

Written evidence from Ms Rachel Taggart-Ryan, Humanists UK [EAP0002]

ABOUT HUMANISTS UK

1. At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by 100,000 members and supporters and over 100 members of the All-Party Parliamentary Humanist Group.
2. We are a human rights-based organisation with particular expertise in freedom of religion or belief. We work closely with Humanists International, the global representative body of the humanist movement, uniting a diverse range of non-religious organisations and individuals. Our Chief Executive is also the President of Humanists International. We are also a member of the European Humanist Federation (EHF). We hold strong relations with the UK Foreign, Commonwealth, and Development Office, having regular bilateral meetings with relevant ministers. We are on the steering group of the UK Freedom of Religion or Belief Forum, an active stakeholder of the All-Party Parliamentary Group on International Freedom of Religion and Belief, and are a member of its Asylum Advocacy Group. We also are accredited at the UN Human Rights Council – the only national humanist group to hold such accreditation – and make interventions there every session. We contribute annually to Humanists International's *Freedom of Thought Report*, and are part of the End Blasphemy Laws campaign, which has successfully prompted ten countries to repeal their blasphemy laws since it was founded in 2015.
3. Over the past three years, our asylum support service has supported over 50 non-religious asylum claimants. We are the only organisation in the UK providing support to non-religious claimants. In addition to supporting individual claimants, we have played a key role in advocating improved treatment of non-religious asylum claims. We helped the Home Office develop a training course for asylum assessors on claims concerning persecution based on religion or belief and assisted in its roll-out, delivering training directly to hundreds of asylum assessors on how to identify genuine non-religious claimants. We are also a member of the Home Office's Asylum Equality Stakeholder Group.

EXECUTIVE SUMMARY

- This response focuses on the experience of non-religious asylum seekers in the UK and the particular barriers they face within the asylum system.
- We call upon the Home Office to publish data on the number of asylum claimants claiming (both successfully and unsuccessfully) under each of the five asylum grounds under the Refugee Convention and, where their claim is based on holding a particular protected characteristic of the UK Equality Act 2010, what this characteristic is. Without this information it is impossible to determine the state of equality within the asylum process.
- There are structural inequalities in the way that the Home Office interviews, assesses, and determines non-religious cases. Most notably its guidance on credibility assessments is not inclusive of the non-religious as a distinct belief group, whose manifestations of belief are not comparable to those of persecuted religious minorities or converts from one religion to another. Furthermore, it is often the case that country information guidance, which caseworkers use to determine if a person is likely to face persecution, is often not inclusive or entirely silent on the persecution of the non-religious, leading to a poor understanding and decision-making regarding such claims. The Home Office must develop specific policy on

assessing credibility for non-religious claimants and review country information guidance to make it fully inclusive of the non-religious.

- We are concerned that Clause 29 of the Nationality and Borders Bill, which raises the evidence bar for demonstrating persecution, will have a disproportionate negative impact upon non-religious claimants for the reasons cited above. Thus, we recommend that this clause be removed from the Bill.
- The Home Office must ensure that all Afghan resettlement programmes are inclusive of non-religious and apostate refugees, who are at particular risk of persecution, alongside those of minority religious groups.

Question one: What is the nature and extent of UK asylum claims based on discrimination or persecution relating to the protected characteristics?

4. It is not currently possible to answer this question as the Home Office does not publish disaggregated data on the number of asylum seekers claiming on four of the five grounds of asylum under the Refugee Convention of 1951 (i.e. religion, race, political opinion, membership of a particular social group)¹ nor a breakdown of the demographics of those applying for asylum by the nine protected characteristics under the UK Equality Act 2010. Without such information it is impossible to determine the nature and extent of persecution they have faced. The only information available about asylum seekers is the number of applicants in the total caseload and at what stages they were successful or not.
5. It is unclear why the Home Office has not published this as it collects data against all of the nine protected characteristics in the initial screening interviews conducted with all asylum seekers. In this interview, they are asked to provide information on their sex, nationality and race, religion, disability, age, whether they are pregnant, and have a spouse or partner. It would also be possible to gather information on sexuality and gender reassignment as this information would be elucidated, where relevant, under questions on reasons for seeking asylum. The Home Office publishes similar disaggregated data on hate crime broken down by five protected characteristics. There is no reason why this data should be beyond the ability of the Home Office to analyse and publish.
6. Recommendation: We strongly advocate that the Home Office publish disaggregated data annually on asylum claimants by refugee ground and protected characteristics.

Question two: Are those with certain protected characteristics more or less likely to be granted asylum in the UK?

7. There are several structural barriers within the Home Office's approach to handling asylum claims made on the basis of persecution of non-religious beliefs that make it less likely that non-religious people are granted asylum.

Need to address the exclusion of non-religious victims of persecution

¹ The Home Office does provide data on the country of origin of asylum seekers which gives an indication, but not the full picture, of their demographics by nationality. As the definition of nationality under the Refugee Convention includes ethnicity, language, tribal affiliations, and other markers of a national identity and not just solely the nation state they left, this is not a precise measure of nationality. Even though this gives us an indication of the nationality of a claimant, this tells us nothing about the extent of persecution under any protected characteristics as we do not know if it was upon that ground or one of the other four that they claimed asylum. Those claiming on the grounds of persecution because of sexuality or gender reassignment would be included in the statistics for membership of a particular social group.

8. Non-religious individuals who experience persecution can flee to the UK and claim asylum under the 'religion' ground of the 1951 Refugee Convention. However, with a refugee system that is primarily understood in terms of persecution of people because of their religion (religious minority groups or converts from one religion to another), the Home Office has failed to adequately consider the experience of an often invisible group, those who are persecuted because they are non-religious. The simple fact that the asylum ground is commonly known as "religion", and much Home Office documentation repeats this language (for example the asylum application pages) means that many, perhaps most, non-religious people don't even realise they can claim under it.
1. Currently the standards used to form credibility assessments are not fit for purpose when applied to the non-religious. An asylum claim made on the ground of religion rests upon establishing the credibility of the claimant: being able to demonstrate they genuinely hold persecuted beliefs. However, there is a lack of clear guidance on how a genuine lack of belief can be manifested and assessed by the Home Office. This has led to a failure to recognise non-religious claimants and adequately assess their claims compared to those of traditional religious beliefs. This in turn has unfairly led to negative credibility claims. Amnesty International's 2004² and 2013³ reports concluded that poor credibility assessment is an endemic problem within the Home Office. The All-Party Parliamentary Group on International Freedom of Religion or Belief⁴ has also raised concerns about how there is a severe lack of religion or belief literacy among caseworkers, leading to poor credibility assessments. This problem needs to be addressed as a matter of urgency.
2. For example, in 2018 the Home Office rejected a claim for asylum on the grounds that the humanist claimant, when asked to name ancient Greek philosophers who were humanists, did not name Plato and Aristotle (neither of whom were in fact humanists!). The claimant, Hamza bin Walayat, an ex-Muslim 'apostate' and member of Humanists UK, would as a humanist face ostracism, violence, and persecution if returned to his native Pakistan.⁵ During his substantive interview, he was subjected to an extraordinary line of questioning, revealing a fundamental misunderstanding of equality and human rights protections by the Home Office with regard to non-religious people. He was chastised for stating 'your religion as Humanist despite knowing that this is not a religion.' Semantics aside, it has been long established in UK and international law that references to religion must be read as including references to non-religious beliefs. The law protects non-religious people from persecution just as it protects religious people. This case was ultimately successful with the Home Office granting Mr Walayat asylum.
3. The fact that humanists do not subscribe to a set of religious beliefs does not mean humanism isn't treated the same as religions for the purposes of prevention of persecution. However, the Home Office currently does not have sufficient capacity/understanding to

² J Shaw and R Witkin, *Get it Right: How Home Office decision-making is failing refugees*, Amnesty International, 2004. https://www.amnesty.org.uk/files/get_it_right_0.pdf

³ J Shaw and M Kaye, *A Question of Credibility: Why so many initial asylum decisions are overturned on appeal in the UK*, April 2013. Amnesty International https://www.amnesty.org.uk/files/a_question_of_credibility_final_0.pdf

⁴ Z Meral, and A Gray, *Fleeing Persecution: Asylum Claims in the UK on Religious Freedom Grounds*, All-Party Parliamentary Group on International Freedom of Religion or Belief, 2016. <https://appgfreedomofreligionorbelief.org/media/Fleeing-Persecution-Asylum-Claims-in-the-UK-on-Religious-Freedom-Grounds.pdf>

⁵ Humanists UK, 'Home Office tells humanist he'll be deported for not identifying Plato or Aristotle' 17 January 2018. <https://humanism.org.uk/2018/01/17/home-office-tells-humanist-hell-be-deported-for-not-identifying-plato-or-aristotle/>

accurately and fairly assess the credibility of people claiming to be non-religious. As described in more detail below, Humanists UK has worked with the Home Office to develop a new training course on religion or belief claims, which is inclusive of the non-religious, which was rolled out in 2019 to all existing and new asylum caseworkers. Yet more needs to be done to develop a better understanding of how to interview and assess non-religious people and their experience of persecution.

Lack of correct information to assess level of persecution against the non-religious

9. Country guidance and policy notes on which asylum caseworkers rely to determine the risk faced by a claimant if returned to their country of origin often do not include the treatment of the non-religious. This has wrongly led caseworkers to conclude that there is no risk, or to treat the non-religious in the same way as other named minority groups, such as Christians or Ahmadis, whose situation and treatment is distinctly different and not comparable. For example, the country policy and information notes on Pakistan contain separate reports on the treatment of Christians, Shias, and Ahmadis. However, there is no mention in any of the guidance of atheists, humanists, or other non-religious people.⁶ This is significant because although the aforementioned religious groups are subject to various forms of persecution, they also enjoy a degree of tolerance that is not afforded to apostates, those who leave Islam, who comprise the majority of Pakistan's non-religious population. It is not acceptable that the lack of accurate information on the treatment of non-religious people should continue.
10. In 2019, we helped the Home Office develop a training course for asylum assessors on cases of persecution based on religion or belief, and drafted case studies on the persecution of the non-religious for inclusion in the training materials. We also assisted in the roll-out of this course, delivering training directly to well over 100 asylum assessors on how to identify genuine non-religious claimants. Although this training was a positive step forward, there is still a long way to go to ensure that interview practices, country guidance, and credibility assessments are correctly carried out to ensure those from non-traditional religions, religious dissenters, and the non-religious receive fair treatment.

Question three: What is the nature and extent of the dangers for those with protected characteristics who are seeking asylum in the UK?

'In my observations, humanists, when they are attacked, are attacked more viciously and brutally than in other cases.'⁷

11. These are the words of the UN Special Rapporteur on Freedom of Religion or Belief, Dr Ahmed Shaheed, highlighting the fact that humanists are one of the most vulnerable belief groups around the world – vulnerable to hate crime and state-sponsored persecution. In 13 countries being non-religious is a capital crime under blasphemy and apostasy laws and it is an imprisonable offence in over 40 more. In the past five years there has been a worrying global trend of increased communal and vigilante violence against humanists, which has resulted in numerous high-profile murders – for example, that of Mashal Khan, who was beaten to death by fellow students at his University in Pakistan, simply for calling himself 'The Humanist' on Facebook.⁸

⁶ UK Visas and Immigration, 'Pakistan: country policy and information notes' <https://www.gov.uk/government/publications/pakistan-country-policy-and-information-notes>

⁷ Dr Ahmed Shaheed, UN Special Rapporteur on Freedom of Religion or Belief, speaking at Humanists International's 2017 General Assembly in London. <https://humanism.org.uk/2017/08/07/humanists-uk-hosts-international-conference-on-threats-to-liberal-democracy-and-humanism/>

12. The result is that in many countries, there is virtually no openly non-religious community at all – it is simply impossible to be so. Speaking in 2020, Dr Shaheed stated ‘Humanists are the invisible people of the present 21st century. While almost everybody is persecuted when they are in a minority, the attacks on humanists are particularly violent. They are exposed to harm in the communities where they live, and of course, for many of them, the family is not a safe place.’⁹

Question four: Is the UK asylum process safe and fair for those with protected characteristics? Are individuals with certain protected characteristics more at risk of harm or unfair treatment when going through the UK asylum process? Are particular protected characteristics given priority in the asylum process?

1. We are concerned that non-religious people claiming asylum in the UK, for being persecuted because of their beliefs, might encounter prejudice when accessing language services at the Home Office. Specifically, that translators and interpreters could share negative views about apostates or those who have expressed blasphemous views that the asylum claimants had fled in their countries of origin. Such interpreters might consequently be unwilling to translate some of what such an asylum claimant says, do so inaccurately, or indeed refuse to be involved in an apostate’s case at all, potentially affecting the outcome and fairness of the process.
2. In 2019, we surveyed nearly 40 non-religious asylum claimants, finding that around a quarter said they had directly experienced difficulties with prejudiced translators, finding independent translators willing to translate criticisms of religious beliefs, or, even among those who did not request such services, there was strong concern that they would have experienced this bias if they had used the Home Office’s translators. One claimant stated ‘most non-religious asylum applicants who write against religions face difficulty finding a translator or interpreter they can trust with documents and personal safety.’ A second stated, ‘Yes there is an issue to address with the translators and interpreters at the Home Office because of their religious beliefs. Mostly Pakistani interpreters are Muslims and it can be an issue for an apostate and someone who has committed blasphemy against their prophet.’ Whilst another reported that an interpreter had hung up the phone during an asylum interview when the claimant was asked about his decision to leave Islam.

Question five: Do current domestic and international laws and conventions governing the UK’s asylum process provide effective protection against discrimination for those with protected characteristics?

3. In a refugee system that is primarily understood in terms of religious persecution (religious minority groups or converts from one religion to another), those who are persecuted because they do not hold religious beliefs, or because they positively hold certain non-religious beliefs, are placed at a distinct disadvantage.

⁸ Humanists International, “Humanist” murdered by fellow university students for alleged “blasphemy”, 13 April 2017: <https://humanists.international/2017/04/humanist-murdered-fellow-university-students-alleged-blasphemy/>

⁹ ‘Humanists International, Pandemic measures misused to roll-back rights of humanists and the non-religious, new report shows’, 10 December 2020: <https://humanists.international/2020/12/freedom-of-thought-report-2020/>

1. Although General Comment 22 of the UN Human Rights Committee makes clear the right to freedom of thought, conscience and religion within the universal declaration of human rights includes 'non-theistic and atheistic' beliefs,¹⁰ the conceptual framework that defines beliefs favours traditional religions over other belief systems. The Comment describes how the right can be manifested through 'worship, observance, practice and teaching' specifically formal worship, use of ritual formulae, objects, and symbols, the observance of holidays, dietary regulations, and distinctive clothing rules. None of which are applicable to non-religious beliefs. This highlights the deficiencies within the right, leading to the non-recognition of beliefs that are not represented by institutions, or do not have doctrinal behaviours. This has created a hierarchy of beliefs within the international legal regime, with established religious beliefs being given greater consideration over non-traditional religions, religious dissenters, and non-religious beliefs, and a disconnect between the law and the lived experience of belief for those groups. When applied to asylum the deficiencies within this framework become starker. The 1951 Refugee Convention is not inclusive, stating only 'religion' as a ground. This non-inclusive language, although not uncommon for its time, already creates a hierarchy of belief in which persecution is primarily seen as something only experienced by religious people. As described above the deficiencies with regards to the non-religious are mirrored in policy at the Home Office. It does not have an adequate policy with regards to assessing the validity of non-religious beliefs, nor country guidance that is inclusive of the persecution such people face. Considerations of the non-religious, as far as both international and domestic law are concerned, remain an afterthought.

Question six: How is the Government addressing any discrimination or specific dangers for those with protected characteristics in the asylum process, and what more could be done?

2. As described above, we worked with the Home Office to create and roll out a compulsory training course on religion or belief claims for all asylum caseworkers. We were able to include case-studies on non-religious persecution in the training material and ensured that the language used was always inclusive of the non-religious. We took part in the roll-out of this training throughout 2019, giving training on identifying non-religious claimants and non-religious persecution around the globe to over 100 caseworkers. Subsequently, an internal review of the efficacy of the course has revealed that it has had a positive impact on the quality of asylum decisions. The Home Office concluded,

*'Asylum Operations continue to quality assess claims based on religion/belief to ensure they are approached correctly, taking into account the principles from the above specialist course and we can confirm that there has been an improvement in the quality scores of such cases since the training was rolled out. We continue to seek new ways to enhance the capabilities of all Asylum Operations' Decision Makers and we would welcome any ideas from yourselves as to how we can further support this.'*¹¹

3. Although this training course has been a positive development there is still a lot more the Home Office could be doing to ensure equality for non-religious asylum seekers. The Home Office must develop and roll out a policy document about how to interview and assess the credibility of non-religious claimants that highlights the deficiencies and lack of inclusion of this group in international law and guidance, and how their needs and manifestations differ from those of religious minorities or religious converts. It is also essential that all country

¹⁰ CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), 1993. <https://www.refworld.org/docid/453883fb22.html>

¹¹ Correspondence between the Home Office and the APPG on International Freedom of Religion or Belief, 27 January 2021.

information guidance is reviewed to ensure that it includes the treatment of the non-religious as a distinct belief group.

Nationality and Borders Bill: Clause 29: Article 1(A)(2): Well-Founded Fear

13. This clause raises the standard of what is considered 'a well-founded fear of persecution'. Currently, the Convention does not elaborate on the definition, so the Courts have developed case law, under which the claimant must show that there is a 'reasonable degree of likelihood' of persecution due to one, or more, of the reasons outlined in the Refugee Convention. This provision raises the bar of evidence for proving persecution to the 'balance of probabilities' standard.
14. This is especially problematic for non-religious claimants as the level of understanding of non-religious beliefs and the persecution of the non-religious globally is severely lacking, and often not included Home Office Country Guidance. It is inherently more difficult to show a reasonable degree of likelihood, given that the persecution is so severe that there is often no visible non-religious community at all in the country of origin. It is often illegal or simply not recognised to identify as non-religious on censuses or on identity documents and to publicly make a statement of non-belief would contravene apostasy laws. The Government needs to consider how it can improve the quality and accuracy of decision-making and credibility assessments within the asylum process before proposing to change the threshold for evidence. This clause should be dropped from the Bill.
15. Recommendations: The Home Office must develop specific policy on assessing credibility for non-religious claimants and review country information guidance to ensure that it is fully inclusive of the non-religious. Clause 29 should be removed from the Nationality and Borders Bill.

Question seven: What measures are needed to support people with certain protected characteristics arriving via the Afghanistan Citizen's Resettlement Scheme route?

16. Even before the Taliban takeover, Afghanistan was one of the 13 countries where blasphemy or apostasy is punishable by death. The Taliban's history and current actions suggest that they will use such laws to systematically persecute religious and non-religious minorities, including humanists, Sikhs, Christians, and Shiite Muslims. The Home Office must ensure that all resettlement programmes are inclusive of non-religious and apostate Afghan refugees, who are at particular risk of persecution, alongside those of minority religious groups. The UK must also declare a moratorium on forced returns to Afghanistan.

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