

**Joint Submission from Atheist Ireland  
Ahmadiyya Muslim Community of Ireland  
and Evangelical Alliance of Ireland**

**To the Committee on Justice and Equality  
Consultation on Direct Provision and the  
International Protection Application Process**

## **1. Introduction**

Irish Atheists, Evangelicals and Ahmadiyya Muslims are united in a campaign for secularism and human rights. Whatever our differences of world views, we all agree that each person should be treated with respect, that our right to hold our beliefs should be treated with respect, and that States should treat us all equally before the law by remaining neutral between religious and nonreligious beliefs.

Part of our campaign is to:

- Promote the fundamental human rights of freedom of conscience, religion and belief, equality before the law, and freedom from discrimination for all citizens.
- We promote these human rights within Irish society and Irish political institutions, and at United Nations and other international human rights regulatory bodies.

Atheist Ireland, the Ahmadiyya Muslim Community and the Evangelical Alliance of Ireland seek recognition of the right to freedom of religion and belief in the asylum system. In support of these aims we are making this Submission to outline our concern that the asylum system recognise and protect the right to Freedom of Religion and Belief of atheists, Christians, Ahmadiyya Muslims, secularists of any religious or nonreligious belief, and other minorities.

## **2. Seeking Asylum on the basis of Freedom of Religion and Belief**

There are applicants who seek asylum in Ireland because of persecution on the basis of religion or belief. The system in place treats vulnerable people with suspicion. Self determination in relation to beliefs is an essential part of the right to Freedom of Religion and Belief. The European Court has said that the right to freedom of religion and belief is one of the foundations of a democratic society.

The European court stated that:

10. Freedom of thought, conscience and religion as enshrined in Article 9 of the Convention represents one of the foundations of a “democratic society” within the meaning of the Convention. It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it. That freedom entails, inter alia, freedom to hold or not

to hold religious beliefs and to practise or not to practise a religion (Kokkinakis v. Greece, § 31; Buscarini and Others v. San Marino [GC], § 34).

The UN Human Rights Committee in their General Comment states that:

Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms "belief" and "religion" are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community. (General Comment 18 on Freedom of Religion and Belief)

We are aware of an applicant who has been told by the Irish State that he is a Muslim, because he grew up in a Muslim family, despite the fact that he is an atheist and that has told the State that he is an atheist. This is no different from telling an applicant that they are not a particular type of Muslim. The Ahmadiyya Muslim community suffers persecution and discrimination in Pakistan and are viewed as non-Muslims by other Muslims.

There are similar examples in the UK, where a Christian man was refused asylum because they said that Christianity wasn't peaceful. Included in a letter with the refusal were verses from Exodus, Leviticus, and the Book of Revelation. The man said that he converted to Christianity because he claimed that the religion was more peaceful than Islam. The Home Office stated that, "These examples are inconsistent with your claim that you converted to Christianity after discovering it is a 'peaceful religion' as opposed to Islam, which contained violence and rage." <https://cruxnow.com/church-in-uk-and-ireland/2019/03/22/uk-denies-asylum-for-iranian-christian-by-saying-christianity-not-a-peaceful-religion/>

Also in the UK, a Pakistani man who renounced his Muslim faith and became a humanist had his application for asylum rejected after failing to correctly answer questions about ancient Greek philosophers. The Home Office concluded: "Your knowledge of humanism is rudimentary at best and not of a level that would be expected of a genuine follower of humanism." After a public petition and representations from Humanists UK and 120 philosophers including AC Grayling, the decision was reversed and his application was granted on appeal.

<https://www.theguardian.com/uk-news/2018/jan/17/pakistani-humanist-denied-uk-asylum-after-failing-to-identify-plato>

<https://www.thetimes.co.uk/article/humanist-asylum-seeker-was-rejected-for-not-knowing-plato-8nkj2ks7j>

Essentially the Department of Justice and Equality is deciding whether or not a person is or is not an atheist or a member of a particular religion. But the State is not entitled to declare that a person's religious or nonreligious belief is not what the person tells them it is. As the European Court has pointed out, the pluralism indissociable from a democratic society is dependent on freedom of thought, conscience and religion. It is one of the most vital elements that make up the identity of believers and atheists, agnostics.

As an aside, even if the Department could in principle make such a determination, there is no reliable basis on which to make it. The Irish State has not even defined what a religion is. In Ireland many people refer to themselves as belonging to a particular religion, and they don't practice that religion or attend religious services. No government department has ever told them that they do not belong to that religion because they don't practice it or attend services. Why are we treating applicants differently, by arbitrarily and unlawfully assigning beliefs to them that they do not hold?

### **3. Applicants under pressure in the system because of their beliefs**

We get complaints from some applicants in the asylum process that they face harassment in the Direct Provision Centres because of their beliefs. They have fled persecution and are faced with a situation whereby they have to hide their beliefs and cannot express their beliefs in Direct Provision Centres. Particularly around the time of Ramadan, ex Muslims are harassed because they are not fasting. We have also been told that ex Muslims have asked to be moved to other centres because of this harassment.

The lack of privacy in Asylum Centres put applicants in a perilous position as they must continue to hide their beliefs. They still have family at home who could be subject to persecution and whose situation would be further undermined if it was known that they had a family member that was ex Muslim or fleeing persecution in their home country.

It is not only particular States that persecute people if they dissent from a particular religion but also members of the general public.

The Direct Provision centres are not suitable places for those fleeing persecution. Applicants should be afforded equal treatment with citizens, to access to welfare and housing supports.

### **4. Failure of Department to enable an applicant to attend a UN hearing**

In 2017 Atheist Ireland, the Ahmadiyya Muslim Community and the Evangelical Alliance made a joint Submission to the UN Human Rights Committee on the occasion of the examination of Pakistan under the International Covenant on Civil and Political Rights. It was the first time that Irish atheists, Evangelicals and Ahmadiyya Muslims had jointly challenged human rights abuses in Pakistan at the United Nations.

We had tried to take with us to Geneva an ex Muslim who is in the asylum system in Ireland, in order that he could give firsthand experience to the UN Human Rights Committee of the failure of Pakistan to protect religious and non religious minorities. The UN had registered him to attend, and we had had applied in sufficient time to get the appropriate travel documents from the Irish State. However, the Department of Justice simply did not respond to the request in time, we therefore missed an excellent opportunity to highlight human rights abuses in Pakistan against religious minorities.