



May 29, 2020

Fernand de Varennes  
Special Rapporteur on Minority Issues  
Office of the High Commissioner for Human Rights  
United Nations - Palais des Nations  
CH-1211 Geneva 10  
Switzerland

**Re: Comment from American Atheists regarding the call for submissions on the significance and scope of the categories of minorities**

Dear Mr. de Varennes:

American Atheists writes in response to the call for submissions on the significance and scope of the categories of minorities, with the goal of supporting the mandate of the UN Special Rapporteur on Minority Issues pursuant to Council Resolution 34/6, 2017.<sup>1</sup> Because the report of the 72nd session of the UN General Assembly raised concerns about misaligned usage of the term “minority,” we seek to support the rapporteurship’s efforts to clarify the distinctions between and among religious minorities, particularly concerning nonreligious individuals and communities. For such purpose, we present the report entitled *Reality Check: Being Nonreligious in America*,<sup>2</sup> based on a survey of nearly 34,000 nonreligious people living in the United States. We also attach the report entitled *2019 State of the Secular States*,<sup>3</sup> an assessment of state-level laws and policies that affect the separation of religion and government in the US. Both reports provide substantial data about the high level of stigma and discrimination nonreligious people face in the US and how laws and policies protecting the separation of religion and government reduce discrimination against nonreligious people.

American Atheists is a US-based civil society organization that works to achieve religious equality for all Americans by protecting what US founding father, Thomas Jefferson, called the “wall of separation” between government and religion. We strive to create an environment where atheists and nonreligious people are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote the understanding of atheism through education, outreach, and community-building and work to end the stigma associated with being an atheist in the US.

We support the adoption of a clear definition for the term “minority,” building upon and learning from the previous attempts to clarify this term. Although the working definition<sup>4</sup> is a step in the right

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<sup>1</sup> Mandate of the Special Rapporteur on Minority Issues, A/HRC/RES/34/6, 2017.

<sup>2</sup> Frazer, S., El-Shafei, A., Gill, A.M. (2020). *Reality Check: Being Nonreligious in America*. Cranford, NJ: American Atheists [hereinafter “Reality Check report”]. Available at [www.secularsurvey.org](http://www.secularsurvey.org).

<sup>3</sup> Gill, A.M. (2020). *2019 State of the Secular States*. Cranford, NJ: American Atheists. [hereinafter “SOTSS report”] Available at [www.atheists.org/states](http://www.atheists.org/states).

<sup>4</sup> Effective Promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, UNGA/74/160, 2019.

direction, it fails to adequately protect nonreligious people. We encourage the rapporteurship to ensure that nonreligious people and communities are included in its mandate in a way that unequivocally protects this frequently stigmatized population at the same level as their religious peers.

Because nonreligious people frequently understand and exercise their religious freedom in ways that are distinct from those of religious minorities, their protection under the law cannot simply be analogized to protections for other religious minorities. Any attempt to assess the scope and meaning of the term “minority” within the UN system must recognize these distinctions. Unfortunately, neither the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities nor the International Covenant on Civil and Political Rights clearly protect nonreligious people. While both instruments recognize the right to freedom of thought, conscience, and religion, including the freedom to have or to adopt a religion or belief, neither instrument has recognized the freedom to refrain from religious practices nor to refuse to adopt a religious belief.<sup>5</sup>

This failure to include nonreligious people in UN instruments creates uncertainty that can endanger nonreligious people and lead to religious oppression. Too often, nonreligious individuals are deemed to be “undeserving” of religious freedom protections based on the stereotype that they are neither “traditional” protected minorities nor sufficiently “dominated.” For instance, according to the United States Commission on International Religious Freedom (USCIRF), as of 2018 at least 70 countries from all regions of the world have blasphemy laws in place.<sup>6</sup> Blasphemy laws punish individuals who engage in expression deemed by the government or religious authorities to be heretical, apostate, defamatory of religion, or insulting to religion or to religious symbols, figures, or feelings. These laws frequently punish religious minorities and nonreligious people alike with fines, imprisonment, and even capital punishment, including by beheading. And yet their impact on nonreligious communities is too often overlooked. For instance, the same blasphemy laws frequently used to persecute Jehovah’s Witnesses in Russia and Christians in Bangladesh also disproportionately affect nonreligious people.

**Like other minorities, nonreligious people living in religious communities suffer high levels of stigma and discrimination due to their beliefs.** Unfortunately, there is a dearth of empirical data about stigmatization and discrimination encountered by nonreligious people, not just in the US, but worldwide. In order to address this lack of data, American Atheists commissioned a survey of nonreligious people living in the US to better understand nonreligious people and the challenges they face. While our results show significant stigma and discrimination against nonreligious people in the US, we believe it likely that nonreligious people living in regions across the world where this is a high degree of religious conformity would have similar or even more stark outcomes.

According to the *Reality Check* report, participants living in very religious communities scored nearly 40% higher on a measure of stigmatization compared to those in “not at all” religious communities.<sup>7</sup> The

<sup>5</sup> Articles 2, 4 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; Articles 18, 27 International Covenant on Civil and Political Rights.

<sup>6</sup> United States Commission on International Religious Freedom (USCIRF). *Respecting Rights? Measuring the World’s Blasphemy Laws.*, p. 5 (2017). Available at <https://www.uscirf.gov/sites/default/files/Blasphemy%20Laws%20Report.pdf>.

<sup>7</sup> Reality Check, at 37.

same is true for discrimination; nonreligious participants reported significantly higher levels of discrimination in very religious communities in employment, public services (voting, jury duty, etc.), and by private businesses. For example, 42.4% of participants in very religious communities experienced negative events in education due to their nonreligious identity, compared with just 17.5% of participants in “not at all” religious communities. Additionally, participants in very religious communities were nearly one third (29.2%) more likely to conceal their nonreligious identities than in “not at all” religious communities.<sup>8</sup> The report also examined the specific issues that subpopulations of nonreligious individuals, such as Ex-Muslims, Black people, veterans, young people, and Latinx people face because of their nonreligious identities. Black participants, for instance, were three times as likely to report being physically assaulted because of their nonreligious identity than were other participants.<sup>9</sup>

**Fortunately, laws and policies that protect the separation of religion and government are associated with less stigmatization of nonreligious people.** The *SOTSS* report presents a comprehensive review of state-level laws in the US that affect the separation of religion and government. Laws assessed range from those that prevent religion-based harm to minors, such as female genital mutilation, conversion therapy, and child marriage, to those that create religious exemptions that allow for discrimination. The *Reality Check* report found that, among states with strong protections for religious equality, no state had high levels of stigmatization for nonreligious participants. Conversely, in those states with broad religious exemptions, nearly half (42.9%) were rated as having high levels of stigmatization.<sup>10</sup>

In the US, American Atheists opposes continuing efforts at the state-level to weaponize a twisted conception of “religious freedom” to harm nonreligious people and religious minorities and to undermine civil rights laws and health care access. Similarly, at the federal level, the Trump Administration has vastly expanded religious exemptions in ways that undermine neutral law and threaten our constitutional order. For example, in recent months, nine federal agencies, including the US Agency for International Development (USAID), the US Department of Education, and the US Department of Health and Human Services (HHS) proposed regulations that would make it easier for NGOs receiving government funding to religiously coerce beneficiaries and deny them access to government-funded services based on their religious beliefs or practices or lack thereof. Unfortunately, it is not clear that the working definition of minority would protect nonreligious people from abuses such as these.

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<sup>8</sup> *Id.* at 38.

<sup>9</sup> *Id.* at 39.

<sup>10</sup> *Id.* at 49.

While we applaud the goal of clarifying the definition and scope of the term minority that the rapporteurship, as well as other United Nations entities and treaty bodies, will use as the basis for their vital work, any such definition must include nonreligious people as well as religious minorities. Too often, we see that nonreligious people face persecution because they refuse to hold sanctioned beliefs or refuse to participate in mandatory religious practices. For religious freedom to mean anything, it must protect the rights of nonreligious people as well as their religious peers. If you should have any questions, please contact me at 001.908.276.7300 x309 or by email at [agill@atheists.org](mailto:agill@atheists.org).

Very truly yours,



Alison Gill, Esq.  
Vice President, Legal & Policy  
American Atheists

Attachments:

Reality Check: Being Nonreligious in America  
2019 State of the Secular States