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# Faith-Based Approaches to Asylum: New Appeals to Accountability? Using Faith-Based Principles as Soft Law

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# The Social Practice of Human Rights: Charting the Frontiers of Research and Advocacy

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**Research Panel:** Re-Imagining Rights

**Presenter:** Jinan Bastaki, United Arab Emirates University

**Title:** Faith-Based Approaches to Asylum: New Appeals to Accountability? Using Faith-Based Principles as Soft Law

**Abstract:**

Can a faith-based approach encourage states to provide greater protection for those seeking refuge and asylum? In response to the fleeing of Syrian refugees to Turkey, Turkish President Recep Tayyip Erdogan stated numerous times that the Turkish were the *anṣār* — an Arabic word loosely translated as ‘supporters’ or ‘champions’ — of the Syrian refugees, making the reference to the people of the city of Medina who offered refuge and a home to Prophet Muhammad and his followers fleeing the persecution of Mecca.

The reference to the *anṣār* of Muhammad gives the impression that Turkey’s act of welcoming the refugees is not simply a product of international or humanitarian obligation, but a continuation of religious tradition. The appeal to the tradition of the Medianian *anṣār* also creates an invisible standard that Turkey has purported to hold itself to, similar in function to soft law.

Focusing on the current Syrian refugee crisis, Muslim-majority countries, particularly those that are wealthy, have been generous in giving aid to alleviate the refugee crisis, yet few of them have offered to take in large numbers of refugees. Moreover, many refugees from Syria — including the twice-displaced Palestinian refugees — are forced to flee to neighboring countries that have either not ratified the 1951 Convention Relating to the Status of Refugees, such as Jordan, or do not apply its provisions to them, such as Egypt. Given that many Muslim-majority countries are either eager to use Islamic tradition as a way to legitimize their rule or to strengthen their image to their own people, I aim to show that articulating and formulating principles based in the Islamic tradition may help to encourage accountability to those standards as a form of soft law.

**About the presenter:**

Jinan Bastaki received her Ph.D. from the University of London School of Oriental and African Studies, where her research was focused on the implications of citizenship for the right of return of refugees. She received her LL.B. from the London School of Economics and her LL.M. from the University of California, Berkeley. She is currently an assistant professor of international law at United Arab Emirates University.