

## **International law, International Human Rights and Religion**

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### Abstract

International law has tried to accommodate religion since the creation of the Universal Declaration of Human Rights and the release of the 1948 AAA statement. Initiatives such as the one of former High Commissioner for Human Rights, Mary Robinson, in 1998 and the UN-backed dialogue of civilizations project by former President Khatami demonstrate that the effort to develop a framework for the role of religion in international human rights law is both-ways. However, cultural and religious relativism are still predominant while universality of human rights remains the norm. One of the main issues pertains to legitimacy: while religion considers human rights to be sourced in religion, universal human rights tenants argue they are man-made.

Meanwhile, new scholarly and practitioners' work have worked on ways to create a third approach, between universality and human rights, in order to bridge the gap between religion and human rights. Scholars such as An Na'im, Sachedina and Baderin have provided a theoretical framework. Activists around the world have tried to make this bridge a reality. Yet, in the 21<sup>st</sup> century, the challenge still remains with regard to the conciliation between international law, international human rights and religion.

The paper will summarise the positions of cultural relativists as well as those of universality. It will then present an overview of the current theories promoting an accommodation of religion within international law. To do, the author will look at the example of human rights but also at other branches of international law (e.g.: international humanitarian law and international criminal law) looking at possible tensions and proposing solutions.