



# Reports

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*Dennis P. Petri and Jonathan Fox*

What do Constitutions say about religious freedom? More than you would think, and less than you would like!

**2023/11**

International Institute  
for Religious Freedom



International Institute  
for Religious Freedom

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## **What do Constitutions say about religious freedom? More than you would think, and less than you would like!**

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# What do Constitutions say about religious freedom? More than you would think, and less than you would like!

## Executive summary

- Between 1990 and 2022, religious freedom has become more prevalent in constitutions, even as constitutions exhibit notable stability.
- Roughly two thirds of the countries in the world now have a constitutional clause that protects freedom of worship, observance, or to practice religious rituals or rites.
- Thirteen countries, which all have a Muslim majority, constitutionally base their laws on religion and/or significantly subject specific rights and topic areas to religion.
- Constitutions include quite a variety of clauses related to religious freedom, however, their impact on the ground is often limited.
- In the complex landscape of religious freedom, there is a puzzling discrepancy between the lofty promises enshrined in constitutions and the actual respect for religious freedom on the ground. Indeed, the presence of constitutional protections of religious freedom poorly predicts instances of religious discrimination, whether instigated by governments (government religious discrimination, GRD) or non-state actors (societal religious discrimination, SRD).
- Constitutional commitments to religious freedom are often just window dressing, yet it is significant that countries continue to feel compelled to enact them.
- The only constitutional clauses that do have some impact on religious freedom are those related to the prohibition of religious hate speech as well as safeguards for the right not to have a religion. This can be explained by the fact that these clauses transcend symbolic affirmations and mandate specific actions from states. They hold particular relevance in the context of anti-religious forms of secularism, where their presence serves as constitutional red flags for religious freedom.
- A comprehensive understanding of religious freedom requires a holistic analysis of religious policy, extending beyond constitutional analysis. To get a reliable picture of the religious freedom situation in a given country, one needs to take a closer look at lower-level legislation, jurisprudence, bureaucratic practices, and other legal measures in order to examine all dimensions of religious policy.
- This comprehensive approach aligns with the objectives of the International Institute for Religious Freedom (IIRF) in partnership with the Religion and State Project at Bar-Ilan University (Israel) in developing the Global Religious Freedom Index, a project that will take three years to complete.

## 1. Introduction

Whilst constitutions are often overlooked in practice, rendering them poor indicators for actual religious freedom on the ground, it is essential to recognize that the prevalence of religious freedom clauses within these constitutional documents serves as a testament to the enduring legitimacy and value of religious freedom in global politics. Even if many countries may disregard these clauses in practice, the fact that they find it necessary to pay lip service to the concept underscores its considerable standing in world politics. In other words, most countries feel compelled to at least pretend that they provide religious freedom.

In this report, we take a closer look what national constitutions say about religious freedom, and explore their practical significance. To achieve this, we rely on the RAS-Constitutions dataset that was recently updated by the Religion and State Project at Bar-Ilan University under the leadership of Jonathan Fox, which we introduce in section 2. After presenting the methodology of this data collection instrument, in section 3 we conduct a descriptive analysis of the most important data pertaining to the treatment of religious freedom within national constitutions, tracing their evolution between 1990 and 2022. We find that religious freedom has become more prevalent in constitutions, even as constitutions exhibit notable stability.

In section 4, we discuss the limited significance of official religion and separation of religion and state (SRAS) clauses concerning actual religious freedom. We find that countries featuring official religions or SRAS clauses do not uniformly uphold or impede religious freedom. Consequently, drawing simplistic conclusions based solely on the presence or absence of these clauses proves unwarranted. In section 5, we delve into specific constitutional clauses that grant religious freedom. Again, we confirm that their mere existence poorly predicts instances of religious discrimination, whether instigated by governments (government religious discrimination, GRD) or non-state actors (societal religious discrimination, SRD). This underscores the necessity of examining all dimensions of religious policy to accurately assess the status of religious freedom in a given country, moving beyond constitutional text.

We further delve into the question why constitutional promises of religious freedom are so ineffective to guarantee actual religious freedom in section 6, by exploring several complementary hypotheses. Perhaps the most important hypothesis is the one we already mentioned at the start of this introduction: constitutional commitments to religious freedom are often just window dressing, yet countries continue to feel compelled to enact them.

In section 7 we discuss the only constitutional clauses that do have some impact on religious freedom. These are not the ones that might be expected and that we explored in sections 4 and 5 (presence of official religion, SRAS or religious freedom clauses) but rather clauses related to the prohibition of religious hate speech as well as safeguards for the right not to have a religion. Following Fox (2023), we find that these kinds of constitutional clauses have more bearing on religious freedom, because they transcend symbolic affirmations and mandate specific actions from states. Significantly, they hold particular relevance in

the context of anti-religious forms of secularism, where their presence serves as constitutional red flags for religious freedom, which we further discuss in section 8. In this section we also present the thirteen countries, which all have a Muslim majority, that constitutionally base their laws on religion and/or significantly subject specific rights and topic areas to religion.

Our ultimate conclusion underscores that a comprehensive understanding of religious freedom requires a holistic analysis of religious policy, extending beyond constitutional analysis. Except for the identified red flags, constitutional scrutiny alone proves largely inadequate. We must delve into lower-level legislation, jurisprudence, and broader government practices to obtain a thorough grasp of a country's religious freedom landscape. This comprehensive approach aligns with the objectives of the International Institute for Religious Freedom (IIRF) in partnership with the Religion and State Project in developing the Global Religious Freedom Index, a project that will take three years to complete.

## **2. Introducing the religious freedom variables in the RAS-Constitutions dataset**

The RAS-Constitutions dataset looks at the constitutions of 176 countries globally, covering the period from 1990 to 2022 (Fox & Sandler, 2020). An earlier version covered 169 constitutions from 1990 to 2008. The dataset has 154 variables that examine aspects like whether the constitution declares an official religion, separates religion and state, includes religious policies, guarantees religious freedom, limits other freedoms based on religion, makes symbolic references to religion, and bans religious discrimination.

The data was collected by getting English translations of constitutions from academic websites like [www.religlaw.org](http://www.religlaw.org) and [www.constituteproject.org](http://www.constituteproject.org). If these sites didn't have copies, they were obtained from other academic sources or official government sites. When not available in English, Google Translate was used.

Each constitution was checked for various religion-related keywords like religion, religious, names of religions in the country, God, specific deity names, conscience, Bible, Koran, holy, sacred, etc. Coders marked relevant clauses related to religion for coding. A code of 1 means the clause is present, while 0 means it's not.

The unit of analysis in RAS-Constitutions is country-year. The dataset covers national constitutions and doesn't include data from sub-units of federal governments like individual states in Nigeria or India.

In this report, we focus on the variables of the RAS Constitutions dataset that directly pertain to religious freedom: official status of religion, which includes clauses on separation of religion and state (SRAS), and religious freedom clauses. The variables considered in this report are the following:

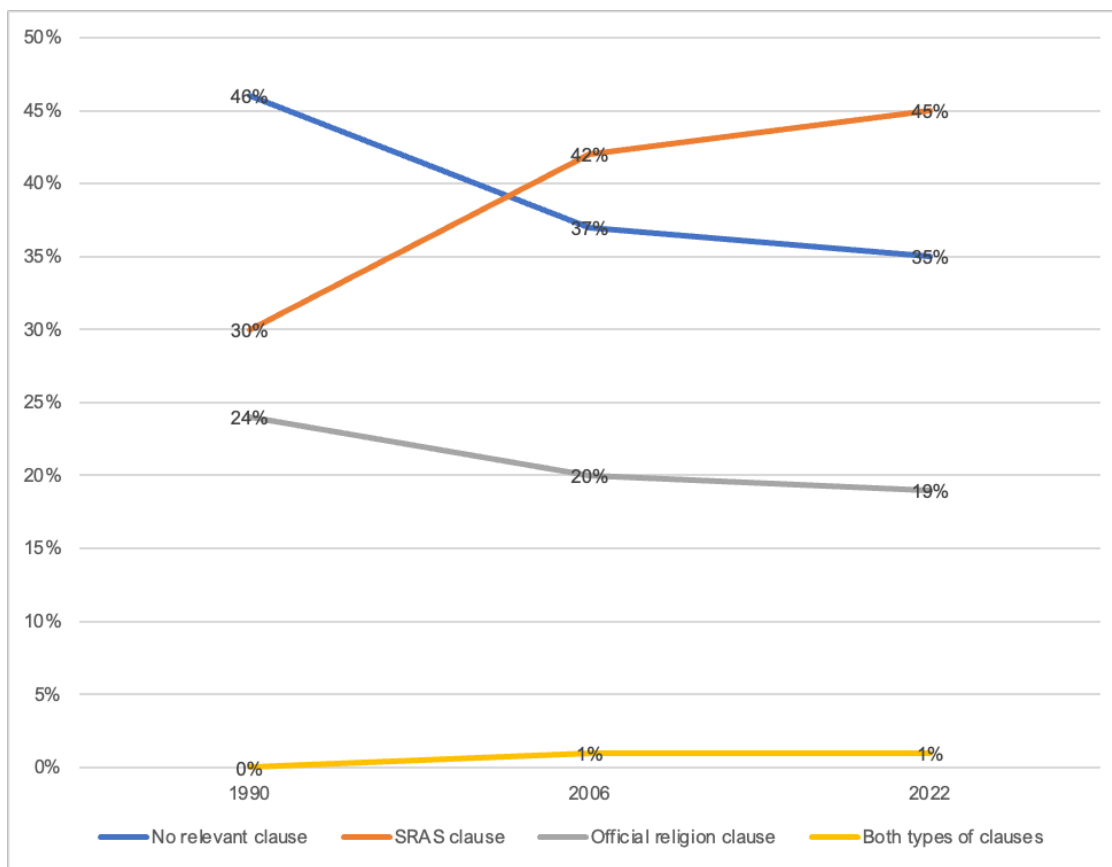
- Official Status of Religion
- No relevant clause
- SRAS clause
- Official religion clause
- both types of clauses
- Religious Freedom Clauses
- Freedom of religion or conscience
- Freedom of worship, observance, or to practice religious rituals or rites
- Freedom to change one's religion
- The right to profess (choose, etc.) a religion
- The right to not profess a religion or freedom from religion or be an atheist
- Hold or express religious opinions
- Right not to join or be a member of a religious organization
- The right to propagate or spread a religion
- No one is required to disclose their religion or religious beliefs
- Education or instruction in public schools or at the government's expense
- Education or instruction at one's own expense or does not list at whose expense (also right to teach)
- Raising children in one's religion
- Form religious groups or practice religion in groups. This includes the right to a religious community
- Have a place of worship or own property (for religious organizations)
- Religious organizations may manage their own affairs
- Right to a chaplain in hospitals, the military, etc.
- Protection of religious rights even in states of emergency or war
- Freedom from coercion with regard to religion
- In public
- In private
- Other

The RAS Constitutions dataset contains many more detailed variables, which all bear some degree of relevance to religious freedom, particularly when adopting a multidimensional perspective on the concept. These variables include things as the specific language and types of SRAS clauses, the specifics of the establishment of religion in the case of official religions, as well as the protections and qualifications for religious freedom. However, for the sake of brevity, our analysis is limited to the variables previously mentioned. Moreover, the conclusions we reach in this report would not be greatly altered if the full set of variables would have been considered. For a more in-depth analysis of the RAS Constitutions dataset, please refer to Fox (2023).

### 3. Descriptive analysis

In this section, we present distributions of the chosen variables and show changes over time, using 1990, 2006, and 2022 as reference points.

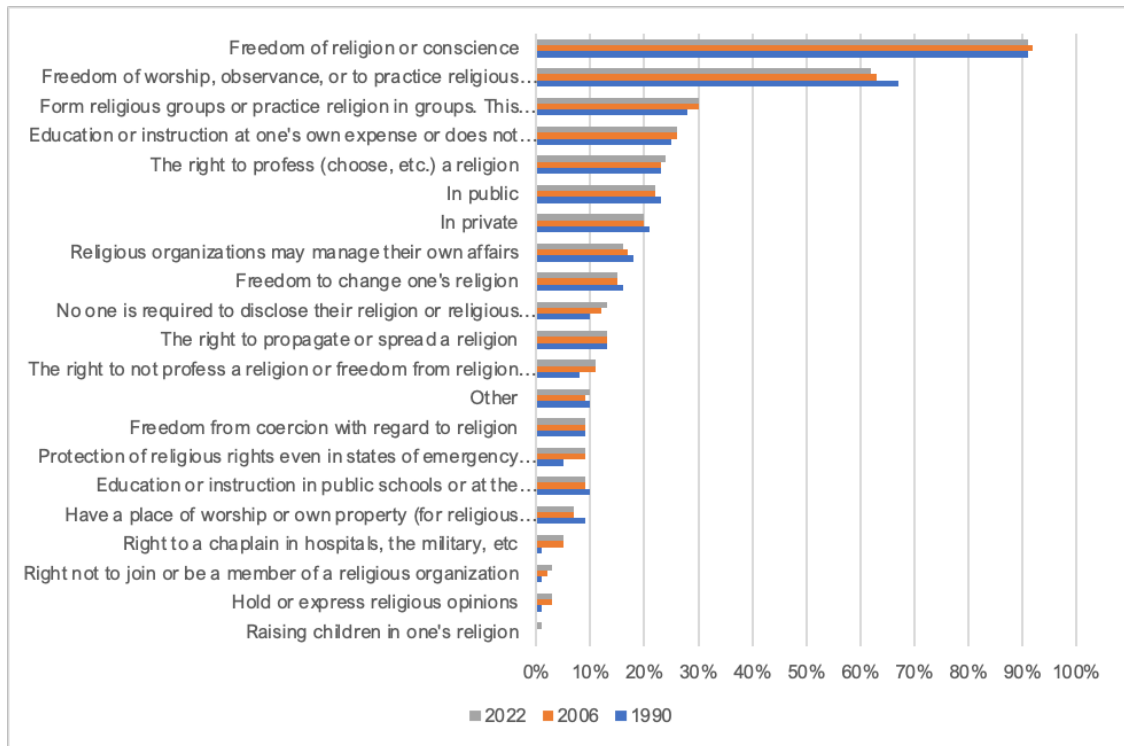




Graphic 1: Official Status of Religion (1990, 2006, 2022)

As can be expected, constitutional clauses regarding religion tend to remain stable over time, even when countries adopt new constitutions. The main variation in the data took place shortly after 1990, when a historic number of new countries was created, most of which following the dismantlement of the former Soviet Union. Between 2006 and 2022, changes were minor.

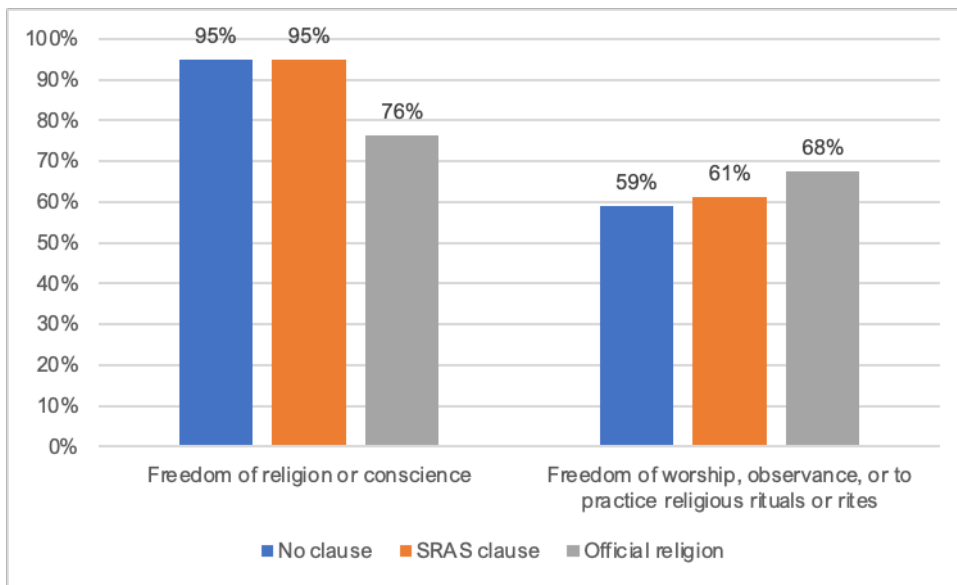
A few trends can be observed. First, even though the percentage of countries that does not have a relevant status of religion clause in their constitutions went down between 1990 and 2022, it went up in absolute numbers. Second, the percentage of countries with an official religion clause went down slightly. The percentage of countries with a SRAS clause went up more significantly, suggesting a growing consensus on the importance of the principle of separation of religion and state. Finally, the odd country that has both an official religion clause and an SRAS clause is Bulgaria, a country that both establishes Eastern Orthodox Christianity as the country's "traditional" religion, but also establishes SRAS (US State Department, 2022).



Graphic 2. Religious Freedom Clauses (1990, 2006, 2022)

As shown in graphic 2 on religious freedom clauses, there is a large degree of variation among the 21 variables tracked by the RAS Constitutions dataset. More than 90 % of the countries in the world have a constitution that guarantees freedom of religion or conscience. Roughly two thirds of the countries have a constitutional clause that protects freedom of worship, observance, or to practice religious rituals or rites. The remaining 19 variables occur less frequently, only appearing between 1 and 30 % of national constitutions in 2022.

In some countries, the alternative descriptors of religious freedom are used instead of the plain protection of freedom of religion, suggesting that religious freedom is only partially respected, especially if they also include qualifications of religious freedom, a set of variables that we leave out of this study. In other countries, several descriptors of religious freedom are used in combination, which suggests a broader constitutional protection of religious freedom, for example if they explicitly state that the right to change one's religion or to proselytize is protected.



Graphic 3: Religious Freedom Clauses by Official Status of Religion (2022)

Let's take a closer look at the relation between the two most common religious freedom clauses, "freedom of religion or conscience" and "freedom of worship, observance, or to practice religious rituals or rites" and official status of religion using the most recent data available (2022). We find that the standard freedom of religion clause is present in 95 % of the countries that have either no religion clause or a SRAS clause, and in 76 % of the countries that do establish an official religion. The second type of religious freedom clause, whilst less frequent, exists in roughly two thirds of the constitutions, regardless of their official status of religion.

Whilst it seems logical for constitutions that do not have any official religion clause or a SRAS clause to have a religious freedom clause, it may seem counterintuitive for countries that have an official religion. At least on paper, however, having an official religion can coexist with the constitutional protection of religious freedom. It is also revealing that 5 % of the countries with a SRAS clause do not have a religious freedom clause. This suggests that religious freedom clauses are often viewed as compatible with SRAS, even though this is not necessarily the case.

#### 4. The limited significance of official religion and SRAS clauses

As is true for many policy fields, there often is a gap between what constitutions say, and the reality on the ground. This is also true for religious policy. In fact, as we discuss below, the analysis of constitutional protections for religious freedom cannot be considered a sufficient proxy for religious policy. In order to truly understand religious policy, a more holistic approach is necessary to account for lower legislation that complements constitutional provisions, as well as government practices.

To begin, whether a country has an official religion or not, is not a good indicator of the overall state of religious freedom. Countries with an official religion are relatively rare, as only 34 (out of 176) countries had such a clause in 2022, though a few additional countries declare official religions extra-constitutionally. The countries that do have an official religion are very heterogeneous. They include democratic countries such as Costa Rica, Denmark or Israel, but also authoritarian theocracies such as Afghanistan, Iran and Saudi Arabia, which are all listed as Countries of Particular Concern (CPC) by the US Commission on International Religious Freedom (2023). We thus conclude that having an official religion, is not, *per se*, incompatible with the religious freedom of minority religions.

In 2022, 80 countries had a SRAS clause. When considering SRAS clauses, we are faced with a similar heterogeneity as among countries with an official religion, as not all forms of separation are the same. As Fox clearly describes in his book *Political Secularism, Religion, and the State* (2015), a whole typology of secular states can be developed with varying implications for religious freedom. To keep the analysis simple, two general types of political secularism can be distinguished: a form of secularism that is in practice antireligious and a form of secularism that is neutral toward religion. In other words, SRAS can be both a friend and an enemy of religious freedom. The United States would be an example of a neutral, and perhaps even accommodating, form of political secularism, whereas countries like France, Mexico (although a bit less since constitutional reforms in 1992) and Turkey (at least until 2003), could be categorized as anticlerical (see Fox, 2015; Petri, 2021; Petri, 2023).

In both cases, whether a country has an official religion and/or a SRAS clause does not say much about the overall state of religious freedom. To understand the overall state of religious freedom, it is necessary to consider actual religious policy, and specifically look at the nature and level of the involvement of the state in religion, as well as state practices of favoritism of the majority religion and discrimination of minority religions.

## 5. The difference between religious freedom clauses and actual religious policy

Even when religious freedom finds its place within a constitution, this alone proves to be insufficient. The refusal to allow freedom of religion in constitutional texts cannot even be considered as a glaring red flag. The following countries do not include any mention to religious freedom in their constitutions: Austria, Comoros, France, Mauritania and Saudi Arabia. In some of these countries, however, religious freedom is protected by ordinary legislation and through general government practice.

As Fox (2023) shows, few of the constitutional religion clauses prove to be robust indicators of Government Religious Discrimination (GRD). The most reliable predictors of GRD are not constitutional causes, but other variables such as autocracy, tangible state support for religion, and societal religious

discrimination (SRD) against religious minorities (see Fox 2016, 2020; Grim and Finke 2011).

Fox finds that the lack of correlation between most constitutional religion clauses and GRD, coupled with the capacity of other religion-related variables to predict GRD, implies that these clauses provide a suboptimal measure of a country's genuine policies and attitudes toward religion. Even when official religion clauses in constitutions predict GRD with marginal significance, it is practical levels of state support for religion that consistently predict GRD. As already mentioned, constitutional support for an official religion barely influences GRD unless it reflects a practical commitment to a state religion. Fox further indicates that religious freedom clauses, including qualifications and protections for specific religious freedoms, exhibit no discernible indirect influence on GRD. Their consistent failure to predict GRD underscores their status as common constitutional rhetoric that may or may not be applied in practice.

What holds true for GRD is equally applicable to SRD. We can employ a *contrario* reasoning by examining some highly significant cases. According to the Violent Incidents Database of the International Institute for Religious Freedom, which tracks incidents of violence against religion by systematically analyzing media sources and other public information, Nigeria consistently ranks as the country with the highest number of violent incidents related to religion, with the majority perpetrated by non-state actors (Observatory of Religious Freedom in Africa, 2023). This is in stark contrast with Nigeria's ostensibly favorable constitution regarding religious freedom. Another illustrative example pertains to many Latin American states, which boast excellent religious freedom provisions on paper but still grapple with some degree of SRD (Petri, 2021). This underscores that constitutional provisions do not guarantee the protection of religious freedom by the state.

## 6. Why constitutions' promises often fail to protect religious freedom

In the complex landscape of religious freedom, there is a puzzling discrepancy between the lofty promises enshrined in constitutions and the actual respect for religious freedom on the ground. Several factors contribute to this disconnect.

Firstly, it's crucial to recognize that many constitutional clauses pertaining to religious freedom are often symbolic in nature and lack any practical implications (see Fox, 2023). This paradox does not apply to religious freedom only, but to other human rights as well. It is well-known that authoritarian states adopt constitutional structures, establish parliaments, and conduct elections, seemingly embracing democratic norms while undermining them in practice. They do so for many reasons, but most of the time this is window-dressing, i.e. a way to provide a fig leaf of democracy (see Hague, Harrop & McCormick, 2019).

Secondly, a substantial number of restrictions on religious freedom find their place not within constitutional texts but in lower-level legislation, bureaucratic

practices, or remain concealed within various legal measures (see Fox, 2023). One prominent example is the presence of blasphemy laws, which can severely limit religious expression and freedom in many countries (see USCIRF, 2020), but are rarely included in national constitutions.

In this complex landscape, a multidimensional perspective on religious freedom is key. Indeed, religious discrimination also manifests itself beyond the purview of legal analysis. Indeed, even when religious rights are protected by constitutions and other legislation, religious groups may also be subject to a variety of human security threats that at first sight have nothing to do with the free exercise of their religion, but that actually constitute an alternative form of discrimination. For example, most religious groups in Cuba enjoy freedom of worship, but that does not mean they have full religious freedom. They are often hindered in ways that, at first glance, have little to do with religious freedom: they may be accused of violating zoning laws because religious services are often held in houses, as permits for the construction of places of worship are rarely granted. Additionally, religious leaders critical of the regime may be accused under fabricated charges (see Petri, 2021).

Lastly, the dissonance between the legal framework's promises and their practical implementation is a classic issue within the international human rights system. The capacity of the international human rights system to get states to enforce human rights, including the right to religious freedom, is limited by the principle of national sovereignty, which often implies there are no guarantees that constitutional and international human rights commitments, including to religious freedom, are respected in practice (see Mingst & McKibben, 2021).

## **7. The constitutional clauses that do matter for religious freedom**

As Fox finds, alternative constitutional clauses may wield more substantial influence over religious freedom (2023). He suggests that clauses denouncing religious hate speech and safeguarding the right not to have a religion tend to correlate with higher GRD levels when coupled with anti-religious forms of secularism.

The clauses within constitutions that significantly influence GRD do not pertain to central declarations of a state's relationship with religion or its commitment to religious freedom. Instead, they focus on more specific religious matters, which may not be perceived as the primary indicators of religious freedom in constitutional texts. Specifically, clauses safeguarding the right not to profess a religion and those banning religious hate speech both demonstrate a noteworthy association with higher levels of GRD. This observation suggests that these clauses better represent an anti-religious form of secularism compared to constitutional declarations of a state's secularity.

The prohibition of religious hate speech may appear reasonable on the surface, but its potential implications can be complex. It raises questions about the interpretation of religious texts that criticize other religions, potentially

categorizing them as hate speech. Furthermore, any limitations on speech, including hate speech restrictions, have illiberal connotations, challenging the principle of free speech essential to liberal philosophy and governance. These restrictions tend to be vague and open to interpretation, posing a risk to religious and other fundamental freedoms.

Additionally, clauses protecting the right not to profess a religion may signify a desire to shield secular or non-religious individuals from religious influence, potentially reflecting a fear or distrust of religion. This protection is often present in states with substantial societal discrimination against religion, suggesting that this concern largely arises from a non-religious perspective.

Furthermore, among the countries with such clauses, several are former Communist states where anti-religious aspects of Communist ideology still exert influence, indicating a correlation between this protection and anti-religious sentiments rooted in history. Therefore, understanding secularism as a political ideology requires distinguishing between positions advocating for state separation from religion and those promoting anti-religious agendas. This differentiation is crucial for analyzing the complexities of secularism's various facets in constitutional contexts.

## 8. Constitutional red flags

As argued above, most constitutional provisions regarding religion are inadequate predictors of religious discrimination. The only three constitutional clauses that have some bearing on GRD, according to a study by Fox (2023) are the following:

- The government must support religious education or provide religious education (optional or mandatory, specify which) in schools.
- The right to not profess a religion, or freedom from religion or be an atheist.
- Bans on incitement, hate speech, animosity, enmity, or hostility based on religion (includes by political parties or other organizations).

The only country that combines all three constitutional clauses is Lithuania. In a way, the constitution of Lithuania can therefore be considered the worst for religious freedom. Eight countries have two of these clauses: Azerbaijan, Belarus, Bulgaria, Germany, Laos, Turkey, Turkmenistan and Uzbekistan. 54 countries have one such clause.

Beyond these three constitutional clauses, there are 13 countries that constitutionally base their laws on religion and/or significantly subject specific rights and topic areas to religion. These countries, all of which have a Muslim majority, include Afghanistan, Bahrain, Brunei, Egypt, Iran, Iraq, Kuwait, Maldives, Oman, Pakistan, Qatar, Saudi Arabia, and Yemen.

## 9. Conclusions

To truly understand the scope of the protection of religious freedom, it is necessary to examine religious policy holistically. In essence, it is the government's support for religion, as reflected in its laws, administrative practices, and judicial decisions, that significantly influences religious freedom. Official religion clauses within constitutions only impact religions to the extent that they signify a genuine commitment to a state religion in practical terms. The evidence presented here clearly indicates that such clauses, at best, offer weak indications of this commitment. The Global Religious Freedom Index of the International Institute for Religious Freedom, developed in partnership with the Religion and State Project at Bar-Ilan University thanks to the generous funding from Global Christian Relief, will provide a much more comprehensive overview of religious policy, considering it across nearly 200 variables. Regional reports of this index will start to come out as early as 2024. By 2026, a global report will be made public.



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## Appendix: Data tables

### 1. Official Status of Religion (1990, 2006, 2022)

	1990		2006		2022	
	N	% of all constitutions	N	% of all constitutions	N	% of all constitutions
<b>No relevant clause</b>	44	46 %	64	37 %	61	35 %
<b>SRAS clause</b>	29	30 %	72	42 %	80	45 %
<b>Official religion clause</b>	23	24 %	34	20 %	34	19 %
<b>Both types of clauses</b>	0	0 %	1	1 %	1	1 %

### 2. Religious Freedom Clauses (1990, 2006, 2022)

	1990		2006		2022	
	N	% of all constitutions	N	% of all constitutions	N	% of all constitutions
<b>Freedom of religion or conscience</b>	87	91 %	158	92 %	161	91 %
<b>Freedom of worship, observance, or to practice religious rituals or rites</b>	64	67 %	108	63 %	109	62 %
<b>Freedom to change one's religion</b>	15	16 %	25	15 %	27	15 %
<b>The right to profess (choose, etc.) a religion</b>	22	23 %	40	23 %	43	24 %
<b>The right to not profess a religion or freedom from religion or be an atheist</b>	8	8 %	18	11 %	19	11 %
<b>Hold or express religious opinions</b>	1	1 %	5	3 %	5	3 %
<b>Right not to join or be a member of a religious organization</b>	1	1 %	4	2 %	5	3 %
<b>The right to propagate or spread a religion</b>	12	13 %	23	13 %	23	13 %
<b>No one is required to disclose their religion or religious beliefs</b>	10	10 %	21	12 %	23	13 %

Education or instruction in public schools or at the government's expense	10	10 %	16	9 %	16	9 %
Education or instruction at one's own expense or does not list at whose expense (also right to teach)	24	25 %	44	26 %	45	26 %
Raising children in one's religion	0	0 %	0	0 %	1	1 %
Form religious groups or practice religion in groups. This includes the right to a religious community	27	28 %	51	30 %	52	30 %
Have a place of worship or own property (for religious organizations)	9	9 %	12	7 %	13	7 %
Religious organizations may manage their own affairs	17	18 %	29	17 %	28	16 %
Right to a chaplain in hospitals, the military, etc	1	1 %	8	5 %	8	5 %
Protection of religious rights even in states of emergency or war	5	5 %	15	9 %	16	9 %
Freedom from coercion with regard to religion	9	9 %	15	9 %	15	9 %
In public	22	23 %	38	22 %	38	22 %
In private	20	21 %	34	20 %	35	20 %
Other	10	10 %	16	9 %	17	10 %

### 3. Religious Freedom Clauses by Official Status of Religion (2022)

	No clause		SRAS clause		Official religion	
	N	% of Constitutions in category	N	% of Constitutions in category	N	% of Constitutions in category
Freedom of religion or conscience	58	95 %	76	95 %	26	76 %
Freedom of worship, observance, or to practice religious rituals or rites	36	59 %	49	61 %	23	68 %

#### 4. List of countries with an Official Religion Clause (2022)\*

1. Afghanistan
2. Algeria
3. Argentina
4. Bahrain
5. Bangladesh
6. Bolivia
7. Brunei
8. Cambodia
9. Comoros
10. Costa Rica
11. Denmark
12. Egypt
13. Greece
14. Iceland
15. Iran
16. Iraq
17. Israel
18. Jordan
19. Kuwait
20. Libya
21. Liechtenstein
22. Malaysia
23. Maldives
24. Malta
25. Mauritania
26. Morocco
27. Oman
28. Pakistan
29. Qatar
30. Saudi Arabia
31. Tunisia
32. UAE
33. Yemen
34. Zambia

*\* Some countries declare official religions through means other than a constitutional clause.*

## 5. List of countries with an SRAS clause (2022)

1. Albania
2. Angola
3. Armenia
4. Australia
5. Azerbaijan
6. Belarus
7. Benin
8. Bhutan
9. Brazil
10. Burkina Faso
11. Burundi
12. Cameroon
13. Cape Verde
14. Central African Rep.
15. Chad
16. Congo-Brazzaville
17. Croatia
18. Cuba
19. Cyprus, Turkish
20. Czech Rep (C-Slv.)
21. Ecuador
22. Estonia
23. Ethiopia
24. Fiji
25. France
26. Gabon
27. Gambia
28. Georgia
29. Germany
30. Guinea
31. Guinea Bissau
32. Guyana
33. Hungary
34. India
35. Ireland
36. Italy
37. Ivory Coast
38. Japan
39. Kazakhstan
40. Kosovo
41. Kyrgyzstan

42. Latvia
43. Liberia
44. Lithuania
45. Madagascar
46. Mali
47. Mexico
48. Mongolia
49. Montenegro (2006–)
50. Mozambique
51. Namibia
52. Nepal
53. Nicaragua
54. Niger
55. Nigeria
56. Paraguay
57. Philippines
58. Poland
59. Portugal
60. Romania
61. Russia
62. Rwanda
63. Senegal
64. Serbia (Yugoslavia)
65. Slovakia
66. Slovenia
67. South Korea
68. South Sudan
69. Spain
70. Tajikistan
71. Timor
72. Togo
73. Turkey
74. Turkmenistan
75. Uganda
76. Ukraine
77. Uruguay
78. USA
79. Uzbekistan
80. Zaire

## 6. List of countries with no explicit mention of religious freedom in their constitutions (2022)

1. Austria
2. Comoros
3. France
4. Mauritania
5. Saudi Arabia

## 7. List of countries with numbers of qualifications on freedom of religion (2022)

Country	Number of qualifications on freedom of religion
Belize	7
Sri Lanka	7
Belarus	6
Bulgaria	6
Cyprus, Greek	6
Ethiopia	6
Lesotho	6
Mauritius	6
Zambia	6
Andorra	5
Armenia	5
Bahamas	5
Barbados	5
Gambia	5
Indonesia	5
Jamaica	5
Kenya	5
Lithuania	5
Malta	5
Nepal	5
Sierra Leone	5
Slovakia	5
Solomon Islands	5
Swaziland	5

<b>Country</b>	<b>Number of qualifications on freedom of religion</b>
Ukraine	5
Zimbabwe	5
Botswana	4
Burkina Faso	4
Chad	4
Cyprus, Turkish	4
Fiji	4
Greece	4
India	4
Ivory Coast	4
Latvia	4
Myanmar	4
Poland	4
Serbia (Yugoslavia)	4
Zaire	4
Azerbaijan	3
Bangladesh	3
Bhutan	3
Cambodia	3
China	3
Jordan	3
Kosovo	3
Kuwait	3
Liberia	3
Malaysia	3
Maldives	3
Montenegro (2006–)	3
Netherlands	3
North Korea	3
Oman	3
Pakistan	3
Papua New Guinea	3
Qatar	3



<b>Country</b>	<b>Number of qualifications on freedom of religion</b>
Singapore	3
Tanzania	3
Thailand	3
Togo	3
Turkey	3
UAE	3
Vanuatu	3
Venezuela	3
Angola	2
Cape Verde	2
Central African Rep.	2
Chile	2
Congo-Brazzaville	2
Costa Rica	2
Denmark	2
Dominican Republic	2
El Salvador	2
Estonia	2
Guatemala	2
Haiti	2
Honduras	2
Iceland	2
Iran	2
Ireland	2
Italy	2
Kazakhstan	2
Liechtenstein	2
Luxembourg	2
Madagascar	2
Mexico	2
Nambia	2
Nicaragua	2
Niger	2

<b>Country</b>	<b>Number of qualifications on freedom of religion</b>
Peru	2
Sudan	2
Afghanistan	1
Bahrain	1
Belgium	1
Benin	1
Burundi	1
Cuba	1
Djibouti	1
Ecuador	1
Egypt	1
Gabon	1
Georgia	1
Ghana	1
Guinea Bissau	1
Iraq	1
Lebanon	1
Malawi	1
Mali	1
Mozambique	1
Nigeria	1
Romania	1
Rwanda	1
Senegal	1
South Africa	1
Spain	1
Syria	1
Tunisia	1
Uganda	1
Vietnam	1

## 8. Most consistent constitutional predictors of Government Religious Discrimination

Country	Bans on incitement, hate speech, animosity, enmity, or hostility based on religion (includes by political parties or other organizations).	The right to not profess a religion or freedom from religion or be an atheist.	The government must support religious education or provide religious education (optional or mandatory, specify which) in schools.	Total clauses
Lithuania	1	1	1	3
Azerbaijan	1	1	0	2
Belarus	1	1	0	2
Bulgaria	1	1	0	2
Germany	0	1	1	2
Laos	1	1	0	2
Turkey	0	1	1	2
Turkmenistan	1	1	0	2
Uzbekistan	1	1	0	2
Afghanistan	0	0	1	1
Albania	1	0	0	1
Armenia	1	0	0	1
Belgium	0	0	1	1
Bhutan	0	1	0	1
Brazil	0	0	1	1
Burkina Faso	0	1	0	1
Burundi	1	0	0	1
Croatia	1	0	0	1
Cuba	0	1	0	1
Czech Rep (C-Slv.)	0	1	0	1
Ecuador	1	0	0	1
Egypt	0	0	1	1
Estonia	1	0	0	1
Gabon	0	0	1	1

<b>Country</b>	<b>Bans on incitement, hate speech, animosity, enmity, or hostility based on religion (includes by political parties or other organizations).</b>	<b>The right to not profess a religion or freedom from religion or be an atheist.</b>	<b>The government must support religious education or provide religious education (optional or mandatory, specify which) in schools.</b>	<b>Total clauses</b>
Greece	0	0	1	1
Guatemala	0	0	1	1
Guinea	1	0	0	1
Guyana	0	1	0	1
Hungary	1	0	0	1
Iceland	0	1	0	1
Indonesia	0	0	1	1
Iran	0	0	1	1
Kazakhstan	1	0	0	1
Kosovo	1	0	0	1
Kyrgyzstan	0	1	0	1
Liechtenstein	0	0	1	1
Macedonia	1	0	0	1
Madagascar	1	0	0	1
Malaysia	0	0	1	1
Malta	0	0	1	1
Moldova	1	0	0	1
Montenegro (2006–)	1	0	0	1
Mozambique	0	1	0	1
Nicaragua	0	1	0	1
Niger	1	0	0	1
Norway	0	0	1	1
Pakistan	0	0	1	1
Peru	0	0	1	1
Poland	0	0	1	1
Romania	1	0	0	1
Russia	1	0	0	1

Country	Bans on incitement, hate speech, animosity, enmity, or hostility based on religion (includes by political parties or other organizations).	The right to not profess a religion or freedom from religion or be an atheist.	The government must support religious education or provide religious education (optional or mandatory, specify which) in schools.	Total clauses
Saudi Arabia	0	0	1	1
Senegal	1	0	0	1
Serbia (Yugoslavia)	1	0	0	1
Slovenia	1	0	0	1
South Africa	1	0	0	1
Spain	0	0	1	1
Sudan	1	0	0	1
Tajikistan	1	0	0	1
Tunisia	1	0	0	1
Ukraine	0	1	0	1
Venezuela	1	0	0	1
Zaire	0	0	1	1

## 9. List of countries that constitutionally base their laws on religion and/or significantly subject specific rights and topic areas to religion

Country	Constitution
Afghanistan	<p>Article 3: “In Afghanistan, no law can be contrary to the beliefs and provisions of the sacred religion of Islam.”</p> <p>Article 54: “The state adopts necessary measures to ensure physical and psychological well being of family, especially of child and mother, upbringing of children and the elimination of traditions contrary to the principles of sacred religion of Islam.”</p> <p>Presidential candidates must be Muslims (Article 63)</p> <p>Article 149: “The provisions of adherence to the fundamentals of the sacred religion of Islam and the regime of the Islamic Republic cannot be amended.”</p>
Bahrain	<p>Article 2: “The Islamic Shari'a is a principal source for legislation”</p> <p>Specific rights subject to Islamic law: Gender equality (Article 5)</p>

Country	Constitution
	<p>Specific types of law or topics subject to Islamic law: Inheritance (Article 6), ownership. Capital, and work (article 9), opinion and scientific research (Article 23),</p>
Brunei	<p>Article 30: “No person shall be qualified to be a Member of the Legislative Council who.....(e) <i>is a murtad [apostate from Islam]</i>”</p> <p>Article 42: <i>The legislature may not pass “any Bill, motion, petition or business that may have the effect of lowering or adversely affect directly or indirectly the standing or prominence of the National Philosophy of Melayu Islam Beraja (known in English as Malay Islamic Monarchy);”</i></p> <p>Article 53: “No Member of the Legislative Council shall speak or make any comments ) directly or indirectly derogatory of ... <i>the National Philosophy of Malay Islamic Monarchy</i>”</p> <p>Article 84a: “No person shall be appointed to any office specified in the Third Schedule unless he is a citizen of Brunei Darussalam of the Malay race <i>professing the Islamic Religion.</i>” This includes the “Auditor General, Clerk to the Privy Council, Clerk to the Legislative Council, <i>Chief Syar’ie Judge, Mufti Kerajaan, Attorney General, Chairman of the Public Service Commission, Yang Di-Pertua Adat Istiadat (Chief of the Adat Istiadat), Speaker of the Legislative Council, Secretary to the Council of Ministers</i>”</p>
Egypt	<p>Article 2: “<i>Principles of Islamic law (Shari’a) are the principal source of legislation</i>”</p>
Iran	<p>The lengthy preamble declares that the ideology and nature of the state is determined by Islam. For example it states that “Legislation setting forth regulations for the administration of society will revolve around the Koran and the Sunnah.”</p> <p>Article 1: “The form of government of Iran is that of an Islamic Republic, endorsed by the people of Iran on the basis of their longstanding belief in the sovereignty of truth and Koranic justice...”</p> <p>Article 2 declares Islam, divine revelation, God and the “continuous leadership of the holy persons” to be among Iran’s founding principles.</p> <p>Specific types of law or topics subject to Islamic law: the economic system (article 3), “All civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations” (Article 4), family law (Articles 10 and 12), personal status, religious education, and litigation (Article 12), the judiciary (Article 61)</p> <p>Rights subject to Islamic law: equality before the law (Article 20), women’s rights (Articles 20 and 21), freedom of the press (Article 24), freedom of association (Article 26), Freedom of assembly (Article 27), work and occupation (Article 28),</p> <p>Article 72: “The Islamic Consultative Assembly cannot enact laws contrary to the official religion of the country”</p> <p>Article 91 established the Guardian Council which comprises “six religious men” and “six jurists” to “safeguard the Islamic</p>

Country	Constitution
	<p>ordinances and the Constitution, in order to examine the compatibility of the legislation passed by the Islamic Consultative Assembly with Islam,” Articles 92–99 discuss the specific duties and powers of the council</p> <p>Article 115: The President must be “convinced belief in the fundamental principles of the Islamic Republic of Iran and the official madhhab of the country.”</p> <p>Article 163: “The conditions and qualifications to be fulfilled by a judge will be determined by law, in accordance with religious criteria.”</p> <p>Article 170: “Judges of courts are obliged to refrain from executing statutes and regulations of the government that are in conflict with the laws or the norms of Islam”</p> <p>Article 177: “The contents of the articles of the Constitution related to the Islamic character of the political system; the basis of all the rules and regulations according to Islamic criteria; the religious footing; the objectives of the Islamic Republic of Iran; the democratic character of the government; the holy principle; the Imamate of Ummah; and the administration of the affairs of the country based on national referenda, official religion of Iran and the religious school are unalterable.”</p>
Iraq	<p>Article 2: “Islam is the official religion of the State and is a foundation source of legislation: No law may be enacted that contradicts the established provisions of Islam... This Constitution guarantees the Islamic identity of the majority of the Iraqi people...”</p> <p>Freedom of expression, press, printing advertising, media, publication, assembly, and peaceful demonstration are all subject to public morality.</p>
Kuwait	<p>Article 2: “Islamic Sharia shall be a main source of legislation.”</p> <p>Article 4: The heir to the monarchy must be a Muslim</p> <p>Specific types of law or topics subject to Islamic law: Inheritance (Article 18)</p> <p>Freedom of belief is allowed only “in accordance with established customs, provided that it does not conflict with public policy or morals.” (Article 35)</p>
Maldives	<p>Article 2: “The Maldives is a sovereign, independent, democratic Republic based on the principles of Islam, and is a unitary State, to be known as the Republic of the Maldives. Any reference to “the Maldives” is a reference to the Republic of the Maldives.”</p> <p>Article 10: “(a) The religion of the State of the Maldives is Islam. Islam shall be the only basis of all the laws of the Maldives. (b) No law contrary to any tenet of Islam shall be enacted in the Maldives”</p> <p>Article 16: “(a) This Constitution guarantees to all persons, in a manner that is not contrary to any tenet of Islam, the rights and freedoms contained within this Chapter, subject only to such</p>

Country	Constitution
	<p>reasonable limits prescribed by a law enacted by the People’s Majlis in a manner that is not contrary to this Constitution. Any such law enacted by the People’s Majlis can limit the rights and freedoms to any extent only if demonstrably justified in a free and democratic society.”</p> <p>Article 19: “A citizen is free to engage in any conduct or activity that is not expressly prohibited by Islamic Shari’ah or by law. No control or restraint may be exercised against any person unless it is expressly authorised by law.”</p> <p>Article 27: “Everyone has the right to freedom of thought and the freedom to communicate opinions and expressions in a manner that is not contrary to any tenet of Islam.”</p>
Oman	<p>Article 2: “Islamic Shariah is the basis of legislation”</p> <p>Article 5: “It is a condition that the male who is chosen to rule should be an adult Muslim of sound mind and a legitimate son of Omani <i>Muslim</i> parents.”</p> <p>Article 10: The country’s political principles include “<i>Laying suitable foundations for the establishment of the pillars of genuine Shura Consultation, based on the national heritage, its values and its Islamic Shariah, and on pride in its history, while incorporating such contemporary manifestations as are appropriate.</i>”</p> <p>Specific types of law or topics subject to Islamic law: Inheritance (Article 11)</p> <p>Article 28: “The freedom to practice religious rites in accordance with recognized customs is guaranteed provided that it does not disrupt public order or conflict with accepted standards of behavior.</p>
Pakistan	<p>Rights explicitly subject to Islamic Law include: speech, expression, and the press (Article 19)</p> <p>The president must be a Muslim (Article 41)</p>
Qatar	<p>Article 1: “...<i>Shari'a law shall be a main source of its legislations</i>”</p> <p>Article 9: The heir to the Emir “<i>must be a Muslim of a Qatari Muslim Mother.</i>”</p> <p>Freedom of religion “shall be guaranteed to all persons in accordance with the law and the requirements of the maintenance of public order and morality.”</p> <p>Specific types of law or topics subject to Islamic law: Inheritance (Article 51)</p>
Saudi Arabia	<p>Rights explicitly subject to Islamic Law include justice and equality (Article 8), human rights (Article 26)</p> <p>Article 13: “Education will aim at instilling the Islamic faith in the younger generation”</p> <p>General implementation of Islamic law (Articles 23) including that the courts (Article 48), King (Article 55), and government officials (57) must implement Islamic law.</p>



Country	Constitution
	Specific types of law or topics subject to Islamic law: Property, capital, and labor (Article 17) Science , literature, and culture (Article 29), criminal law (Article 38),
Yemen	<p>Article 3: “Islamic Shari'ah is the source of all legislation”</p> <p>Specific types of law or topics subject to Islamic law: inheritance (Article 23), family (Article 26), women’s rights (Article 31) criminal law (Article 47).</p> <p>Article 107: A candidate for president must “practice his Islamic duties”</p>

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