

February 9, 2012 | by [Leonard A. Leo](#) and [Elizabeth H. Prodromou](#)

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As Egypt marks the first anniversary of Hosni Mubarak's historic departure on February 11, urgent challenges await it and other Middle Eastern and North African states. From Tunisia to Egypt, elections raise hopes for democracy. Yet the ballot box alone will not ensure the triumph of human rights and freedom over tyranny and oppression. What happens after the elections is as critical.

Will the rule of law be enforced? Will women's rights be defined and protected? Will minority rights be respected? Will the full panoply of human rights be guaranteed under law and applied by government officials? Will the freedom of religion or belief be recognized as central to democracy? The answers to these questions will determine whether democracy will take hold.

None is more important than whether religious freedom will be protected. Studies show a

positive correlation between this freedom and civil and political rights, economic liberty, and personal and national security -- and a negative correlation with social conflict and state violence and repression. Egypt's frightening sectarian violence, threatening religious pluralism and religious minority communities, underscores these linkages.

One of the most crucial ways that elected leaders can bolster religious freedom and related rights is by enshrining them in their constitutions. It is not all that must be done, but it's an essential first step. Egypt can set the standard. By protecting religious freedom, Egypt's parliament can send a message to the region about the intrinsic linkages between this foundational right and broader liberties.

Elsewhere, Prime Minister Erdogan recently announced his government's intent to proceed with long-delayed reforms to Turkey's constitution. Jordan's King Abdullah II is being pressed by political opposition parties for reforms to his country's constitution. Bahrain's King Hamad has met with opposition critical to recently-announced constitutional amendments. While contexts vary, such efforts must ensure that international standards are respected in constitutional drafts. There are a number of key touchstones to consider.

First, national constitutions should recognize freedom of religion, thought, conscience, and belief as a universal right. By signing the UN Charter, each of the 193 member states of the United Nations concurred, as did the drafters of numerous international instruments, beginning with the 1948 Universal Declaration of Human Rights. Egypt and other nations should act accordingly through their own constitutions.

Constitutions must recognize religious freedom for individuals and communities alike. Each person's freedom to hold and to manifest any religion or belief -- and, equally important, not to hold any religious belief -- should not be abridged, aside from exceptions spelled out in international law. Whether part of a religious minority or majority, whether an adherent of a traditional religion, a newer religion, or no religion, and whether a citizen or a non-citizen, every human being should possess the freedom of religion or belief.

Besides recognizing it as a universal right and empowering individuals and communities to exercise it, national constitutions should also affirm that religious freedom includes the right to keep or to change one's own religion or belief without coercion and to manifest it publicly, as well as to persuade others to change their beliefs or affiliations voluntarily. Any limitations on these freedoms must be prescribed by narrowly construed law consistent with international agreements.

Finally, for countries declaring one religion as the official religion, religious freedom must be respected for all, without bias. Providing benefits to state religions not available to other faiths would constitute discrimination, as would excepting them from processes normally required for faith communities to establish legal personality.

As Egypt marks the one-year anniversary of Mubarak's fall, its leaders can set an example by drafting a new national constitution that upholds these international legal standards for religious freedom. Such a constitution would enhance the prospect that democracy, marked by principles of equality and tolerance, takes root. To be sure, neither elections nor constitutions that respect religious freedom can guarantee democracy, but they are necessary steps along its path.

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