



UNITED STATES COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM

**The Religion-State Relationship & the Right to Freedom of Religion or Belief**  
*A Comparative Textual Analysis of the Constitutions of  
Majority Muslim Countries and Other OIC Members*

In light of the constitutional drafting or revision processes currently underway in a number of countries, this study by the U.S. Commission on International Religious Freedom (USCIRF) analyzes how constitutions in the “Muslim world” treat issues of human rights and religious freedom. Specifically, it compiles and analyzes the constitutional provisions currently in place regarding the relationship between religion and the state, freedom of religion or belief, and related human rights. It does so for the 46 countries in the world with majority Muslim populations and 10 other countries that, while not majority Muslim, are members of the Organization of Islamic Cooperation (“OIC”).<sup>1</sup>

These countries, stretching from Europe to Africa through the Middle East and into Asia, encompass a variety of constitutional arrangements addressing the role of Islam and the scope of religious freedom and other related human rights. The religion-state arrangements range from Islamic republics with Islam as the official state religion to secular states with strict separation of religion and state. Moreover, the role of Islam and the extent of guarantees for internationally-recognized human rights vary amongst constitutions of states where Islam is proclaimed the state religion.

The minimum international standards required for an effective constitutional guarantee of the right to religious freedom include, *inter alia*: universal applicability to everyone as individuals; the freedom to manifest a religion or belief, either individually or in community with others, in public or private; no coercion that would impair the freedom to change religion; and limitations on religious freedom only in certain narrow circumstances allowed under international law. (For a more detailed discussion, see “[International Standards for Constitutional Religious Freedom Protections](#),” Yale Journal of International Law, December 2011.)

The 46 majority Muslim countries surveyed:

Afghanistan, Albania, Algeria, Azerbaijan, Bahrain, Bangladesh, Brunei, Burkina Faso, Chad, Comoros, Djibouti, Egypt, Gambia, Guinea, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kosovo, Kuwait, Kyrgyzstan, Lebanon, Libya, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Somalia, Syria, Tajikistan, Tunisia, Turkey, Turkmenistan, United Arab Emirates (UAE), Uzbekistan, Yemen

The 10 other OIC members:

Benin, Cameroon, Gabon, Guinea-Bissau, Guyana, Ivory Coast, Mozambique, Suriname, Togo, Uganda

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<sup>1</sup> This study is an update of a similar study published by USCIRF in 2005 entitled “The Religion-State Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Predominantly Muslim Countries.” Both studies are available at <http://www.uscifr.gov/issues/muslim-constitutions.html>

The study shows that:

- Approximately 44% of the world’s Muslim population live in 23 majority Muslim countries that have declared Islam to be the state religion; the remaining 56% live in countries that either proclaim the state to be secular or make no pronouncements concerning an official state religion.
- Approximately 39% of the world’s Muslims live in 22 countries whose constitutions provide that Islamic law, principles, or jurisprudence should serve as a source of, or limitation on, general legislation or certain select matters. This is the case in 18 of the 23 countries where Islam is the religion of the state, as well as four majority Muslim countries where Islam is not the declared state religion.
- Only 6 of the countries surveyed, in all of which Islam is the declared state religion, provide no constitutional provision at all concerning religious freedom specifically.<sup>2</sup> Other countries, including ones in which Islam is the declared state religion, provide constitutional guarantees of the right to freedom of religion or belief, which comply in varying degrees to international human rights norms. For example, some provisions compare favorably in clearly specifying that the right to freedom of religion or belief is to be extended to every individual, or in protecting individuals against coercion in matters of religion or belief. Others do not compare favorably, for example by only protecting particular religions or class of religions, only encompassing worship or the practice of religious rites, or allowing limitations by any ordinary law.

To be sure, religious freedom abuses occur in countries whose constitutional provisions compare favorably with international standards. Constitutional text alone may not necessarily reflect actual practice, especially in the field of human rights. Nevertheless, constitutional text remains important, not only as a statement of fundamental law and national aspirations, but also as tool for those seeking to enforce its promises.

<b>Declares Islam as the State’s Religion</b>	<b>Provides Role for Islamic Law, Principles or Jurisprudence</b>
1. Afghanistan	1. Afghanistan
2. Algeria	2. Bahrain
3. Bahrain	3. Egypt
4. Bangladesh	4. Gambia
5. Brunei	5. Iran
6. Egypt	6. Iraq
7. Iran	7. Jordan
8. Iraq	8. Kuwait
9. Jordan	9. Libya
10. Kuwait	10. Malaysia
11. Libya	11. Maldives
12. Malaysia	12. Mauritania
13. Maldives	13. Nigeria
14. Mauritania	14. Oman
15. Morocco	15. Pakistan
16. Oman	16. Qatar
17. Pakistan	17. Saudi Arabia
18. Qatar	18. Somalia
19. Saudi Arabia	19. Sudan
20. Somalia	20. Syria
21. Tunisia	21. UAE
22. UAE	22. Yemen
23. Yemen	

<sup>2</sup> Algeria, Comoros, Maldives, Mauritania, Saudi Arabia, and Yemen.