




Review Article

Exploring the Dimensions of Religious Freedom: A Global and Comparative Analysis

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ABSTRACT



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Religion constitutes a fundamental aspect of the cultural and spiritual lives of individuals globally, encompassing an array of traditions, rituals, and practices. Within the context of liberal democracy's evolution, religion emerges as a critical element of political liberty and personal conscience. On an international scale, the right to religious freedom has been established as a core human right, essential for the sustenance of democratic governance. Despite its recognition, the right to religious liberty remains a highly contentious issue. Even in democracies that provide constitutional protections for religious freedom, debates persist regarding the extensive interpretation and implementation of this right, particularly concerning the rights of religious minorities within these nations. This study explores the concept of religious freedom as a globally recognized right, examining its representation and interpretation across various international and regional legal frameworks. Through this analysis, the paper endeavors to provide a comprehensive overview of religious freedom on both a global and regional scale. Furthermore, it delves into the state of religious freedom in various political systems, ranging from democracies such as United States to theocracies and monarchies like the United Kingdom and countries characterized by a strict demarcation between religion and state affairs, exemplified by France's secularist approach.

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1. Introduction

In the contemporary global landscape, the resurgence of religion manifests not merely as an expansion of fundamentalism characterized by rigid adherence to rituals and traditions but rather through a dynamic evolution of renewed practices and beliefs (Thomas, 2010). This revival underscores the increasingly pivotal role religion plays in the personal and communal lives of individuals worldwide, elevating the principle of religious freedom to a cornerstone of fundamental human rights. The intricate relationship between religion and society is particularly pronounced in democratic settings, where the interplay between majority and minority religious communities highlights the critical nature of the freedom to think, worship, profess, and practice one's faith. This liberty is not just a marker of democratic health but a bulwark against the descent into authoritarianism, which seeks to curtail the religious and belief freedoms of its citizens, especially those in minority groups.


The institutionalization of religious freedom as an essential human right constitutes a crucial safeguard against religious persecution and sectarian strife. This assertion remains valid in jurisdictions where an official state religion is acknowledged, including, but not limited to, the United Kingdom and

Indonesia. Such instances affirm that the principle of religious freedom is integral to the democratic ethos, promoting a culture of tolerance and mutual respect among varied religious constituencies. Within the ambit of liberal democratic governance, the domain of religion extends beyond its conventional confines, evolving into an issue of political freedom and individual conscience. Nonetheless, it is important to recognize that the right to religious freedom continues to be a subject of intense debate and negotiation, reflecting its complex and contested nature in contemporary society. Despite constitutional protections, the interpretation and application of religious liberty frequently spark debates, particularly regarding the rights of religious minorities. These tensions are exacerbated by the presence of blasphemy laws in certain countries, which often serve as tools for religious intolerance and discrimination, particularly in regions with dominant Muslim populations, thereby stifling both freedom of conscience and speech.

Historically, religious institutions have at times evolved into repressive political entities or compromised bodies, highlighting the necessity of a formal and practical separation between religion and state. This separation is paramount for safeguarding religious freedom, an indispensable element of a democratic society that thrives on diversity, debate, and the respectful

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exchange of dissenting views. The commitment to religious liberty and the recognition of conscience and belief are foundational to liberal democracies and are echoed in international and regional human rights frameworks. While religious freedom is fundamentally an individual right, it is frequently exercised in community with others, reflecting a collective sense of identity rooted in religious affiliation.

The doctrine of secularism, which promotes the delineation of state functions from religious institutions, is overtly embraced by European nations, in stark contrast to domestic constitutions that enshrine religious denominations as the state's established church. The international acknowledgment of religious freedom's critical role in the protection of human rights emphasizes the imperative for its universal endorsement and safeguarding via international and regional human rights mechanisms. This scholarly examination endeavors to meticulously explore the intricate aspects of religious freedom as a fundamental universal right, engaging in a critical analysis of its portrayal and interpretation within various legal and geopolitical landscapes.

2. Religious Freedom in International Law

Freedom of religion, a cornerstone of individual liberty, has garnered recognition across a myriad of international legal frameworks and human rights systems. Observations have indicated that the actions undertaken by states in relation to religion have not been universally adjudged as infringements upon the sanctity of religious freedom (Scolnicov, 2010). This situation warrants an in-depth examination of the various provisions within international law that promote the principle of religious freedom. It is important to recognize that the foundation of religious freedom protection in international law is primarily rooted in individual rights rather than group or collective rights. This perspective underscores the primacy of safeguarding the religious freedoms of individuals, thereby ensuring that these protections are tailored to the liberties and needs of individual persons rather than the potentially broader interests of religious collectives or groups.

2.1 League of Nations & Religious Freedom

The inception of the League of Nations and the ratification of Minority Treaties in 1919 heralded the advent of a modern paradigm for the protection of religious freedom. This period signified a pivotal shift in the global consensus on safeguarding religious liberties, underscored by the 1919 peace conference's ambition to establish a post-war international order. However, a notable omission from the League's Charter was Draft Article 20, intended to prevent member states from infringing upon individual religious practices. This exclusion underscores the intricate challenges faced in crafting a comprehensive international safeguard for religious freedom. The early 20th century witnessed the signing of several Minority Treaties, particularly the 1919 agreement between the Allied and Associated Powers and Poland, which mandated Poland to ensure the equitable treatment of religious minorities. These treaties aimed at preventing discrimination against religious groups and mandated state-level enforcement without direct recourse for individuals within these communities, highlighting a collective rather than individual approach to addressing grievances. The League's inability to mediate international conflicts effectively precipitated the outbreak of the Second World War, casting doubt on its foundational goals of maintaining peace and order. This failure underscored the limitations of a group protection model in upholding religious freedoms, leading to a paradigm shift towards emphasizing universal individual rights in the international domain (Fink, 1995).

Peter Danchin has posited that the legal and customary frameworks in non-Western nations are typically rooted in patriarchal systems and hierarchical structures of power that are interwoven with religious and cultural tenets. These frameworks often contrast with the universal principles of equality and non-discrimination enshrined in international law, presenting a significant challenge to their religious and cultural continuity. In addition, Danchin underscores the complexity of reconciling religious liberty with human rights, as religious traditions frequently perpetuate inequalities and sanction discriminatory practices under the guise of religious freedom as protected by human rights legislation. (Danchin, 2006).

2.2 Freedom of religion in the United Nations documents

The abrogation of the League of Nations in 1939 precipitated a seminal shift in human rights doctrine at an international level, emphasizing the universal safeguarding of these rights. This newfound ethos was echoed in President Roosevelt's "Four Freedoms" speech, which posited freedom of speech, worship, and liberation from want and fear as entitlements due to every individual globally. The ideal of religious freedom was particularly underscored as the inherent right to worship according to one's convictions worldwide (Dickson, 1995).

The foundational principles enshrined in Article 1 of the United Nations Charter called for international cooperation to resolve challenges of a diverse nature and championed the respect for human rights unequivocally and without distinction of race, language, religion, or gender. This principle of non-discrimination, integrated into successive human rights treaties, became instrumental in promoting human dignity. It laid the groundwork for the rule of law, necessitating states, in certain instances, to undertake affirmative actions aimed at rectifying conditions that engender discrimination, thereby positioning religion as an intrinsic characteristic of personhood akin to race, sex, and language (Dickson, 1995).

In the spirit of the UN Charter's framers, the Universal Declaration of Human Rights (UDHR) was conceived, embedding religious freedom as a cornerstone of its tenets, aligned with Roosevelt's articulated freedoms. The challenge of encapsulating this right within the international human rights lexicon was formidable, but consensus was achieved with the drafting of Article 18 of the UDHR. Proclaimed on December 10, 1948, it affirmed the right to freedom of thought, conscience, and religion, including the freedom to change one's faith in both public and private spheres (Lindkvist 2013). Despite contention, particularly over the right to convert, which influenced Saudi Arabia's abstention from the Declaration due to its incompatibility with Islamic teachings, the UDHR's Article 2 enshrined religion as a non-negotiable basis for equality under the law, solidifying its role as an impermissible ground for discrimination (Scolnicov, 2010).

The Universal Declaration of Human Rights predominantly delineates rights at the individual level, with a notable exception in Article 26, which imposes an obligation, rather than conferring a right, to foster tolerance among disparate religious groups. Eleanor Roosevelt, a pivotal figure in the conception of the Declaration, staunchly advocated for the primacy of individual rights over minority rights, asserting that the solution to minority issues resides in the overarching respect for human rights. This stance resonated with nations such as Chile, which absorbed a significant number of immigrants, and others like Belgium, whose delegate expressed concern over minority provisions considering the exploitation of German minorities as a pretext for Nazi intervention. The palpable disenchantment

stemming from the Minority Treaties' ineffectiveness in safeguarding groups substantively influenced the transition towards emphasizing the protection of individual rights as opposed to group or minority rights (Dickson, 1995).

In the same session that saw the adoption of the Universal Declaration of Human Rights, the General Assembly also ratified the Convention on the Prevention and Punishment of the Crime of Genocide. This pivotal Convention mandates that signatories take measures to prevent and punish actions aimed at the annihilation, whether partial or total, of national, ethnic, racial, or religious groups, specifically outlawing the imposition of life conditions designed to precipitate their physical demise. Concurrently, additional international legal instruments, such as the 1954 Convention Relating to the Status of Stateless Persons and the 1951 Refugee Convention, incorporate clauses aimed at the preservation of religious freedoms, thereby enhancing the global framework for the protection of religious rights (Dickson, 1995).

2.2.1 International Human Rights Covenants

Following the UDHR's enactment, the international community embarked on creating targeted treaties to detail the UDHR's broad human rights spectrum, covering civil, political, social, economic, and cultural rights. This effort aimed to operationalize the UDHR's principles into specific, binding legal frameworks. This endeavor reflected a recognition of the need for more detailed legal frameworks that could address the complexities and nuances of each category of rights. It aimed to ensure that the principles enshrined in the UDHR could be effectively implemented and enforced across diverse legal and cultural contexts worldwide. The passage provided encapsulates a pivotal juncture in the advancement of human rights within the framework of international law. This phase of human rights development signifies a momentous evolution in the global legal structure, thereby strengthening the resolve to champion the intrinsic dignity and the equal and unassailable rights of every individual comprising the human community (Morsink, 1999). Human Rights Covenants of 1966 marked a significant advancement in the protection of individual rights. Article 18 of the ICCPR provides the right to freedom of thought, conscience, and religion, emphasizing the freedom to choose and express one's religious beliefs. As a key development in international human rights law, Article 18 reflects a global commitment to ensuring religious freedom as a fundamental human right, obligating signatory states to uphold these freedoms without discrimination. This incorporation signifies a critical step in the evolution of legal frameworks aimed at safeguarding the religious freedom or belief globally. (Wazynska-Finck and Finck, 2013). The provisions of Article 18 should be understood in harmony with Article 19, which secures the right to hold opinions without interference and the freedom of expression, encompassing the dissemination of religious beliefs (O'Flaherty, 2012). All rights within the Covenant are assured without discrimination based on specified criteria, including religion. Similarly, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) reinforces the imperative that rights are to be enjoyed without discrimination, specifying religion among its grounds. Within the ambit of religious freedom, it is of paramount importance to recognize the provisions articulated in Article 20(2) of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). This clause mandates, with a degree of legal imperativeness, the prohibition through legislative measures of any form of advocacy that promotes national, racial, or religious hatred, which may culminate in incitement to discrimination, hostility, or violence. This clause highlights the imperative of balancing freedom of expression

with the protection of individual and community rights against hate speech. Its inclusion in the ICESCR signifies a worldwide agreement on the essentiality of legal frameworks to curb hate propagation, which threatens societal harmony and fosters discrimination, hostility, and violence. The focus on outlawing hate speech, particularly along national, racial, or religious lines, is pivotal in advancing human rights discussions, advocating for tolerance, and fostering respect among diverse populations (Vierdag, 1978).

The protections enshrined in these covenants are further bolstered by Article 27 of the ICCPR, which guarantees specific rights to individuals belonging to religious and other minorities, carefully articulating those individuals are the primary holders of these rights. The Sub-Commission on the Prevention of Discrimination and Protection of Minorities scrutinized drafts of this article, opting to shift from collective language to individual-centric verbiage, given that minorities were not regarded as subjects of international law. Despite this, the Sub-Commission recognized the communal aspect of the right by including the phrase 'in community with other members of their group'. This adjustment, however, coupled with the qualifier 'in those states in which ethnic, religious or linguistic minorities exist', potentially provides states with a pretext to negate the presence of minorities within their borders, thereby sidestepping the article's obligations (Yupsanis, 2013).

Furthermore, the exercise of religious freedom, according to Article 18(3) of the ICCPR and corresponding provisions in other international instruments, is circumscribed by legal limitations necessary to safeguard public safety, order, health, morality, and the fundamental rights and freedoms of others (Wazynska-Finck and Finck, 2013).

2.2.2 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief (1981)

The right to freedom of thought, conscience, religion, or belief is integral to the human experience, and violations of this right have historically precipitated profound suffering, conflict, and warfare, exacerbating animosity among individuals of disparate faiths. It is imperative that this right be unequivocally upheld and enshrined to foster an atmosphere of mutual understanding, tolerance, and respect. Such a commitment is essential for the advancement of global peace, the establishment of social justice, and the promotion of amity among diverse populations. Addressing manifestations of intolerance and discrimination is best achieved through steadfast protection and respect for these fundamental freedoms (Dickson, 1995).

The intricate development of religious rights has progressively highlighted the prioritization of individual liberties over collective entitlements to religious freedom. The contributions of Special Rapporteur Arcot Krishnaswami within the Sub-Commission on the Prevention of Discrimination and Protection of Minorities have played a pivotal role in advancing the discourse towards a potential binding convention on freedom of religion or belief. Despite such efforts, initiatives like the Draft Convention on the Elimination of All Forms of Religious Intolerance in 1967 were unsuccessful in achieving ratification. Nevertheless, the 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief has emerged as the most comprehensive international framework for religious rights despite its non-legally binding nature. For nations that have adopted and ratified the International Covenant on Civil and Political Rights (ICCPR), it carries significant legal and moral authority. (Davis, 2002).

While the Declaration primarily asserts individual rights, Article 6 expands upon this by acknowledging rights that, while personal, are exercised within a communal context. These include the right to teach, practice, and worship collectively, alongside the freedom to appoint religious leaders and communicate with others on matters of faith. These stipulations underscore that such rights, although enacted in concert with others, are rooted in individual freedoms rather than collective entitlements, thereby sidestepping the complexities associated with group rights. Article 5 of the Declaration, conversely, intimates a collective dimension of protection, specifically within the familial unit, which is considered the fundamental component of the religious community. It accords to parents the liberty to direct family life in accordance with their beliefs, particularly in relation to the upbringing of children. This provision subtly introduces the notion of the family as an autonomous entity with its own rights, underscoring its critical role within the broader societal fabric (Davis, 2002).

In 1984, a seminar convened in Geneva to discuss the practical implementation of the 1981 Declaration brought forth critical appraisals of the document. Notably, there was concern regarding the absence of an explicit acknowledgment of the right to alter one's religion or belief, as articulated in Article 1(1). Furthermore, participants reached a consensus that the freedom to hold religious beliefs should inherently encompass the freedom to abstain from religious belief, a notion implied but not explicit in the Declaration's text. Clarification was also sought on the appropriate age at which a child should be granted the autonomy to choose their religious path, an issue subsequently addressed by the 1989 United Nations Convention on the Rights of the Child (UNCRC), which affirmed children's right to religious freedom.

Scolnicov highlighted that the Declaration's failure to explicitly include the right to change one's religion or belief could be perceived as a diminishment of the individual's religious liberty—fundamental for those dissenting from their inherited religious community (Scolnicov 2010). However, this omission is arguably more a matter of diplomatic practicality than a departure from principle, considering the inherent preservation of this right within the broader framework of human rights law, as suggested by Article 8 of the Declaration (Davis, 2002). This article ensures that the Declaration does not limit the rights enshrined in the UDHR and other human rights covenants, thereby maintaining the right to conversion by implication. The protection against religious discrimination may be enforced by customary international law, albeit this safeguard seems to extend primarily to the right of non-discrimination rather than to the full spectrum of religious freedoms. Despite the comprehensive norms established and their legal binding on certain states, violations of religious freedom persist globally. Although the 1981 Declaration stands as a pivotal benchmark in the promotion of religious liberty and the broader protection of human rights, the necessity for a new UN Convention equipped with robust enforcement mechanisms is apparent to enhance accountability and penalize states that transgress these fundamental rights (Scolnicov, 2010).

2.2.3 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities in 1992

In a bid to enhance the tenets of its Charter and to strengthen the respect for human rights and fundamental freedoms universally, the United Nations adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities in 1992 (Alfredsson, 2015). This instrument took a significant step toward bolstering

the rights of minority groups. Despite the individualistic nature of the rights enshrined within this Declaration, it obliges states to preserve the religious identities of minorities. Yet, the rights are predominantly individual-centric, as underscored by the stipulation that members of minorities may exercise these rights individually or in a community with others (Session, 1994).

The Declaration stipulates that no disadvantage should befall any individual due to the exercise or non-exercise of their rights, but it remains ambiguous whether such protections are against actions by the state alone or also against the minority group to which the individual belongs. If the state permits the group to impose such disadvantages, then liability for the infringement ultimately falls upon the state (Fox, 2015).

The transition towards recognizing group rights over individual rights is further exemplified by the UN Declaration on the Rights of Indigenous Peoples, which contrasts with prior UN documents by articulating rights in collective terms. The challenges inherent in such an approach are present in the text, which seeks to uphold the customs and legal systems of indigenous peoples within the bounds of international human rights standards. The Declaration's passage, albeit with dissent from several countries, indicates controversy, particularly regarding how to reconcile the balance between individual and collective rights and the authority vested in determining this equilibrium ("Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities," 1994).

Moreover, this group-oriented perspective, particularly concerning indigenous legal systems, often steeped in religious tradition, could potentially clash with established human rights norms. While the UN Declaration asserts equal rights for male and female indigenous individuals, it does not address the potential for these rights, including those tied to religious or juridical practices, to perpetuate discrimination within the group (Scolnicov, 2010).

3. Regional Instruments & Religious Freedom

Major regional human rights instruments acknowledge the right to religious freedom, reflecting varying interpretations as an individual or collective right and its significance within state frameworks aimed at ensuring national implementation.

3.1 The American Convention on Human Rights

The human rights framework within the Americas has traditionally emphasized the safeguarding of individual rather than collective rights (Scolnicov, 2010). This stance is reflected in various Latin American constitutional doctrines, which are rooted in the historical context of these nations as destinations for immigrants. The prevailing legal philosophy is that rights are conferred upon immigrants with the expectation of their integration into the societal fabric as individuals rather than as distinct collectivities. In marked deviation from this individual-centric paradigm, the Proposed American Declaration on the Rights of Indigenous Peoples is distinguished by its orientation toward group rights (Su, 2016).

The American Convention on Human Rights articulates the protection of religious freedom as an inherently individual entitlement, ensuring thorough protection for the individual's liberty to deviate from majority or group norms. This is evidenced by the explicit acknowledgment of the right to propagate one's religion or beliefs and by fortifying the right to alter one's religious beliefs with a stipulation that forbids any form of constraint on this freedom. Such a provision effectively negates the legitimacy of any legislation that would restrict proselytizing activities, which could impede the right to convert to a different religion (Perry, 2004a).

3.2 The African Charter on Human Rights and Peoples' Rights

The African Charter on Human and Peoples' Rights, in Article 8, expressly enshrines the right to freedom of religion (Lenaghan 2010). This provision guarantees every individual the liberty to profess and practice their religion of choice, underscoring the Charter's commitment to safeguarding religious diversity and tolerance across the African continent. This legal instrument, adopted by the Organisation of African Unity (now the African Union) in 1981, reflects the continental aspiration towards upholding human dignity and fundamental freedoms, including the inviolable freedom of religious belief and expression (African Charter on Human and Peoples' Rights, 1981). This provision is distinctive among regional human rights instruments in that it permits the right's limitation under the broad criterion of 'subject to law and order', a condition not as expansively defined in other regional legal frameworks (Ekhtator, 2015). The inclusion of this broad qualification was primarily advocated by Islamic states during the drafting process, deeming it a crucial stipulation. Such latitude granted to state authorities potentially allows for a wide margin in which to curtail religious freedoms (Perry, 2004b). Nonetheless, the application of Article 8 is not inherently ineffectual; for instance, the African Commission on Human and Peoples' Rights adjudicated against Zaire (now the Democratic Republic of the Congo) for its infringement of Article 8, citing the unwarranted persecution of Jehovah's Witnesses, given that there was no substantive evidence to suggest their religious practices posed a threat to law and order (Barber, 1947).

3.3 European Convention for the Protection of Human Rights and Fundamental Freedoms

Within the European context, the safeguarding of human rights is principally enshrined in two major regional legal architectures: the European Convention for the Protection of Human Rights and Fundamental Freedoms, inaugurated by the Council of Europe, and the juridical framework of the European Union, which is applicable both to its constituent member states and to the Union as an entity (Shelton, 2003). In addition to these legal frameworks, non-judicial instruments exist emanating from the Conference on Security and Cooperation in Europe (CSCE), contributing to the region's human rights landscape (Neuwahl and Rosas, 2021).

The European Convention delineates the right to freedom of religion in Article 9, establishing a cornerstone for the exercise of religious freedom within the jurisdiction of its signatories. Furthermore, Article 14 of the Convention specifies the right to non-discrimination in the manifestation of this freedom, albeit this provision is expressly linked to the rights delineated within the Convention itself (Cohen, 2010). For a more expansive prohibition against discrimination, Protocol 12 of the Convention, through Article 1, broadens the scope of protection against discriminatory practices (Neuwahl and Rosas, 2021). During the era of the Cold War, the Helsinki Final Act of 1975, promulgated by the CSCE, although devoid of legal force, constituted a significant affirmation of the principle that individuals are entitled to the freedom to profess and practice their religion or belief. This principle was subsequently expanded upon in the 1989 Concluding Document of the Vienna Follow-up Meeting. The Vienna Document specifically addressed the rights and freedoms of religious communities, marking a critical juncture in the international recognition and elaboration of religious rights within the complex geopolitical landscape of Cold War Europe (Neuwahl and Rosas, 2021). The subsequent 1990 Document of the Copenhagen Meeting of the CSCE further guarantees the individual right to freedom of thought, conscience, and belief, while Part IV extends recognition to the rights of national minorities, encompassing

religious identity and practices (Bloed, 1991). Here, religious rights, even the right to profess and practice, are accorded directly to groups. The participating states are tasked with fostering conditions that support religious identity, but such identity is framed as an attribute of national minorities without separate consideration for religious minorities. The Council of Europe Framework Convention for the Protection of National Minorities follows this approach, recognizing religion as part of national identity but not as a separate group identity (Topidi, 2021).

The European Union has progressively incorporated treaty provisions to safeguard religious freedom. The Treaty Establishing the European Union, as revised by the Lisbon Treaty, allows for action against discrimination based on religion or belief. The debates over the Draft Treaty Establishing a Constitution for Europe revealed rifts concerning the explicit reference to Christianity, resulting in a compromise that acknowledged Europe's "spiritual and moral heritage" without specific mention of Christianity. The Charter of Fundamental Rights of the European Union, elevated to treaty status by the Lisbon Treaty, encompasses the right to religious freedom and respects cultural, religious, and linguistic diversity, yet defers to national legislation on family matters, reflecting a nuanced approach to religious matters at the intersection of cultural and national identity. This tension between individual and group rights in religious freedom remains a critical focus within international law discourse (Doe, 2017).

4. Freedom of Religion in Select Countries

4.1 Religious Freedom in United States of America

Historically, the human species has demonstrated a consistent challenge in achieving peace and equity, with religious discord often serving as a catalyst for violence and societal upheaval. The architects of the newly independent United States were acutely aware of the detriments associated with religious strife, drawing upon their colonial heritage fraught with religious liberty concerns. Thomas Jefferson and James Madison, pivotal figures in the crafting of the Declaration of Independence and the U.S. Constitution, were staunch advocates for religious freedom in Virginia. The framework they established was a clear repudiation of religious persecution and intolerance, reflecting a profound commitment to liberty of conscience (Peterson and Vaughan, 1988).

The Constitution and the Bill of Rights strategically omit any explicit references to a deity, simultaneously embedding three critical protections for religious liberty: the free exercise of religion, the prohibition of laws respecting the establishment of religion, and the prohibition of religious tests for public office. The U.S. is thereby established as a secular-liberal-democratic polity, with the First Amendment to the Constitution, ratified in 1791 as part of the Bill of Rights, expressly forbidding Congress from enacting legislation that would impinge upon the free exercise of religion or freedom of speech and assembly (Kaveny, 2016). This amendment forms the bedrock of American secular governance and has been emulated by numerous other Western and non-Western nations.

Despite the national commitment to secularism, remnants of state-endorsed religion persisted in some states well into the 19th century. It was not until later Supreme Court interpretations that the broader conception of religious liberty, as enshrined in the Fourteenth Amendment, was clarified to prevent states from infringing on this fundamental right. This judicial articulation, alongside statutory protections against religious discrimination, underscores the U.S. dedication to safeguarding both the freedom and equality of religion. The separation of church and state, though not explicitly stated in the Constitution, is widely accepted by Americans as a prudent

approach to religious matters, balancing the need for civic unity with respect for religious diversity (Eisgruber and Sager, 2007).

The secular principles of American governance dictate that citizenship is not contingent upon religious affiliation. This ethos sometimes sparks debate about the intersection of religious freedom and equality, with some voices asserting that the divine authority of religious doctrine supersedes civil law. Others contend that unchecked religious liberty might compromise civic harmony, suggesting that religious practices could potentially become too unruly for individual and governmental oversight. Amidst these discussions, the consensus has generally leaned towards the unconstitutionality of direct government funding of religious institutions, preserving the delicate balance between church and state (Eisgruber and Sager, 2007).

4.2 Religious Freedom in Australia

In Australia, too, the constitutional provisions forbid the state from establishing any religion. Australian constitutions provide, "the commonwealth shall not make any law for establishing any religion." Building upon the insights of F. Cumbrae Stewart, Section 116 of the Constitution places explicit limitations on governmental authority in matters of faith. It prohibits the state from establishing an official religion or enforcing religious doctrine as state policy (Kaveny, 2016). Additionally, it prevents the state from intervening in the reform of religious institutions or their doctrinal developments. The section further restricts the state from enforcing religious decrees and from providing aid for the propagation of religious beliefs in new territories. These provisions ensure a clear demarcation between religion and state, thereby safeguarding individual liberties and religious pluralism.

4.3 Religious Freedom in Turkey

In the foundational years subsequent to the inauguration of the Grand National Assembly in 1923, the emergent Republic of Turkey presided over by Mustafa Kemal's People's Party, embarked on formulating its first constitution in 1924. This seminal document symbolized a deliberate transition towards Westernization, an affirmation of Turkish nationalism, and the cultivation of a scientific perspective on religion, with the aspiration of crafting a secular and modern societal ethos. Initially, the constitution recognized Islam as the state religion, a nod to the deep-seated Islamic influences from the Ottoman period. Yet, in the progressive march towards secularism, the designation of a state religion was retracted in 1937, cementing Turkey's status as an unequivocally secular nation (Lerner, 2013).

Notwithstanding, Turkey's societal landscape is characterized by a dichotomy between secular-liberal Muslims and religiously conservative Muslims. Enshrined within Article 2 of the Turkish Constitution is the proclamation of state secularism, which mandates secularism through stringent constitutional provisions. These statutes enshrine freedoms pertaining to conscience, religious belief, conviction, and worship while simultaneously precluding discrimination based on religion (Lerner, 2013).

Amidst this backdrop, Turkey has demonstrated commendable strides towards inclusivity for its religious minorities. Notable advances include the governmental restoration and maintenance of significant religious edifices, such as the Grand Synagogue of Edirne and the Bulgarian Orthodox St. Stephen Church in Istanbul, signaling positive developments in religious tolerance and cultural heritage conservation (Lerner, 2013).

Contemporary Turkey presents a complex tableau of religious freedom, wherein the constitutional commitment to secularism coexists with intermittent state intervention in religious affairs. While the Turkish Constitution upholds secularism and guarantees freedom of worship, the government exercises considerable influence over religious expression through the Directorate of Religious Affairs (Diyanet). This has implications for both the majority Muslim population and religious minorities, whose practices and places of worship are subject to regulatory oversight (Çarkoğlu and Bilgili, 2020). The intricate balance between secular policies and religious dynamics continues to shape the contours of religious liberty in Turkey (Kuru, 2009).

4.4 Religious Freedom in Japan

Religious freedom in Japan is enshrined in the Japanese Constitution, particularly in Article 20, which stipulates that all citizens enjoy freedom of religion and that the state shall not grant privileges or impose restrictions based on religious beliefs. This constitutional guarantee reflects Japan's commitment to religious pluralism and the non-establishment of religion, ensuring that there is no state religion and that religious institutions are separated from the state (Yamagishi, 2017). The government generally respects these rights in practice; various religions coexist harmoniously, with Shintoism and Buddhism being the most prevalent, alongside Christianity and other faiths (Davis, 1992). However, historical incidents such as the state's oppression of certain religious movements, most notably during World War II, contrast with contemporary Japan's approach to religious tolerance (Hardacre, 1989).

4.5 Religious Freedom in France

In France, the principle of religious freedom is enshrined in the constitution, whereby the state is precluded from enacting capricious constraints on religious practices, with exceptions only to preserve public order and prevent activities deemed detrimental to society (Kuru, 2009). French secularism, or 'laïcité', articulates a clear separation of religion from public life, culminating in legislative measures such as the 2004 law that bans conspicuous religious symbols in public schools, including the headscarves worn by Muslim women. The conception of 'laïcité' reflects a nuanced understanding of religious freedom, often perceived as maintaining a critical stance or even displaying antipathy towards public displays of religiosity, a stance that diverges from the American model of religious freedom that is generally more accommodating of religious expression in public spheres. This contrast underscores a cultural divergence wherein France adopts a secular posture, while the United States is often characterized by its overt religiosity (Gunn, 2004).

4.6 Religious Freedom in United Kingdom

The State maintains Christianity as its official religion, with the Church of England institutionalized as the established state church, thereby negating the principle of church-state separation (de Beaufort, Hägg, and van Schie, 2008). This intertwining of ecclesiastical and state affairs is historically rooted in the Act of Supremacy of 1534, which designated the monarch as the supreme head of the Anglican Church, a title complemented by 'Defender of the Faith'. As such, ecclesiastical law is interwoven with the legal system of England, with civil courts recognizing its jurisdiction (Brown, 2019). Contrasting with this theocratic structure, organizations like Humanist UK advocate for the UK's transition to a secular state (Hooker, 2018). Despite the official state religion, the UK upholds the secular basis of citizenship, ensuring legal and civic equality

irrespective of religious affiliation (Vanderbeck and Johnson, 2016). This contrasts sharply with theocratic systems like that of Vatican City, where citizenship and leadership are contingent upon adherence to Roman Catholicism, and certain Islamic states, where citizenship and state privileges may be conferred based on religious identity, often relegating non-adherents to lesser status.

5. Conclusion

The intersection of religious freedoms with the rights of individuals and communities presents a significant and ongoing challenge within the realm of human rights. Institutions of religion strive to impart comprehensive guidance on the lives of their adherents, a dynamic that the United Nations and various legal frameworks have sought to navigate while upholding the principles of religious liberty. International and regional instruments have been promulgated to secure the religious rights of citizens, with particular attention given to minorities and other vulnerable populations.

In the face of these divergent values, a reciprocal respect for pluralistic perspectives is paramount. Discrepancies stemming from collective identities and norms of equality demand careful deliberation, ensuring resolutions are conducive to individual welfare and align with overarching human rights principles.

The intricate conflict between human rights and religious freedom necessitates a departure from traditional liberal interpretations toward a more nuanced, value-pluralistic paradigm within international law, eschewing a rigid and dichotomous perspective on religious practice. However, the predominance of individual rights in legal safeguards reflects an acknowledgment that group rights may, at times, encroach upon the liberties of individual group members. This is evidenced by instances, both historical and contemporary, where religious customs may impinge upon personal human rights.

A concerted move towards the delineation of church and state functions is imperative, ensuring the state's objectives center on cultivating peace, justice, freedom, and equality rather than propagating religious doctrine. A pluralistic liberal democracy must recognize and honor the ethnic, cultural, and religious identities of minority communities, providing conditions conducive to their preservation and development. Regardless of a nation's establishment of religion or its secular stance, the imperative to guarantee religious freedom remains undiminished, with the state responsible for accommodating individual beliefs and a multiplicity of faiths.

The examination of religious freedom across diverse governance models reveals a multifaceted human right that is celebrated for its contribution to cultural identity and personal autonomy yet remains under continuous scrutiny and debate. The study underscores that while religious freedom is an internationally upheld norm, its application is far from uniform, varying significantly across legal and political spectrums. As such, religious liberty presents a unique challenge within global and regional arenas, demanding a delicate balance between individual rights and collective societal interests. This challenge is particularly pronounced when addressing the nuances of protecting minority religious groups within broader national contexts. The study's analysis provides critical insights into the dynamic interplay between religion and law, advocating for a nuanced approach that respects both the universal right to religious freedom and the complex realities of its implementation within different societal frameworks.

In conclusion, embracing cultural diversity and multiculturalism as a societal asset is vital. The fortification of religious freedom's place in international law must not come at

the expense of principles such as gender equality and non-discrimination. Pluralism and tolerance stand not only as pillars of democratic societies but also as pathways to their realization and enhancement.

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