

March 8, 2005: Commission Releases Religion & Human Rights Survey on Constitutions of 44 Muslim Countries

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WASHINGTON - The U.S. Commission on International Religious Freedom (USCIRF) released on its Web site today a new survey, *The Religion-State Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Predominantly Muslim Countries*. The study, prepared by Commission staff, examines the text of Muslim constitutions from 44 nations in Europe, Africa, the Middle East, and Asia. The study demonstrates that predominantly Muslim countries-including those where Islam is the religion of the state-encompass a variety of constitutional arrangements addressing the role of Islam, the scope of the right to freedom of thought, conscience, and religion or belief, and equality of rights and freedoms, including for women. "The Commission believes that this study - the first of its kind - will be helpful to citizens, legal experts, policymakers, and diplomats throughout the world searching for models of constitutional text within the Muslim world that relate to international human rights standards," said USCIRF Chair Preeta D. Bansal. Several current developments in constitutional drafting are spurring renewed analysis of the existing constitutional landscape of the Muslim world. In 2004, Afghanistan adopted a new permanent constitution, and Iraq's Governing Council approved an interim constitutional document (the "Transitional Administrative Law" or TAL). Iraq's elected national assembly is expected to draft a permanent constitution in 2005. In Sudan, a new interim constitution is anticipated as a product of the Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement. The interlocking roles of religion and human rights will be key issues in Iraq and Sudan. The Commission's study found:

- More than half of the world's Muslim population (estimated at over 1.3 billion) lives in countries that are neither Islamic republics nor countries that have declared Islam to be the state religion. Thus, the majority of the world's Muslim population currently lives in countries that either proclaim the state to be secular, or that make no pronouncements concerning Islam to be the official state religion.
- Countries in which Islam is the declared state religion may provide constitutional guarantees of the right to freedom of religion or belief that compare favorably with international legal standards.
- Similarly, countries with Islam as the declared state religion may maintain constitutional provisions protecting the related rights to freedom of expression, association and assembly-or the rights of equality and nondiscrimination with regard to, inter alia, religion and gender-which compare favorably with international standards.
- A number of constitutions of predominantly Muslim countries incorporate or otherwise reference international human rights instruments and legal norms. "The Commission's study shows that positive models of constitutional text exist in the Muslim world," added Bansal. "This finding is crucial for demonstrating that freedom of religion or belief, as well as other international human rights norms, can coexist in the Muslim world, and should guide the people of Iraq and Sudan as these countries undertake the drafting of new constitutions." "Because constitutional text does not always translate into practice, the Commission invites policy and legal experts to further research the interpretation and application of these constitutional provisions and their practical impact in Muslim countries, especially with regard to the protection of internationally recognized human rights. The study will be published in the summer 2005 volume of the Georgetown Journal of International Law.

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