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Rights and Righteousness

Perspectives on religious pluralism and human rights

A compilation of papers from a conference organised by the Northern Ireland Human Rights Commission and the Irish School of Ecumenics, Trinity College Dublin, 1-2 November 2007, Belfast

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The right to religiously neutral governance

Jeroen Temperman

The relevance of state-religion identification under international law

The global framework of universal human rights protection, particularly as far as the promotion of the rights of religious minorities and women's rights is concerned, suffers from a lack of consensus and decisiveness on the question: what form of domestic political organisation can actually take these fundamental rights adequately into account?¹ Though it has been globally acknowledged that *democratic* governance is an indispensable characteristic of political organisation as far as compliance with human rights is concerned,² virtually all other aspects of domestic political organisation are issues for the individual states to freely determine a position and state practice upon. One of these other facets of political organisation is formed by the field of what can be referred to as 'state-religion

identification', that is, the degree and type of interrelation between the state and religion.³ Worldwide state practice shows an enormous variety of perceptions of the adequate relationship between the state and religion. Some states are explicitly secular, other countries are clear examples of 'religious states', while still others exhibit the many conceivable alternatives in between or indeed 'beyond' these two extremes – one could readily claim that there are as many different systems in this respect as there are states.

International human rights law is fairly indifferent as to the question of state-religion identification. Human rights law does not explicitly identify a specific form of state-religion identification as a necessary institutional structure to comply with human rights norms.⁴ Moreover, the existence and deliberate preservation of regimes of state-religion identification that reflect preferential treatment of a single

1. The first two sections of this paper draw on a much more elaborate introduction to the subject of state-religion identification: Temperman J (2006) 'The neutral state: optional or necessary? – a triangular analysis of state-religion identification, democratisation and human rights compliance', in *Religion and Human Rights*, 1/3, pp 269-303.
2. *Vienna Declaration and Programme of Action*, World Conference on Human Rights, Vienna, 25 June 1993, UN Doc A/CONF 157/24 (Part I) at 20 (1993), paragraph 8: "Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing ... The international community should support the strengthening and promotion of democracy ...".
3. The state-religion identification terminology originates from: Ryskamp GR (1980) 'The Spanish experience in church-state relations: a comparative study of the interrelationship between church-state identification and religious liberty', in *Brigham Young University Law Review* 3, pp 616-53, discussing church-state identification; and Durham WC (1996) 'Perspectives on religious liberty: a comparative framework', in van der Vyver JD and Witte J (eds) *Religious Human Rights in Global Perspective: Legal Perspectives*, Martinus Nijhoff Publishers, The Hague/Boston/London.
4. The ideal of secularism or of separation of state and religion is not a legal notion of public *international* law since it is not required by any international agreement. It must be added that such notions could hardly be regarded as principles of customary international law either, since no necessary unequivocal state practice is emerging, let alone a considerable *opinio juris sive necessitatis*, that is, a global consensus on the necessity of legal recognition and implementation of the given principles.



religion does not *ipso facto* qualify as a violation of human rights law⁵ (the question is, though, if this position is tenable).⁶

Notwithstanding these considerations, a state of non-secularity *does* raise some concern with respect to questions of human rights compliance in the eyes of the UN Human Rights Committee (the monitoring body of the UN Covenant on Civil and Political Rights)⁷, as it has stated:

“The fact that a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including ... [the right to freedom of thought, conscience, and religion and the rights of members of ethnic, religious and linguistic minorities], nor in any discrimination against adherents to other religions or non-believers. In particular, certain measures discriminating against the latter, such as measures restricting eligibility for government service to members of the predominant religion or giving economic privileges to them or imposing special restrictions on the practice of other faiths, are not in accordance with the prohibition of discrimination based on religion or belief and the guarantee of equal protection [of the law without any discrimination] ...”⁸

Moreover, in carrying out its role of monitoring state parties to the International Covenant on Civil and Political Rights, it does occasionally seem determined to ascertain whether a state is genuinely secular or whether state and religion are truly separated. The Human Rights Committee has, in fact, asked state parties to the ICCPR critical questions concerning their relationship between the state and religion. Occasionally, the Committee considers the existence of an official religion as potentially undermining human rights norms.⁹

Human rights law and the doctrine of subsidiarity

The International Covenant on Civil and Political Rights, or any other human rights treaty for that matter, does not identify a ‘best practice’ for states to manage state-religion affairs with a view towards ensuring full compliance with everyone’s human rights. Particularly the rights of religious minorities and women’s rights are undermined by this lack of vigorousness. One might find it at the least remarkable that, for instance, the Convention on the Elimination of All Forms of Discrimination Against Women does not mention the word ‘religion’ once,¹⁰ given that religious doctrine and belief form the basis or background of a substantial share in the present practices of discrimination against women.

5. See for a good European example: *Darby v Sweden* [1990] ECHR 24, 23 October 1990.

6. For a comprehensive critique of this traditional, establishmentarian position, see Temperman J (2010) *State-Religion Relationships & Human Rights Law: Towards a Right to Religiously Neutral Governance*, Leiden/Boston, Martinus Nijhoff Publishers [forthcoming].

7. International Covenant on Civil and Political Rights, 16 December 1966, GA Res 2200A (XXI), 21 UN GAOR Supp (No 16) at 52, UN Doc A/6316 (1966), 999 UNTS 171 (entered into force 23 March 1976) [hereinafter ICCPR].

8. Human Rights Committee, *General Comment No 22: The Right to Freedom of Thought, Conscience and Religion (Article 18)*, CCPR/C/21/Rev/Add 4 (1993), paragraph 9 [hereinafter General Comment 22]. It is noteworthy that the Human Rights Committee does observe the potential risk of an official or predominant religion undermining the rights of religious minorities and non-believers, yet it fails to recognise the fact that regimes of religious establishment undermine compliance with women’s rights.

9. Tahzib BG (1996) *Freedom of Religion or Belief: Ensuring Effective International Legal Protection*, Martinus Nijhoff Publishers, The Hague/Boston/London, pp 260-261.

10. UN *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, GA Res. 34/180, 34 UN GAOR Supp (No 46) at 193, UN Doc A/34/46 (entered into force 3 September 1981) [hereinafter CEDAW]. Available: <http://www.un.org/womenwatch/daw/cedaw>.



A plausible legal-political rationale for this all lies in the following. States show their commitment to respect fundamental rights by signing up to international conventions. These conventions, however, do not make explicit in detail what kind of internal political organisation is necessary for the effective protection of human rights norms. The ‘High Contracting States’ have to comply with international human rights which are codified on established international fora, but these fora have no clear competence on the question how to organise – to that end – the state internally. On the contrary, a vital condition for the ultimate impact and preservation of these international norm-setting institutions is a great deal of *subsidiarity*. States that ratify human rights conventions have a free hand in the means by which they seek to achieve the set standards. Paradoxically, a ‘better’ human rights convention, in terms of a more intrusive one, will result in a relatively low rate of state consent, which will ultimately affect the legalistic universality of the convention in question. Any demand that regards the state’s form of political organisation is destined to be considered exceptionally intrusive, since political organisation is typically considered to belong to the untouchable spheres of state sovereignty. Conversely, a ‘worse’ convention (in the sense of a less interfering one) will plausibly result in a high rate of state consent and is therefore bound to be more universal. Drafting human rights conventions therefore involves dangerously balancing on this thin line between drafting provisions with teeth and aiming at a

maximum degree of universality in terms of worldwide applicability.¹¹

These considerations do by no means demonstrate that there is a – naïve – global consensus that any type of domestic political organisation will suffice as far as the upholding of human rights is concerned. The way the state defines its relationship to religion is undeniably of crucial importance to the issue of guaranteeing *equal* respect for *everyone’s* human rights. The fact that the tenets of international law, or of human rights law particularly, have not identified a specific form of state-religion identification as a prerequisite in relation to effective human rights compliance, nor specific forms of state-religion identification as *ipso facto* human rights violations does not follow from research into the matter but is the result rather of a sensitive political compromise.

The question that emerges is, how does the mode of state-religion identification of a state affect the scope for full compliance with human rights?

State-religion identification and human rights compliance

The state-religion identification spectrum

The spectrum of state-religion relationships encompasses different forms of positive state identification with religion; for example, forms that approximate a coincidence of the state and religion or weaker forms such as established religions, state supported religions or forms of state acknowledgement of religion. It also includes different forms

11. Within the European context, Evans and Thomas argue something similar with respect to the *European Convention for the Protection of Human Rights and Fundamental Freedoms*: “At the time that the ECHR was drafted, a number of member states had established churches, including the United Kingdom, Sweden, and Norway. If the ECHR had prohibited establishment, then it is quite possible that significant states would not have ratified the ECHR or would have included substantial reservations to their acceptance. These states included important supporters of the ECHR, such as the United Kingdom, which maintains its established church to this day and would likely oppose any attempts to include establishment as a rights violation”. Evans C and Thomas CA (2006) ‘Church-state relations in the European Court of Human Rights’, *Brigham Young University Law Review* 3, pp 699-706. *European Convention for the Protection of Human Rights and Fundamental Freedoms*, 4 November 1950, ETS No 5, 213 UNTS 222 (entered into force 3 September 1953).



of state identification with secularism; for example, French-style separation based on the *laïcité* doctrine, American ‘wall of separation’ notions and concepts of disestablishmentarianism based on the First Amendment doctrine or secularity notions which, rather than underscoring the importance of exercising political authority free from religious fallacy, seek to emphasise the necessity of the autonomy of religious institutions (that is, religious organisations free from governmental interference). The spectrum finally encompasses forms of identification that go beyond such rigid bipartite classification into secular/religious; for example, ‘indifferent states’ (states which leave the religious question undecided), states that seek state control over religion, or states that adopt a downright antagonistic stance *vis-à-vis* religion.¹²

Religious and secular zealotry

In order to substantiate the claim that human rights violations are inevitable under certain regimes of state-religion identification, two examples will be elaborated upon in more detail – one to be placed on the extreme religious and the other on the extreme secular side of the state-religion identification spectrum.

(i) Religious laws as *ipso facto* human rights violation

One of the principal characteristics of states with a strong positive identification with a single religion or religious denomination is reflected by the substantial degree to which the legislative, executive and judicial branches of the state are subjected to religion – in other words, the political organisation of these states is permeated with religious laws. Such is usually constitutionally guaranteed by provisions to the effect that “no law shall be contrary to religious laws” or “all laws shall be based on religious laws”, symptomatically in conjunction with a variety of constitutional provisions forcing the legislative, executive and judicial branches of the state to comply with that demand.¹³

Human rights scholarship has been rather persistent in criticising religious laws by pointing out the fact that the tenets of the religious laws in question, that is, as regards content, might, when legalised or judicially enforced, qualify as human rights violations. Depending on the exact content and implications, the application of a specific religious rule might amount to a breach of the right to freedom of religion or of the equality/non-discrimination principle (or of both), or of any other human right as enshrined in human rights law (possibly in conjunction with the right to freedom of religion or the equality/non-discrimination

12. See, for further elaboration on the complete state-religion identification spectrum: Durham WC (1996) ‘Perspectives on religious liberty: a comparative framework’, in van der Vyver JD and Witte J (eds) *Religious Human Rights in Global Perspective: Legal Perspectives*, Martinus Nijhoff Publishers, The Hague/Boston/London; this adds important nuances to the spectrum.

13. The constitutions of some states that identify with Islam provide expressly that no law shall be contrary to Islamic principles or Shari’a law and put constitutional safeguards in place to enforce that command; for example: Afghanistan, Algeria, the Maldives, Iraq, Pakistan and Saudi Arabia. See articles 3 and 131 of the *Constitution of the Islamic Republic of Afghanistan* (2004); articles 9 and 171 of the *Constitution of the People’s Democratic Republic of Algeria* (1976); article 2, paragraph 1, and article 89 of the *Constitution of the Republic of Iraq* (2005); article 43 of the *Constitution of the Republic of Maldives* (1998); articles 203D and 227, paragraph 1, of the *Constitution of the Islamic Republic of Pakistan* (1973); articles 7–8, 11, 23, 55, 57 and 67 of the *Basic Law of Government of Saudi Arabia* (1992). Some constitutions provide that Shari’a law (and/or Islamic principles) is to be the sole, principal or main source for legislation and put constitutional safeguards in place to enforce that command; for example: Bahrain, Egypt, Kuwait, Mauritania, Oman, Qatar, Somalia, Syria, United Arab Emirates, and Yemen. See articles 2, and 5–6 of the *Constitution of the Kingdom of Bahrain* (2002); articles 2 and 11 of the *Constitution of the Arabic Republic of EGYPT* (1971); article 2 and article 18, paragraph 2, of the *Constitution of the State of Kuwait* (1962); preamble and article 94 of the *Constitution of the Islamic Republic of Mauritania* (1991); articles 2 and 11 of the *Basic Law of the Sultanate of Oman*; Royal Decree No 101/96 (1996); articles 1, 51, 74, 92 and 119 of the *Permanent Constitution of the State of Qatar* (2003); article 8, paragraph 2, of the *Transitional Federal Charter of the Somali Republic* (2004); article 3, paragraph 2, of the *Constitution of the Syrian Arab Republic* (1973); articles 7 and 12 of the *Provisional Constitution of the United Arab Emirates* of 1971 (which was subsequently made permanent by Constitutional Amendment no 1 of 1996); and articles 3, 7, 23, 31, 46 and 59 of the *Constitution of the Republic of Yemen* (1994).



principle). The victims of these violations are predominantly (but not only) members of religious minorities and women.¹⁴ So far underemphasised, however, is the fact that the very subjection of an individual to the religious rules of the establishment amounts *ipso facto* to a human rights violation.

The International Covenant on Civil and Political Rights provides that all persons are equal before the law and that they are entitled without any discrimination to the equal protection of the law; in this respect, any discrimination on the ground of religion made by laws is expressly prohibited.¹⁵ The freedom to manifest one's religion or belief (including non-theistic and atheistic beliefs), as enshrined in the same treaty, can only be limited if limitations are prescribed by law and necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others: the protection of the state endorsed version of religion is not a legitimate ground for limitation.¹⁶ Moreover, limitations based on the protection of morals

cannot be justified on the basis of a reference to the exclusive morality of a single religious tradition.¹⁷

Consequently, any instance of compulsory application/ enforcement of religious laws constitutes a human rights violation. The subjection of individuals to state sanctioned interpretations of religious laws (and to the derivative jurisdiction of religious Courts) runs counter to the principles of freedom of religion in conjunction with the non-discrimination principle.¹⁸ This seems *a fortiori* the case if the person involved does not adhere to the religion from which the religious laws derive (that is, members of religious minorities or non-believers); it can be argued, however, that also compulsory application of religious laws to adherents of the state sanctioned religion is contrary to human rights law. Only explicit personal consent to the application of religious laws – that is, on a case-by-case basis – could arguably obviate a degree of the illegitimacy of the application of religious laws. The fact

14. Far from being exhaustive, the following might give some insights into the substantial human rights violations resulting from the application of religious laws. Apostasy/conversion prohibitions violate everyone's right to freedom of religion (article 18 of the ICCPR). Granting non-Muslims an inferior legal and social status (*Dhimma*) violates the rights of members of religious minorities (articles 26 and 27 of the ICCPR). Women's rights are restricted or equality between men and women is undermined by religious laws in the following ways. Regulations that are said to derive from Islamic law pertaining to marriage are expressly discriminatory in Algeria, Bahrain, Iran (NB: Iran is not a party to CEDAW), Kuwait, Pakistan, Saudi Arabia, United Arab Emirates and Yemen. The status of married women, under these laws is symptomatically one of disparity which runs counter to the principle of equality in marriage and family situations (article 16 of CEDAW). The prohibition, aimed at Muslim women, to marry non-Muslim men violates the rights of women to freely choose a spouse (for example: Algeria, Bahrain, Kuwait, Pakistan, United Arab Emirates and Yemen; article 16, paragraph 1(a) of CEDAW); the same holds true if a woman has to convert to Islam in order to be able to marry a Muslim man (for example: Saudi Arabia) – in addition, such demands violate her equal right to freedom of religion and the prohibition of coercion in religious affairs (article 18, paragraph 1 and 2 of ICCPR). See also: Tahzib-Lie BG (1999) 'Women's equal right to freedom of religion or belief: An important but neglected subject', in Howland CW (ed) *Religious Fundamentalisms and the Human Rights of Woman*, Palgrave, New York, 117 on women's equal right to freedom of religion. The practice and state endorsement of polygamous marriages (for example: Algeria, Syria, United Arab Emirates and Yemen) also violates women's rights to equality with men (article 5 in conjunction with articles 15 and 16 of CEDAW). Religious personal status laws on divorce and child custody that restrict or neglect the rights of women violate (for example: Bahrain, Syria, Qatar (NB: not a party to CEDAW) and the United Arab Emirates) the principle of equal rights at and after the dissolution of a marriage (article 16, paragraph 1(c) and (d), of CEDAW; such regulations can be particularly harsh with respect to non-citizens, that is: usually non-Muslim, women. Religious dress rules violate the prohibition of coercion in religious matters – if enforced regardless of the religious affiliation of the individual it additionally constitutes a violation of the right to freedom of religion proper (for example: Iran and Saudi Arabia). Religious laws favouring male heirs in adjudicating their inheritance claims and/or denying or restricting women's inheritance claims – usually legally curtailed by half – (for example: Algeria, Egypt, the Maldives, Oman and Syria) violate women's equal economical rights; such regulations are occasionally particularly discriminatory *vis-à-vis* non-Muslim women (for example: Algeria, Kuwait and Qatar) or women adhering to specific Muslim sects (article 2 in conjunction with article 5 and article 16 of CEDAW; for example: Bahrain and Kuwait). Religious regulations which consider the testimony of a woman not equal to that of a man – usually the testimony of a woman is worth half that of men, that is: the testimonies of two women is required to equal that of one man (either as a general rule or with regard to certain subject matters only) – violate women's right to equal treatment in all stages of judicial procedures (article 15, paragraph 2, of CEDAW: for example: Kuwait, the Maldives, Mauritania, Saudi Arabia and Qatar). Religious laws that render the religion of the child automatically as Islamic by virtue of the child having a Muslim father – thus regardless of the religion of the mother – violate women's equal right as parents in deciding upon matters relating to their children (article 16, paragraph 1 (d), of CEDAW; for example: Algeria, Saudi Arabia and Qatar).

15. Article 26 of ICCPR.

16. Article 18, paragraph 3 of ICCPR.

17. Human Rights Committee, *General Comment 22*, paragraph 8, on allowed and illegitimate limitations.

18. Article 18 in conjunction with article 26 of ICCPR.



that in this scenario, in effect, different laws will apply to different people – invariably – runs counter to the tenor of the equality/non-discrimination principle as enshrined in international human rights law.¹⁹

(ii) Prohibition of religious political parties as *ipso facto* human rights violation

One of the principal characteristics of states with a strong identification with secularism is reflected by the substantial degree to which the entire legislative, executive and judicial branches of the state are subjected to secularism (and occasionally to atheism or antagonism *vis-à-vis* religion).²⁰ The political organisation of these states is constructed in such a manner so as to eradicate the role of religion in the public domain. Some states have, to that end, constitutionally codified an absolute ban on religious political parties.²¹

These prohibitions run counter to human rights law as the right to freedom of association in conjunction with the right to freedom of religion and the non-discrimination/equality principle allow each individual to found such a political party.²² Even if it could be argued that one of the grounds for limitation – namely, the interests of national security or public safety, public order, the protection of public health or morals and the protection of the rights and freedoms of others – could be

invoked in the context of the state's interest in upholding the secularity of the state, it is hard to see how such a rigid measure could be considered necessary in a democratic society.²³ In a genuine democratic state, constitutional safeguards are in place so as to ensure that laws and regulations that are ultimately adopted in the political process are designedly non-discriminatory and to ensure that, should laws be discriminatory in effect, effective remedy procedures are in place to indemnify the disadvantaged people and to cease and avoid further discriminatory practices in this respect. In other words, it seems implausible that the toleration of religious political parties within the political discourse necessarily eventuates in discriminatory laws or state practices – that is, as long as the right constitutional safeguards are in place.

These safeguards should first and foremost aim at dismantling any religiously based discriminatory intent within the political consultation process itself; in addition, it is essential that the Constitution protects against the possible ('democratic') subjection of the state to a single religion proper – which is best guaranteed by constitutionally codifying a so-called non-establishment clause. If a political party adopts a program which is inclined towards religious zealotry and if it for instance plans to replace the secular nature of the state by a regime of established religion,²⁴

19. Article 26 of ICCPR.

20. With respect to the latter extreme, one can think of present state practice in the Democratic People's Republic of Korea and to a lesser extent in China; and of historical state practices manifested by the former Soviet Union, post-revolutionary Cuba and Vietnam.

21. For example: article 11 of the *Constitution of the Republic of Bulgaria* (1991); article 13 of the *Constitution of Burkina Faso* (1991); article 125 of the *Constitution of the Republic of Cape Verde* (1992); article 52 of the *New Constitution of the Republic of the Congo* (2002); article 9 of the *Fundamental Law of Equatorial Guinea* (1991); Ethiopia (*de facto* ban); France (*de facto* ban); article 60 of the *Constitution of the Gambia* (1996); article 55 of the *Constitution of the Republic of Ghana* (1992); article 3 of the *Fundamental Law of the Second Republic of Guinea* (1990); article 4 of the *Constitution of the Republic of Guinea-Bissau* (1991); article 8 of the *Constitution of the Kyrgyz Republic* (1993); article 79 of the *Constitution of the Republic of Liberia* (1986); article 130 of the *Political Constitution of the United Mexican States* (1917); article 76 of the *Constitution of the Republic of Mozambique* (1990); article 9 of the *Constitution of Niger* (1999); article 222 of the *Constitution of the Federal Republic of Nigeria* (1999); article 51 of the *Constitution of the Portuguese Republic* (1976); article 4 of the *Constitution of the Republic of Senegal* (2001); article 35 of the *Constitution of Sierra Leone* (1991); article 7 of the *Constitution of the Fourth Republic of Togo* (1992); article 28 of the *Constitutional Law of Turkmenistan* (1992); article 57 of the *Constitution of the Republic of Uzbekistan* (1992).

22. Article 22 in conjunction with articles 18 and 26 of the ICCPR.

23. Article 22, paragraph 2 of the ICCPR lists the grounds for limiting the right to freedom of association.

24. Some states have not codified a proper ban on religious political parties but require that political parties respect the secularity of the state; for example: article 5 of the *Constitution of the Republic of Benin* (1990); article 28 of the *Decree no 92-073 concerning Promulgation of the Constitution of Mali* (1992); and article 68 of the *Constitution of the Republic of Turkey* (1982).



and/or plans to press for laws and practices which run counter to human rights law, such a party can under circumstances be dissolved – yet always on a case by case basis and not by virtue of a generic, sweeping constitutional prohibition; never subject to a decision by the executive, but by a (constitutional) Court; never before the party is actually founded, but only once it can be concluded that democratic or human rights principles are violated or are likely to be violated on the basis of its agenda or actions.²⁵

Conclusion: the right to religiously neutral governance

Singling out these two issues – religious laws and the prohibition of religious political parties – is by no means intended to claim that there are no other urgent human rights related questions pertaining to the state-religion identification spectrum: there are many. The two analysed issues can arguably be considered to be among the most objectionable; a large amount of other issues ought to be tackled through human rights scholarship.

At the religious end of the spectrum, topics to be highlighted include: religious reservations to human rights treaties; establishment of religion as *ipso facto* human rights violation; constitutional theism and official acknowledgment of God-notions; religious qualifications for holding public office; religious inaugurations of public offices ('religious oaths'); compulsory religious education; the widely ignored right to freedom of religion of the child; and the compulsory mention of one's religious affiliation on IDs.

At the secular end of the spectrum, topics to be flagged include: forms of secularism as deliberate/disguised state control over religion; secularity as express ground for limiting human rights; bans on religious education/compulsory secular education; and the objectionable policies regarding registration of religious groups and anti-sect policies.

In conclusion, the absence of a considerable degree of state neutrality with respect to religious issues has a detrimental effect on human rights compliance. Human rights violations are inevitable whenever states usurp authority to enforce a state sanctioned view on the so-called 'right belief' or to rigidly enforce a state of secularism or atheism. As human rights law empowers the individual to decide for him or herself what to believe and as human rights law forbids states to make legal or pragmatic distinctions on the basis of such personal religious affiliation, any form of excessive identification of the state with religion or secularism will inevitably run counter to human rights principles. Non-discrimination/equality principles in conjunction with the right to freedom of religion or belief as enshrined in international human rights law require the state to deal with its subjects in a neutral, that is, a non-preferential or non-discriminatory, manner. In short, the state should respect everyone's right to religiously neutral governance.

25. See also: Stepan AC (2000) 'Religion, democracy, and the "twin tolerations"', *Journal of Democracy*, 11, 37, p 40.