They will bear the consequences of any advocacy done on behalf of the victim. Therefore they must be made fully aware of possible repercussions of actions and give their specific consent to any action taken on their behalf.

Sometimes these three parties can have a different perspective on the situation and they may disagree on the best response to human rights violations. Honest consideration should be given to genuine concerns of each party, with their long-term presence in the country in mind. For example, when advocating for a specific victim, that victim may be able to flee the country, but the wider Christian community will be left behind and will possibly face any negative repercussions of advocacy conducted on behalf of the victim who has now left.

Secondly, advocates must be very careful about their facts. Accuracy is of paramount importance. Anyone who is involved with the persecuted church can cite stories of information that has been disseminated that is either partly inaccurate, mostly inaccurate or completely inaccurate.

The cause for inaccuracy can either be:

- the information gathering process: sources prove to have been incorrect
- the information dissemination process: media or advocacy organizations that misquote (or quote out of context, which changes the meaning of the quote), inflate numbers etc.

Whether we are involved in the information gathering process or in the information disseminating process it is imperative that we make every effort to ensure the information does not contain any inaccuracy.

This is important for 2 reasons: firstly the biblical imperative (the Bible command us not to "give false testimony" [Ex. 20:16] but to rejoice with the truth [1Cor.13:6]). Secondly there is an important practical imperative: Inaccuracies will have a negative impact for the:

- victims of persecution: people will be reluctant to help because they don't know what to believe anymore

- source of the inaccurate information: he/she will be labeled as an unreliable source
- disseminator of the information (Media or advocacy group): they will lose their credibility which will impair the assistance they can give in current and future cases

Next, the advocate has to be careful about his use of words. It is important to use clear and unequivocal language in any advocacy effort. The advocate must use great care in using language that will minimize the chance of misinterpretation. He must be clear and precise so that people with whom he engages are not misled about his conclusions or the strength of the evidence underlying his findings. Advocates should be careful not to leave themselves open to charges of exaggeration or embellishment. They must be clearly unbiased and objective.

In terms of the language being used, advocates should:

- Be concise and clear
- Avoid insulting words
- not accuse or judge, but state the facts
- Avoid politically loaded words that may demonstrate a lack of impartiality
- Avoid being personally or emotionally involved, but focus on the facts

Finally, there is the issue of publicity. Meral states (p.30):

"Unlike the public perception of human rights advocacy involving marches, protests, t-shirts, and loud condemnations, success almost always comes through highly sophisticated, quiet, and behind-closed-doors diplomacy."

In times of crises information falling in the wrong hands can often lead to serious consequences. Many problems have been caused by information that was disseminated for prayer or advocacy purposes that ended up in the media. The publicity is a powerful tool, but also a dangerous one.

As a general rule, publicity can be an important and helpful tool from the beginning in systems advocacy to highlight an issue (i.e. not individual victims, but the issue). In incident advocacy it is usually better to not use publicity from the beginning, but to try behind-the-scenes efforts and quiet diplomacy first; giving the perpetrator the option to rectify the human rights abuse without losing face. This also leaves the advocate the option of increasing the pressure at a later stage if the perpetrator has not responded to the behind-the-scenes efforts.

Boyd-MacMillan gives four important rules when deciding whether or not to use publicity on behalf of individual victims of persecution (p. 261-262):

- permission must be gained from the person concerned or their immediate family
- the tactic should be talked through with local church leaders and approved
- it is used as a tactic of last resort, after other methods have failed
- the publicity must not make the authorities or other perpetrators aware of information they did not know yet. For example if a person who was leading an

underground network of BMB's it is not helpful to publicize that fact, including details of the size and other information of the network.

Review and Discussion Questions

- a. In light of this section, where do you find people from your culture most prone to fail in their practice of advocacy. Suggest ways to keep those tendencies in check.
- b. Give an example from your experience, or one you know of, where wise practice had a very positive impact on the process of helping the persecuted.

Conclusion

In this lesson we have looked at the importance of reflection on what advocacy is and defined advocacy as "a whole range of organized and systematic actions aimed at changing laws, policies, practices, attitudes or behaviours". We distinguished between advocacy aimed at structural changes ('systems advocacy') and advocacy for victims in specific incidents of persecution ('incident advocacy'). We noted that key initial stages of the advocacy process are monitoring and documentation – collecting and verifying information, and analysing that information and devising recommendations on rectifying human rights abuses. Those stages lead to an advocacy campaign – planning and then implementing activities that may lead to a change in the situation and the acceptance and implementation of recommendations.

A key part of advocacy is engagement with those who have the power to implement your recommendations (direct advocacy targets) or those who have influence over your direct advocacy targets (indirect advocacy targets). We noted that there are potential advocacy targets at a national level through both state and non-state actors, at a regional level through human rights mechanisms of the African Union and the Arab League, and at an international level with individual countries and international organisations (especially United Nations mechanisms) that have specific interests in and commitments to promoting religious freedom.

After focusing on how to conduct an effective advocacy campaign, we looked briefly at how we can undertake advocacy wisely by looking at the need to have authorization for advocacy, the need for accuracy and the right vocabulary, and the need for awareness of the benefits and danger of publicity.

Case Study/Learning Activity

There is a village that is 20% Christian and 80% percent Muslim. There is no existing church and a delegation from the Christians asks you to assist them in securing permission to establish a church. However, when you try to do so the authorities refuse you permission. They say the Muslim leaders have objected to a church being opened in the village. They say the Christians can go to other, neighbouring villages to attend church. They also seem afraid that a church in their village may lead some of their people to join the church as well.

You decide not to give in, but to see if anything can be done to get permission to open a church. About half of the Christians agree with your approach, but the other half does not want to 'create trouble' and prefers not to challenge the denial of permission.

Read section 2.c and answer the following questions:

1. Make a list of the parties involved and mark them in the stakeholder matrix, depending on their level of influence and their interest in the problem. Think of possible stakeholders in the village, in the province/region, on the national level, and, if you feel it is relevant, on an international level. Remember the stakeholders can be direct or indirect targets.
2. Are there possible allies in your country with whom you can work to challenge the denial of permission?
3. What are potential methods you can use to engage with stakeholders?
4. What is the message you want to approach the stakeholders with?
5. What are potential risks and challenges to your efforts?

Additional Reading

Becker, Jo, *Campaigning for Justice: Human Rights Advocacy in Practice*. Stanford: Stanford University Press, 2002. Chapter 4: "Working with UN Special Rapporteurs to Promote Human Rights."

Lesson Seven Test

1. Explain in a couple of sentences the meaning of advocacy.
2. How do human right abuses in policies differ from those of attitudes. Illustrate with examples.
3. Give two examples of religious freedom advocacy, one to illustrate incident advocacy and a second for systems advocacy.
4. In your opinion, why do people often tend to shy away from the extreme suffering experienced by others? How does the Parable of the Good Samaritan in Luke 10:25-37 address these issues?
5. What are the three major steps for advocacy? Briefly explain one of them.
6. Briefly explain in a paragraph the types of evidence sought during the monitoring phase of advocacy.
7. What is the difference between the credibility and the reliability of evidence?
8. List the five main methods and activities available for advocacy action. Suggest ways you can mobilize the closer, wider, and international church community to pray in solidarity, without causing unnecessary and harmful publicity.
9. Briefly describe how a lawyer from the community can help resolve an issue at the local or national level. Illustrate with a successful example from the lesson.
10. Compare regional and international actors, as you describe the main mechanisms that govern their operations. Give concrete successful examples from the lesson.
11. What are the main components of best practice in advocacy? Briefly explain each in one sentence.
12. Describe in one paragraph the damaging impact inaccurate reports could have on the advocacy process.

Answer the following questions in light of the additional reading.

13. What are the advantages and limitations of cooperating with a Special Rapporteur in resolving freedom of religion issues. Support your argument with examples from the reading.
14. What role does the reputation of those in authority play in effecting substantial change at the level of freedom of religion? Suggest some saving-face ideas that may safeguard the image of those in authority, while not compromising the effectiveness of the advocacy process.
15. Navi Pillay, the United Nations High Commissioner for Human Rights, recently criticised the Security Council for its inability to address conflicts effectively around the world. She said: "Short-term geopolitical considerations and national

interests, narrowly defined, have repeatedly taken precedence over intolerable human suffering and grave breaches...” What reasons does she mention are behind the problem? Could similar factors influence the outcome of religious freedom advocacy when it involves international actors? Explain, giving some evidence from the reading.

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