


Exploring the Intersection of Fundamental Human Rights and Christian-Muslim Relations in Ghana: A Comparative Legal Analysis



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ABSTRACT

This research is to explore the intersection of fundamental human rights and Christian-Muslim relations in Ghana through a comparative legal analysis. This study adopted a doctrinal legal research which enabled the authors to examine the constitutional provisions, legislation, and case law related to religious freedom, tolerance, and equality in order to provide insights into the legal framework governing Christian-Muslim relations in Ghana. The study found out that the legal framework for religious freedom in Ghana has had both positive and negative impacts on Christian-Muslim relations. Therefore to enhance religious freedom and improve Christian-Muslim relations in Ghana, the government should actively work towards addressing any discriminatory practices or policies that may hinder religious freedom in order to create a more inclusive and democratic society for all its citizens, regardless of their religious beliefs. The study also recommends that Religious leaders should prioritize interfaith dialogue, relations and establish platforms for open, good, healthy and respectful communication between religious communities in order to foster understanding, promote religious tolerance, and address misconceptions or stereotypes that may exist between Christians and Muslims. This study offers a critical contribution to the growing body of literature on religion and human rights by examining how legal frameworks in Ghana navigate the delicate balance between protecting fundamental human rights and maintaining good and healthy Christian-Muslim relations. This research also provides insights into the lived experiences of religious communities under Ghana's constitution, thus informing future research, policy formulation, and interfaith dialogue efforts across Africa and other multi-religious societies.

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INTRODUCTION

Religious freedom is a Fundamental Human Right (FHR) that allows individuals and communities to practice their beliefs, rituals, and customs without interference or discrimination. It encompasses the freedom to choose, change, or abandon one's religion, as well as the freedom to express and manifest one's religious beliefs in public and private settings. The legal framework surrounding religious freedom in Ghana plays a crucial role in promoting peaceful Christian-Muslim relations within the country. However, it is important to note that while Ghana has generally maintained harmonious relations between Christians and Muslims, there are still instances where the freedom of religion is violated, particularly for religious minority groups. One of the key sources of religious freedom in Ghana is its constitution.

The Ghanaian constitution guarantees the right to freedom of religion and belief in Article 21(c).¹ The Ghanaian constitution explicitly recognizes the freedom of religion and belief as a fundamental right. According to Hoffman et al, the future of state-religious relations and religious freedom in Ghana is a topic of interest.² The legal framework in Ghana regarding religious freedom is generally supportive, as the constitution guarantees the right to freedom of religion and belief. However, the practical implementation and enforcement of these rights can be complex and challenging, particularly when it comes to Christian-Muslim relations. The primary objective of this research is to comprehensively examine the landscape of religious freedom in Ghana, with a specific focus on the legal framework governing religious practices and the dynamics of Christian-Muslim relations. The study aims to provide an understanding of how legal provisions impact religious freedom and to analyze the patterns, challenges, and opportunities in the interactions between Christians and Muslims in Ghana.

METHODOLOGY

This research, adopted the doctrinal legal research in order to find out, examine, explain and justify the enacted legal framework concerning fundamental Human rights. The doctrinal research was also adopted for this study because it focused on examining the constitutional provisions, legislation, and case law related to religious freedom, tolerance, and equality. This approach further helped to provide insights into the legal framework governing Christian-Muslim relations in Ghana.

Understanding the Legal Framework for Religious Freedom in Ghana

Jonathan Fox argues that there is no agreement on what Religious Freedom means because there are several definitions. However, he states that Religious Freedom is defined based on whether each of the following three types of government religious policies violates each conception of the term. These include (1) restricting the religious practices or institutions of religious minorities, (2) regulating all religions including the majority religion, and (3) laws or institutions which enforce religion. Fox further argues that the term “free exercise” of religion comes from the First Amendment of the US Constitution which means that the government must not limit the ability to practice one’s religion. This generally includes the right to set up and manage independent religious institutions but does not include restrictions placed on religious minorities or the country as a whole that do not interfere with the free exercise of religion.³

The legal framework for religious freedom in Ghana consists of both constitutional and legislative provisions. The Ghanaian constitution guarantees the right to freedom of religion and belief in Article 21(c), which recognizes the freedom to practice, manifest, and propagate one’s religion or belief in worship, teaching, practice, and observance.⁴

Additionally, the Constitution prohibits any form of coercion or discrimination based on religion or belief. This means that individuals are protected from being forced to follow or abandon a particular religion, and they cannot be discriminated against based on their religious beliefs.

The legal framework also includes various legislative acts that further protect and promote religious freedom in Ghana. For example, the Religious Bodies Registration Act 1990 provides for the registration of religious bodies and their activities.⁵ This act ensured that religious organizations had legal recognition and were protected under the law. It is important to note, however, that despite the legal framework in place, there have been instances where the freedom of religion is violated in Ghana. In

¹The 1992 Constitution of Ghana

² Lisa Hoffmann et al., “Universal Love or One True Religion? Experimental Evidence of the Ambivalent Effect of Religious Ideas on Altruism and Discrimination,” *American Journal of Political Science* 64, no. 3 (July 17, 2020): 603–20, <https://doi.org/10.1111/ajps.12479>.

³ Jonathan Fox, *Religious Tensions and Political Instability in the Middle East*. (London: Routledge, 2023), 325.

⁴ The 1992 Constitution of Ghana.

⁵ Kofi Quashigah, “Religion and the Secular State in Ghana,” 2010, 332- 334

<https://original.religlaw.org/content/blurb/files/Ghana.pdf>. (Accessed November 2, 2023) This article argues that the PNDC Law 221 failed in its appeal to the generality of the people and was ignored with ignominy by the major religious bodies. No efforts were made by the government to enforce it, so the law died a natural death upon the coming into force of the 1992 Constitution. The effect of PNDC Law 221 was to force the registration of all religious organizations in Ghana. Section 3 of the PNDCL 221 required that “Every religious body in Ghana shall be registered under this Law and no religious body in existence in Ghana shall after three months from the commencement of this Law operate as such unless it is registered under this law.

practice, religious minority groups, particularly Muslims, face challenges in fully exercising their rights to religious freedom. Nonetheless, the legal framework for religious freedom in Ghana is generally supportive, as the constitution guarantees the right to freedom of religion and belief. However, the practical implementation and enforcement of these rights can be complex and challenging, particularly when it comes to Christian-Muslim relations. In recent years, there have been occasional tensions between Christian and Muslim believers in some Senior High Schools in Ghana where there are instances of freedom of religion is violated.⁶ These tensions, although not widespread, highlight the need for continued efforts to promote understanding and tolerance between the two religious groups. These violations highlight the need for further efforts to ensure the full protection and promotion of religious freedom in Ghana.

The Impact of the Legal Framework on Christian-Muslim Relations in Ghana

The legal framework for religious freedom in Ghana has had a significant impact on Christian-Muslim relations in the country. The legal framework in Ghana also provides a foundation for promoting and protecting religious freedom for both Christians and Muslims. This framework recognizes the rights of individuals to freely practice and manifest their religion, including worship, teaching, practice, and observance of their respective faiths. It also prohibits coercion and discrimination based on religion, ensuring equal treatment for Christians and Muslims. However, despite the legal framework, there have been tensions and conflicts between Christian and Muslim communities in Ghana.

These tensions are not necessarily a result of the legal framework itself but rather stem from socio-cultural factors, historical contexts, and inter-religious dynamics. Religious tensions and conflicts can arise from misunderstandings, competing religious beliefs, economic disparities, and political influences. In recent times, there have been instances where pastors preached and their messages were misunderstood by a section of believers or citizens.⁷ Many at times, these pastors apologise for any misunderstanding their preaching may have caused to bring sanity and continuous peace to the country.⁸ Therefore, while the legal framework provides a basis for religious freedom and equality; that alone cannot completely eliminate all conflicts. The legal framework plays a crucial role in promoting religious freedom and protecting the rights of individuals to practice their faith. However, it must be accompanied by efforts to promote understanding, dialogue, and respect between Christian and Muslim communities in Ghana.

The legal framework in Ghana has provided a platform for religious freedom and protection of minority rights. However, it is crucial to recognize that the practical implementation of these laws and the attitudes of individuals and communities can impact Christian-Muslim relations. It is not uncommon to find instances where the freedom of religion is violated in Ghana, particularly for religious minority groups such as Muslims. Discrimination and restrictions on the religious practices of Muslims can create tensions and strain relationships between Christian and Muslim communities. This highlights the importance of not only having a legal framework that guarantees religious freedom, but also fostering a culture of tolerance, respect, and understanding among different religious groups in Ghana. Efforts should be made to promote interfaith dialogue, encourage mutual respect and understanding, and address socio-economic disparities that may contribute to religious tensions.

⁶ Ghana News, "Freedom of Religion in the Light of Educational Rights in Ghana: The Case of the Muslim Student," April 22, 2021, <https://ghananewsonline.com.gh/ghana-the-case-of-the-muslim-student/> (Accessed November 2, 2023); GhanaWeb, "Regulations Needed to Protect Religious Freedom of Students – Kwaku Azar to GES," May 11, 2021, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Regulations-needed-to-protect-religious-freedom-of-students-Kwaku-Azar-to-GES-1258348>. (Accessed November 2, 2023)

⁷ Graphic Online, "Nogokpo vs Agyinasare: Let's Pray through Obstacle to New Levels of Victory - Archbishop," June 5, 2023, <https://www.graphic.com.gh/news/general-news/lets-pray-for-new-levels-of-victory-archbishop-agyinasare.html> (November 2, 2023); Ghanaian Times, "Call Rev. Owusu Bempah to Order! ...National Chief Imam Appeals to IGP, Christian Leaders," January 6, 2023, <https://ghanaiantimes.com.gh/call-rev-owusu-bempah-to-order-national-chief-imam-appeals-to-igp-christian-leaders/>. (Accessed November 2, 2023)

⁸ GhanaWeb, "Duncan-Williams Apologizes to Muslims," March 31, 2016, (Accessed November 2, 2023) <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Video-Duncan-Williams-apologizes-to-Muslims-427252>; Prince Antwi, "Owusu Bempah Apologizes to National Chief Imam over Death Prophecy," GhanaGuardian, 2019, (Accessed November 2, 2023) <https://ghanaguardian.com/owusu-bempah-apologizes-to-national-chief-imam-over-death-prophecy>.

Despite the growth of religious pluralism and constitutional provisions guaranteeing religious freedom, Ghana still faces challenges in achieving harmonious Christian-Muslim relations. These challenges cannot solely be attributed to the legal framework, but also stem from socio-cultural factors, historical contexts, and inter-religious dynamics. In order to promote peaceful coexistence and strengthen Christian-Muslim relations in Ghana, it is essential to address not only the legal framework but also these underlying factors such as polemic preaching of the religious ‘other’⁹ that contribute to tensions and conflicts between the two religious groups.

Challenges and Solutions to Religious Freedom in Ghana

The legal framework in Ghana regarding religious freedom is generally strong and provides a foundation for the protection of individual rights. However, the practical implementation and attitudes of individuals and communities can pose challenges to Christian-Muslim relations and religious freedom in the country. Some of the key challenges include discrimination against religious minority groups, restrictions on religious practices, and socio-economic disparities that contribute to tensions between Christian and Muslim communities. To address these challenges and promote harmonious Christian-Muslim relations, a multifaceted approach is needed. This approach should involve:

1. Strengthening and enforcing laws that protect religious freedom and prohibit discrimination based on religion.
2. Promoting interfaith dialogue and engagement to foster understanding, respect, and tolerance between Christian and Muslim communities.
3. Addressing socio-economic disparities to alleviate tensions and promote equality among different religious groups.
4. Investing in education and awareness programs to promote religious literacy and dispel stereotypes or misconceptions that may fuel religious tensions.
5. Encouraging cultural exchange and creating opportunities for shared activities and projects that foster unity and cooperation among Christian and Muslim communities.

By addressing these challenges and implementing these solutions, Ghana can work towards creating an environment that upholds religious freedom, promotes peaceful coexistence, and strengthens Christian-Muslim relations.

Case Study: Christian-Muslim Relations in the Context of Ghana’s Legal Framework

The significance of recognizing and upholding freedom of religion or beliefs in Ghana’s legal framework cannot be overstated. This framework provides a basis for religious tolerance and coexistence, as individuals are granted the right to practice and manifest their religion freely. Furthermore, the legal framework prohibits discrimination based on religion and guarantees equal protection under the law for individuals of different religious backgrounds. However, despite the legal protections in place, challenges and tensions still exist in Christian-Muslim relations in Ghana. These challenges are often rooted in socio-economic disparities, historical divisions, and the influence of external factors. For example, the categorization of Christianity into various sectors and denominations can sometimes lead to competition or tensions between different Christian groups. Additionally, the presence of extremist ideologies and external influences may also contribute to conflicts or misunderstandings between Christian and Muslim communities. To address these challenges and promote peaceful Christian-Muslim relations, it is crucial for Ghana to focus on several key areas. These areas include:

1. Promoting interfaith dialogue and cooperation: Facilitating regular discussions and interactions between Christian and Muslim leaders, organizations, and individuals can enhance understanding, and build trust. This will create an environment where individuals from different religious backgrounds can practice their beliefs freely and peacefully. Despite occasional challenges and tensions, overall interactions between Christians and Muslims in Ghana have been relatively peaceful. However, there is still room for improvement in promoting interfaith

⁹ Religious other in this article means a person of a different religion.

dialogue, relations, and cooperation in order to strengthen mutual understanding and foster greater unity and good and healthy neighbourliness between the two religious communities.

2. Efforts should be made to address socio-economic disparities and promote inclusive development to reduce the underlying factors such as poverty that contribute to tension between Christians and Muslims. Moreover, promoting education and awareness about the principles and teachings of both Christianity and Islam can help dispel misconceptions and foster mutual respect. By addressing these key areas, Ghana can further enhance Christian-Muslim relations and create a more harmonious and inclusive society.

Comparative Analysis: Ghana's Approach versus International Standards

The legal framework for religious freedom in Ghana has had both positive and negative implications for Christian-Muslim relations in the country. On one hand, the legal protections for freedom of religion have allowed both Christians and Muslims to freely practice their faiths without fear of persecution or discrimination. On the other hand, tensions and conflicts between Christian and Muslim communities still persist, suggesting that the legal framework alone may not be sufficient to ensure harmonious coexistence. Nevertheless, the legal framework in Ghana provides a foundation for fostering religious freedom and promoting harmonious Christian-Muslim relations. However, it is important to note that the legal framework alone is not enough to guarantee harmonious Christian-Muslim relations. Factors such as socio-economic disparities, historical divisions, and external influences play significant roles. The legal framework in Ghana provides a foundation for promoting religious freedom and addressing tensions between Christian and Muslim communities.

In recent years, there has been a reversal of the trend of amicable and peaceful coexistence between Christians and Muslims in Ghana. This can be attributed, in part, to the political and socioeconomic processes that have generated new tensions between these religious groups. For instance, the religionisation of politics and politicization of religion is a threat to the good, healthy and peaceful Ghana.¹⁰ The Religionization of Politics and the Politicisation of Religion destroy peace and peaceful coexistence because, in the case of Religionization of Politics, people bring religion into politics and in the case of Politicisation of Religion, people bring politics into religion to favour one religion over the other or others. This, according to Johnson Mbillah, is a canker in Africa and the Programme for Christian-Muslim Relations in Africa (PROCMURA) encourages Africans to vote for competent people and not because of their ethnic or religious background.¹¹ In that way, leaders will serve the interests of all citizens.

While the legal framework in Ghana provides a foundation for promoting religious freedom and addressing tensions between Christian and Muslim communities, it is not the sole determinant of Christian-Muslim relations in the country. Christians and Muslims would also have to find ways to continue to build and promote good and healthy neighbourliness while the legal framework protects their rights further.

The Role of Interfaith Dialogue and Relations in Improving Christian-Muslim Relations

Interfaith dialogue and relations have been recognized as important factors in improving Christian-Muslim relations in Ghana. The collaboration between faith-based organizations, such as the Christian Council of Ghana, the Catholic Bishop's Conference, the Ghana Pentecostal Council, The Office of the National Chief Imam, the National Peace Council *etc.* is crucial in promoting understanding and reducing tensions between Christians and Muslims. These organizations play a significant role in fostering dialogue, relations promoting mutual respect, and addressing common social issues that affect both communities.

¹⁰ Makafui Margaret Tayviah, *The Colonial Impact in Christian-Muslim Relations in Ghana and Togo: A Comparative Assessment* (Hamburg: Missionshilfe Verlag, 2019), 237 - 238.

¹¹ Johnson Mbillah, "Attitudes towards Conflict Prevention, Peace and Reconciliation as Illustrated by Animal Behavior," in *West Africa Regional Consultation For Christian And Muslim Religious Leaders On Conflict Prevention And Peace Building Held At Hotel Acropolis, 24th -28th August* (Lome-Togo, 2015). Rev. Dr. Johnson Mbillah is the Immediate Past General Adviser of the Programme for Christian-Muslim Relations in Africa (PROCMURA).

Additionally, the involvement of women in Christian-Muslim relations can also have a positive impact on a country. The role of women in strengthening Christian-Muslim relations is very important for a nation that has a plurality in terms of tribes, ethnicity, and religion. This is because women translate justice, empathy, and rationality into religion by building relationships with other religions.¹²

Their perspectives on conflict prevention, cultural understanding, and mutual help can contribute to creating a more inclusive and harmonious society. Furthermore, Islam itself encourages mutual help and working for the common good with people of different religions. Likewise, Christianity teaches its adherents to live in peace with everyone. These teachings of both religions can further promote peaceful coexistence between Christians and Muslims in Ghana. It is worth noting that despite the legal framework and interfaith efforts, there have been recurring conflicts between Muslims and Christians in Ghana.

These conflicts highlight the need for continued efforts in promoting interfaith dialogue, addressing socio-economic disparities, and fostering a culture of mutual understanding and respect. Hence, while the legal framework in Ghana provides a foundation for promoting religious freedom and addressing tensions between Christian and Muslim communities, it is not the sole determinant of Christian-Muslim relations in the country. However, interfaith dialogue alone is not sufficient to improve Christian-Muslim relations in Ghana. In order to achieve the above objectives for this research, the study examined and analyzed the constitutional and statutory provisions related to religious freedom in Ghana. Evaluate how these legal frameworks have evolved over time and their implications for the practice of Christianity and Islam in the country.

It is crucial to address socio-economic disparities, promote education and awareness about different faith traditions, and foster a culture of mutual understanding and respect at all levels of society. Interfaith dialogue is not without its challenges, and it can fail as often as it can succeed.¹³ However, the rewards of interfaith dialogue can be great and may include a change in perspective with regard to alternate faith traditions.

In Ghana, the legal framework surrounding freedom of religion plays a crucial role in promoting peaceful coexistence between Christians and Muslims. It provides a foundation for protecting religious freedom, ensuring equal rights and opportunities for individuals of all faiths, and addressing conflicts or tensions that may arise between different religious communities.

The legal framework in Ghana regarding freedom of religion helps to create an environment that promotes peaceful coexistence between Christians and Muslims. However, it is important to acknowledge that the legal framework alone is not sufficient to improve Christian-Muslim relations. The successful improvement of Christian-Muslim relations in Ghana also requires active efforts in promoting interfaith dialogue, addressing socio-economic disparities, and fostering mutual understanding and respect.

RECOMMENDATIONS

The legal framework for religious freedom in Ghana has had both positive and negative impacts on Christian-Muslim relations in the country. To further enhance religious freedom and improve Christian-Muslim relations in Ghana, it is important to prioritize interfaith dialogue and establish platforms for open and respectful communication between religious communities. These platforms can foster understanding, promote religious tolerance, and address misconceptions or stereotypes that may exist between Christians and Muslims. Additionally, there is a need for ongoing education and awareness programs that emphasize the importance of religious freedom and the rights of individuals to practice their faith without discrimination or persecution.

Finally, the government should actively work towards addressing any discriminatory practices or policies that may hinder religious freedom and create a more inclusive and democratic society for all its citizens, regardless of their religious beliefs. The legal framework further protects and promotes religious freedom, by creating an environment where Christians and Muslims can coexist and practice their faiths

¹² Hadi Pajarianto, "Interreligious Relation: Position of Women in Strengthening Christian and Muslim Bonds," *HTS Teologiese Studies / Theological Studies* 78, no. 4 (May 18, 2022), 78. <https://doi.org/10.4102/hts.v78i4.7096>.

¹³ Elizabeth M. Pope, "'This Is a Head, Hearts, and Hands Enterprise': Adult Learning in Interfaith Dialogue," *Adult Education Quarterly* 70, no. 3 (August 12, 2020): 205–22, <https://doi.org/10.1177/0741713619888632>.

without fear of persecution or discrimination. At the same time, conflicts and tensions between Christians and Muslims have arisen due to differences in the interpretation of religious freedom, religious teachings and practices. Furthermore, the legal framework has had a significant impact on issues such as religious conversions, marriage and divorce laws, and access to religious facilities and resources. To enhance religious freedom and improve Christian-Muslim relations in Ghana, it is recommended to focus on the following:

1. Prioritize interfaith dialogue and relations as well as establish platforms for open and respectful communication between religious communities.
2. Implement ongoing education and awareness programs that emphasize religious freedom and the rights of individuals to practice their faith without discrimination or persecution.
3. Education also plays a significant role in promoting religious tolerance in Ghana hence, the inclusion of interfaith education in school curricula can help to cultivate a deeper understanding of different religions and their beliefs. By teaching students about the values of tolerance, acceptance, and respect for religious diversity, Ghana can raise a new generation that is more open-minded and appreciative of different faiths.
4. Christian and Muslim Religious leaders should promote understanding and address misconceptions or stereotypes among their adherents.
5. The media also has a role to play in shaping public opinion and promoting religious freedom. Media organisations should strive to provide balanced and fair coverage of religious issues, avoiding sensationalism and provocative language that can contribute to the spread of misinformation and perpetuate stereotypes. Moreover, the Ghanaian media should actively seek out opportunities to highlight positive stories of cooperation and collaboration between Christians and Muslims. By showcasing examples of interfaith initiatives and successful partnerships, the media can inspire others and demonstrate the possibilities that come with religious freedom and mutual respect.
6. The government should allocate resources towards promoting interfaith dialogue and understanding. This can be done by organizing conferences, seminars, and workshops that bring together religious leaders, scholars, and community members from diverse backgrounds. These platforms provide an opportunity for open discussions, the exchange of ideas, and the fostering of mutual respect among different religious groups.
7. In addition to governmental efforts, civil society organizations have a crucial role to play in promoting religious freedom and harmony in Ghana. These organizations can collaborate with religious institutions to organize interfaith events, interreligious dialogues, and cultural exchanges. These collaborative efforts can help to foster understanding, empathy, and respect among different religious communities, ultimately contributing to a more harmonious and tolerant society.
8. Address any discriminatory practices or policies that hinder religious freedom and create a more inclusive society.

In Ghana, there have been no major conflicts between Christians and Muslims, and the dialogue of life and interactions between the two religious groups go on well.¹⁴

CONCLUSION

In conclusion, the intersection of fundamental human rights and Christian-Muslim relations in Ghana reveals both the promise and the complexity of pluralism in a constitutional democracy. Thus, the future prospects for religious freedom in Ghana are promising, because although the country has made significant strides in establishing a legal framework that protects religious freedom and fosters peaceful coexistence between Christians and Muslims, there is still work to be done. While Ghana's legal

¹⁴ Dialogue of life takes place at any place and any time. It when people coexist, live, relate with and interact peacefully with "the other" in spite of obvious religious differences. Nathan Samwini, "A 'Dialogue of Life' Approach to Interfaith Peace in West Africa," *The Interfaith Observer* - Seattle University, April 11, 2011, <https://www.theinterfaithobserver.org/journal-articles/2011/9/14/a-dialogue-of-life-approach-to-interfaith-peace-in-west-afri.html>. (Accessed November 2, 2023)

framework seems to protect religious freedom, practical challenges persist in ensuring unbiased treatment and peaceful coexistence among religious groups and communities. Overall, the legal framework in Ghana provides a foundation for promoting mutual respect, tolerance, and harmony between different religious groups. The various sources mentioned emphasize the importance of religious tolerance, social harmony, and peaceful coexistence as foundational values for a diverse society. These values are integral to fostering a society where individuals can freely practice their religion without fear of discrimination or violence. Additionally, the legal framework should ensure that cases of religious discrimination or violence are addressed promptly and effectively, with appropriate measures in place to hold perpetrators accountable. As Ghana continues to develop, the legal and social culture that equally affirm and sustain the rights and responsibilities of every citizen should remain vital not only for religious tolerance but for the nation's democratic resilience and social cohesion.

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