



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

ISSUE BRIEF: IMPLICATIONS OF LAWS PROMOTING STATE-FAVORED RELIGIONS

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To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

A Global Overview of Official and Favored Religions and Legal Implications for Religious Freedom

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Overview

Many governments that repress religious freedom do so through laws and policies that coerce compliance with a particular religious interpretation, typically one that aligns with an official or state-favored religion. Such laws—particularly when governments actively enforce them—can lead to severe violations of freedom of religion or belief (FoRB) and other human rights. This includes discrimination, on the basis of religion, against individuals and communities who do not adhere to the state's interpretation. The most frequent targets include religious minorities, dissenters within the majority faith, non-religious persons, women, and members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community.

This report provides an overview of the ways governments enforce religion through their laws and policies, along with the religious freedom and related human rights implications of that coercion. The official enforcement of religion-based laws and policies to violate human rights or discriminate on the basis of religion has been for years featured in the U.S. Commission on International Religious Freedom's (USCIRF) reporting on a number of the countries it recommends annually for Country of Particular Concern (CPC) or Special Watch List (SWL) status. The research for this report examined how such systematic measures might impact FoRB in countries that fail to meet the rigorous standards in the [International Religious Freedom Act, as amended](#), for CPC or SWL designation. Specifically, the report highlights 78 countries that, as of 2021, named an official religion or either explicitly or implicitly favored one religion or a small group of religions.

The research found that most countries with an official or favored religion, 57 out of 78, also maintain laws or policies on the basis of religion that lead to discrimination or repression, or that hold the potential to do so. Far fewer countries, 21 out of 78, name an official or favored religion and maintain no potentially discriminatory laws or policies based on that religion. A significant component for safeguarding FoRB is the presence of a robust framework of protections for that essential right and other related human rights, which the evidence suggests is clearly viable if less common. In contrast, the lack of such protections allows religiously based laws to lead to exclusion, discrimination, and repression. The most common victims of the latter scenario remain religious minorities, women, and others who are often vulnerable to a cascading effect of overlapping human rights abuses.

Methodology

The research for this report used several key sources of data and analysis to examine governmental laws and adoption of official or favored religions. The first is a 2017 report from Pew Research Center, “[Many Countries Favor Specific Religions, Officially or Unofficially](#),” which found at the time that 81 out of 199 countries around the world had either adopted an official state religion or explicitly extended favored or preferential treatment to a particular religion or select group of religions. The second source is the U.S. Department of State’s [2021 Report on International Religious Freedom](#), which highlighted information on each country’s recent FoRB developments and legal framework. In addition, the U.S. Department of State’s [2021 Country Reports on Human Rights Practices](#) provided material on some areas of overlap between religious freedom and other essential human rights as they pertain to government laws and official or favored religions. USCIRF adhered to the Department of State’s standards of categorization, including combining [Israel, the West Bank, and Gaza](#)—the latter two of which technically fall under the semi-autonomous Palestinian Authority—without conveying or implying a position regarding any final status issues to be negotiated among parties involved.

Finally, three other sources provided additional data on more specific policies: USCIRF’s [2020 report](#) on blasphemy laws; Pew Research Center’s [additional reporting](#) on apostasy laws; and Universal Rights Group’s [2017 report](#) on religious-based exceptions to core United Nations treaties.

USCIRF organized the relevant material for countries that identified an official or favored religion with the presence of:

1. potentially discriminatory laws or policies based on religion in each country;
2. other religiously-based human rights concerns;
3. blasphemy and apostasy laws; and
4. religiously-based objections by that country to essential human rights treaties.

Such laws established on the basis of religion included a broad array of examples, from the widely covered blasphemy laws to those governing education, gender rights, group registration, taxation, and others. USCIRF then assessed the resulting dataset for trends, commonalities, and areas of overlapping concern.

Relevant International Standards

USCIRF has [previously](#) outlined the international standards by which governments can name official or favored religions while still upholding the principles of FoRB:

Under international standards, a state may declare an official religion, provided that basic rights, including the individual right to freedom of thought, conscience, and religion or belief, are respected for all without discrimination. Thus, the existence of a state religion cannot be a basis for discriminating against or impairing any rights of adherents of other religions or non-believers or their communities. Providing benefits to official state religions not available to other faiths would constitute discrimination, as would exempting state religions from burdensome processes required for faith communities to establish legal personality. Under the [International Covenant on Civil and Political Rights of 1966], 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.” (HRC General Comment No. 22, at para 9.)

In other words, contrary to popular misconception, there is no *inevitable* contradiction between freedom of religion or belief and a country’s adoption of an official or favored religion. As such, there are examples of countries that maintain an official or favored religion and protect FoRB as an essential human right. Some such countries, including the United Kingdom and Denmark, have long joined the United States in efforts aimed at protecting religious freedom not only at home, but in actively advancing it abroad. Nevertheless, some of these countries maintain laws that are potentially discriminatory but not enforced, and their commitment to robust human rights protections overrides such potential.

Conversely, the absence of an official or favored religion is no guarantee of a country’s protection or promotion of FoRB. USCIRF has recommended CPC or SWL designation for a range of avowedly secular countries where the government consistently perpetrates or tolerates severe or particularly severe religious freedom violations as defined in IRFA, including [Cuba](#) and several Central Asian states such as [Uzbekistan](#) and [Turkmenistan](#). Other countries subscribe to non-religious ideologies that explicitly reject the free exercise of religion and individual conscience; at present, [China](#) and [North Korea](#) represent the worst such violators in this category.

The key component is a government's establishment of, and compliance with, intentional and explicit safeguards for freedom of thought, conscience, and religion or belief, along with other related [universal rights](#) such as the freedoms of expression and association—through constitutional, legal, and/or legislative means. It is in the absence of these specific protections that a government's adoption and enforcement of an official or favored religion may lead or contribute to the degradation or elimination of religious freedom.

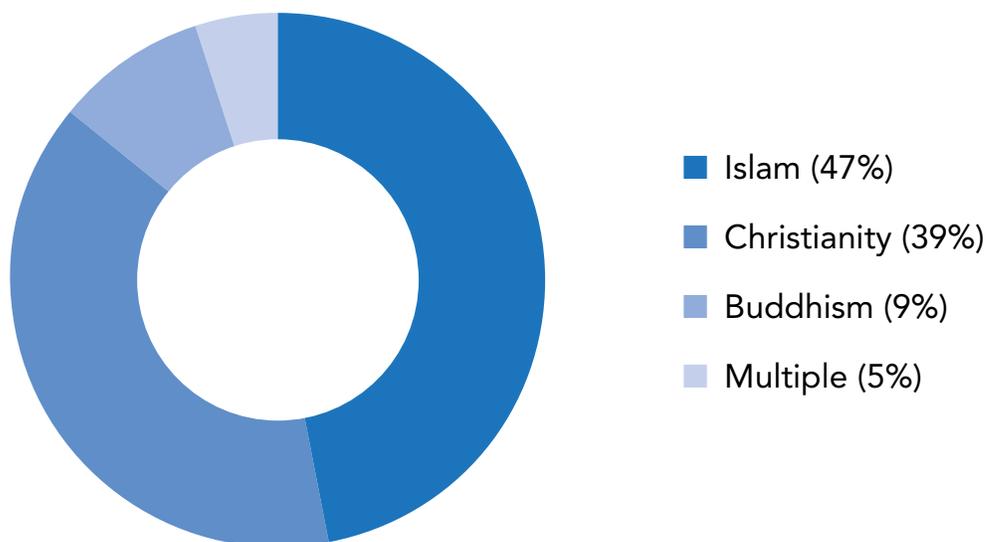
In a March 2018 [statement](#), then United Nations Special Rapporteur on the Freedom of Religion or Belief Ahmed Shaheed addressed this very issue:

Although international law does not prescribe a particular type of relationship between State and religion, it does impose a duty on States to be impartial guarantors of the right to exercise and the enjoyment of freedom of religion or belief of all individuals and groups within their territory and those subject to their jurisdiction. The differences among States' capacity to generate an environment respectful of this and other interrelated rights invariably lie in the extent to which States are entangled with the institutions of their preferred religion or belief, the manner and degree to which they support, restrict, regulate and limit religion in the public or private spheres, and the extent to which State actions result in protecting or in undermining the equal enjoyment of other underlying human rights by all.

Key Findings

According to the sources previously referenced, as of 2021 there were 40 countries which named an official religion and 38 others which either explicitly or implicitly favored one religion or a small group of religions. Of these 78 countries, 57 maintained laws or policies that enforce religious interpretations in ways that could violate rights or result in discrimination, while 21 did not have any such laws. As suggested earlier, the following group reflects *only* the presence or absence of potentially discriminatory laws; they do *not* assess the enforcement of such laws, nor do they measure the extent of protections that would render such laws impotent.

Official or Favored Religions as Basis of Discriminatory Laws



Countries with official or favored religion and discriminatory laws or policies on the basis of religion

Country	Official or Favored Religion	Country	Official or Favored Religion	Country	Official or Favored Religion
Afghanistan	Islam	Iraq	Islam	Peru	Christianity
Algeria	Islam	Israel / West Bank & Gaza	Multiple	Poland	Christianity
Andorra	Christianity	Italy	Christianity	Qatar	Islam
Armenia	Christianity	Jordan	Islam	Romania	Christianity
Bahrain	Islam	Kuwait	Islam	Russia	Christianity
Bhutan	Buddhism	Laos	Buddhism	Saudi Arabia	Islam
Brunei	Islam	Libya	Islam	Somalia	Islam
Burma	Buddhism	Liechtenstein	Christianity	Spain	Christianity
Cambodia	Buddhism	Malaysia	Islam	Syria	Islam
Cape Verde	Christianity	Maldives	Islam	Togo	Multiple
Comoros	Islam	Mauritania	Islam	Tunisia	Islam
Djibouti	Islam	Moldova	Christianity	Turkey	Islam
Egypt	Islam	Monaco	Christianity	Tuvalu	Christianity
Equatorial Guinea	Christianity	Mongolia	Buddhism	United Arab Emirates	Islam
Eritrea	Multiple	Morocco	Islam	United Kingdom	Christianity
Finland	Christianity	North Macedonia	Christianity	Yemen	Islam
Georgia	Christianity	Oman	Islam	Zambia	Christianity
Greece	Christianity	Pakistan	Islam		
Indonesia	Islam	Papua New Guinea	Christianity		
Iran	Islam	Paraguay	Christianity		

Countries with official or favored religion without discriminatory laws or policies on the basis of religion

Country	Official or Favored Religion	Country	Official or Favored Religion	Country	Official or Favored Religion
Angola	Christianity	Haiti	Christianity	Nicaragua	Christianity
Argentina	Christianity	Honduras	Christianity	Panama	Christianity
Bulgaria	Christianity	Hungary	Christianity	Samoa	Christianity
Costa Rica	Christianity	Iceland	Christianity	Serbia	Christianity
Denmark	Christianity	Liberia	Christianity	Sri Lanka	Buddhism
Dominican Republic	Christianity	Lithuania	Christianity	Swaziland	Christianity
Guatemala	Christianity	Malta	Christianity	Tonga	Christianity

While the research into each country was not exhaustive, several outlines of religious freedom violations within these country-specific contexts are worth highlighting. These patterns include 1) a strong tendency for an official religion to translate into discriminatory laws; 2) the presence of blasphemy laws for discriminatory and exclusionary ends; 3) the repression of uniquely vulnerable populations; and 4) an overlapping of universal rights and freedoms, including but not limited to FoRB.

The correlation between official or favored religion and discriminatory laws

First, countries which hold to an official or favored religion, and which also maintain laws or policies that might permit or condone rights violations or discrimination against minority or other vulnerable groups on the basis of that religion, far outnumber those that eschew such laws by nearly 300 percent. This significant disproportion serves as evidence that while there are some governments that identify closely with a religion and provide robust protections of FoRB and other universal rights to their populations, as noted previously, they represent the exception rather than the norm. In contrast, the world is rife with examples of countries where the governments not only closely identify with a religion but do so to the exclusion of many of their own people who do not share in those beliefs, or in the same interpretation or expression of those beliefs.

[Iran](#), for example, claims Shi'a Islam as its official religion and discriminates against Sunni Muslims, brutally [represses](#) Baha'is, and arrests Christian leaders. Burma's Constitution recognizes the "special position of Buddhism" as its favored tradition, providing a façade of religious legitimacy to the atrocities it has committed and continues to commit against Rohingya Muslims—brutal acts that the United States [recognized](#) as genocide and crimes against humanity in March 2022. And [Russia](#), whose government favors the Russian Orthodox tradition, has continued to perpetuate a cruel crackdown against Jehovah's Witnesses, Crimean Tatars, the Church of Scientology, and other religious minority communities that authorities have deemed "non-traditional" or "extremist."

The corrosive presence of blasphemy laws

Second, blasphemy laws remain one of the chief sources of the legal enforcement of particular interpretations of religion. Of the 57 countries listed earlier which maintain an official or favored religion along with corresponding discriminatory laws, 41 of them (72 percent) include blasphemy laws—and only eight of these governments do not presently enforce them. The United Kingdom falls into this latter category, through a [debated](#) blasphemy law that lingers in Northern Ireland. However, it shares this space with Brunei, which in 2013 passed a sweeping adoption of strict Shari'a jurisprudence that came into effect in 2019 under a new penal code. Following [international outcry](#), Sultan Hassanal Bolkiah announced a standing moratorium on capital punishment under that code, but he fell short of repealing its stringent underlying principles. Poland also maintains a blasphemy law in the form of Article 196 of its Penal Code; it

continues to actively prosecute individuals on this basis, including two cases in 2021—although, notably, one [concluded](#) in a not guilty verdict and the other in an [overturned](#) conviction.

As USCIRF explained in its expansive 2020 report, [Violating Rights: Enforcing the World's Blasphemy Laws](#), blasphemy laws represent a source of religiously-motivated repression of religious minorities as well as members of religious majorities with beliefs that authorities perceive as unacceptable. Notably, seven of the eight countries that this report identifies as the world's most rigorous enforcers of blasphemy laws are also among the 57 countries that both adhere to an official or favored religion and maintain potentially discriminatory laws on that basis. (The lone exception, [India](#), is a secular state, but in recent years its government has been increasingly promoting and enforcing laws and policies favoring Hindus and Hinduism). Furthermore, in many countries from this list, such as Pakistan and Egypt, there is a pronounced correlation between the insidious persistence of blasphemy laws and the threat of mob violence targeting religious minorities and other vulnerable groups—sometimes directly instigating state enforcement.

The repression of vulnerable groups

Underlying many of the legal frameworks relevant to this report is the reality that a significant burden of their impact falls heavily on religious minorities and other vulnerable groups. Common victims of these laws are members of traditions or beliefs that are wholly distinct from the ruling authorities and the religious majority, although these circumstances can vary widely in severity. [Andorra's constitution](#), for example, "acknowledges a special relationship with the Catholic Church" and grants legal status and significant privileges solely to that institution, while the country's Jewish and Muslim communities lack legal status and have long, and so far, unsuccessfully pleaded for the creation of a multiconfessional cemetery. Meanwhile, at the harsher end of the spectrum, Saudi Arabian law [forbids](#) any non-Muslim places of worship throughout the kingdom, despite the presence of hundreds of thousands of expatriate workers from Christian, Hindu, and other religious traditions who risk gathering in private homes to practice their faith.

Many such laws also target members of groups that may themselves identify with the majority or ruling tradition and yet adhere to interpretations or sects that the authorities have deemed anathema. For example, both Malaysian and Pakistani laws identify Sunni Islam as the official religion of their respective countries, but they also [forbid](#) the Ahmadiyya community from even identifying

themselves as Muslim and criminalize the practice of the Ahmadiyya faith. [Algeria](#) considers the Ahmadiyya as heterodox, and therefore targets members of the group with “denigration of religion” charges and other forms of legal harassment. In Greece, a 1938 law, which remains [in effect](#), allows only Greek Orthodox clergy to proselytize; it forbids clergy or lay persons from other Christian communities, as well as from other religions entirely, from publicly sharing their faith for the purposes of conversion.

It is important to recognize that this category of minorities also includes individuals who identify as non-religious—nonbelievers, atheists, humanists, and others—and often find themselves facing discrimination, or worse, because of government laws on the basis of religion. As noted in USCIRF’s 2021 [report](#) on nonbelievers in Africa, some public schools in South Africa and Uganda mandate religious education of their schoolchildren, regardless of their or their family’s own religious convictions or affiliations. In [Egypt](#), whose constitution ostensibly declares that “freedom of belief is absolute,” government authorities regularly use blasphemy, cybersecurity, and other laws to prosecute nonbelievers along with Shi’a Muslims, Qur’anists, and others—demonstrating that such laws and their enforcement are at least in part motivated by religion.

Religious minorities are not the only communities who suffer rights violations and discrimination under laws based on religion; women and members of the LGBTQI+ community often bear the brunt of such statutes in a variety of global contexts. For example, Mauritania, Qatar, and at least eight other countries [impose capital punishment](#), based on religious law, for consensual same-sex relationships. In the Russian territory of [Chechnya](#), authorities have used vague terrorism charges to prosecute gay men, in concert with the authorities’ open support for a wide array of violent and extralegal abuses of that community. USCIRF’s [2021 Annual Report](#) noted recent U.S. government actions against Chechen leadership in response to these abuses:

In December, the Treasury Department imposed Global Magnitsky sanctions against Chechen leader Ramzan Kadyrov and five associated individuals, citing Kadyrov’s many human rights violations against the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community and others in Chechnya. Although not explicit in the release announcing the designation, many of the human rights abuses overseen or condoned by Kadyrov are based on his coercive imposition of his religious beliefs on all of Chechen society.

Elsewhere, Brunei’s Shari’a-based penal code prescribes specific and severe penalties that would most directly impact the LGBTQI+ community. According to [Human Rights Watch](#), were that country’s authorities to reverse course on suspending the worst penalties of that code, LGBTQI+ individuals could face “death by stoning for extramarital sex and anal sex ... and 40 lashes with a whip for lesbian sex. The code imposes a wide range of restrictions that discriminate against women and sexual and gender minorities and violates freedom of expression and religion.” Furthermore, despite government claims to the contrary, the penal code explicitly extends such penalties to both public and private contexts with the aim of [safeguarding](#) “the sanctity of family lineage and marriage of individual Muslims, particularly women.” It bears repeating that Brunei has to date upheld its pledge to withhold the worst such penalties ... and yet they theoretically remain in force.

Women, too, face serious challenges through religiously motivated laws. For example, Iran maintains a [repressive framework](#) of gender discrimination—most dramatically through strict enforcement of the hijab—that eliminates the right of individual women to follow their own religious convictions and to choose how or whether to publicly express those convictions. Saudi Arabia also enforces a public veiling for women as well as a patriarchal guardianship system, which USCIRF’s [dedicated report](#) in 2020 described as “uniquely systematic, affecting women’s ability to travel, marry, attend university, and obtain medical care.” In Afghanistan, the ruling Taliban in March 2022 banned girls from attending secondary school, and they have since pursued a new law dictating [severe clothing restrictions](#) for women within the group’s own version of a guardianship system. And elsewhere, family law—including marriage, divorce, and burial—in Israel is dependent on religious jurisprudence according to the individual community (Jewish, Muslim, or Christian). Couples seeking civil marriage, for example, are forced to do so abroad in the absence of domestic options—as is also the case for the neighboring Palestinian Authority. Meanwhile, women under Jewish law do not have the legal ability to [dissolve](#) their marriage, or to remarry following a divorce, without the explicit assent of their original husband.

Overlapping rights and violations

One final trend bears emphasis: it is evident, that many if not most governments which 1) embrace an official or favored religion; 2) maintain resulting laws that violate the religious freedoms of or discriminate against others on the basis of that religion; and 3) fail to clearly set in place robust legal and constitutional protections for religious freedom protections are likely to also violate other essential, universal rights. In other words, government laws that violate one or another universal human right rarely do so in isolation.

The government of Burma commits genocide against Rohingya Muslims on the basis of religion, denying them rights or national identity through the abuse of the law, but it also *violently denies* the broader citizen body the rights of assembly, expression, and association. Saudi Arabia and Iran, which are often at odds in a myriad of geopolitical and ideological ways, both strictly limit the religious freedom of nationals and residents while also enforcing their own respective harsh and repressive rules and laws on women in public life, on the basis of those governments' interpretations of religion. And USCIRF has described *Eritrea* as having "one of the worst religious freedom records in Africa." Among other violations, the government of Eritrea allows only four religious groups to operate in the country; *meanwhile*, "no national election has been held since Eritrea's 1993 independence from Ethiopia. There is no independent legislative or judicial branch and no free press."

Conclusion

This report is intended as an overview, not an exhaustive survey, of some of the salient issues that emerge from a consideration of governments that identify an official or favored religion and either embrace or reject a legal framework that violates the rights of or discriminates against groups that authorities perceive as falling outside of the norms or boundaries of that religion. As such, each of the previously described categories, trends, and even exceptions deserve greater consideration and analysis for their potential impact on FoRB around the world.

The following principles can be gleaned from the preceding analysis:

- The strength of a given country's commitment to religious freedom cannot be determined by any individual, decontextualized component, such as an official religion or a broad constitutional declaration.
- Government laws provide an important framework to examine the religious freedom context of individual countries, including the relationship between those laws and any official or favored religion, as well as the presence or absence of robust FoRB protections.
- Governments most often systematically protect essential, universal rights together; in contrast, governments also most often systematically deny such freedoms en masse and often through the use of repressive laws. Countries that fail to protect an individual's right to freedom of religion or belief also generally to fail protect the individual's right to espouse and express political views, sexual or gender identity, or to exercise the right to assembly and association, among others.



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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.