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Managing Religious Diversity in the Private Sphere in Post-Secular Societies: Lessons from Business and Human Rights

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Abstract: This article discusses managing religious diversity in post-secular societies by drawing lessons from business and human rights. Managing religious diversity has been traditionally played out in the realms of the state. A state's primary obligation is to respect and protect religious diversity in its society. This article looks beyond the state by arguing that managing diversity is a two-way street. It submits that business and human rights standards are benchmarks by which state and corporations' effective management of religious diversity should be measured and supervised. This article argues that business and human rights standards, such as the United Nations Guiding Principles on Business and Human Rights, establish the obligations of business and other private actors, such as religious communities, to respect and protect human rights in private relations. Businesses carry negative and positive obligations to employ a human-rights-based approach to managing religious diversity in their business operations. Religious communities, for their part, have to manage religious diversity to the extent their autonomy and self-governance allow for it. Equipped with this knowledge, this article concludes that business and human standards, including the United Nations Guiding Principles, represent the standards that business and religious communities should comply with in managing religious diversity in private relationships.

Keywords: religious freedom; business and human rights; private relationships; horizontal effect

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1. Introduction

Religion has been omnipresent in the public spaces of modern European societies. It is an expression of both individual and collective dimensions of human dignity. European societies have taken different approaches to managing freedom of religion, thought, and conscience in public spaces. Constitutional democracies thrive on the presence of pluralism, allowing exchange and the existence of different worldviews. Post-secular societies function in many different layers and categories. They include various actors such as religious communities, governments, businesses, and civil society. Religious diversity has been a fundamental stepping stone of post-secular societies based on constitutional democracy and the rule of law.

Religious freedom is based on pluralism, tolerance, and broadmindedness. Religious communities traditionally enjoy, in the liberal democratic state, relative autonomy from unjustified interference from the state. As such, Habermas defines post-secular society as "...the continued existence of religious communities in an increasingly secularized environment" (Habermas 2008). He adds that "the democratic state must not pre-emptively reduce the polyphonic complexity of the diverse public voices, because it cannot know whether it is not otherwise cutting society off from scarce resources for the generation of meanings and the shaping of identities" (ibid). Similarly, Molendijk argues that post-secular society refers to "...the 'intertwinement' of the secular and the religious in sometimes new forms" (Molendijk 2015, p. 110). Connelly derives the legitimacy of post-secularist society from the values of pluralism. He argues that "for a failure to deepen and extend the texture

of pluralism today will mean the extension of a politics of demonization, restriction, and repression of diversity. . . So, negotiation of deep, multidimensional pluralism is needed. . .” (Connolly 2011, p. 652). Taylor observes that “We have moved in many Western countries from an original phase in which secularism was a hard-won achievement warding off some form of religious domination, to a phase of such widespread diversity of basic beliefs, religious and areligious, that only clear focus on the need to balance freedom of conscience and equality of respect . . .” (Taylor 2011, p. 48). Accordingly, Kaltsas argues for “. . .the post-secular public sphere as a common and discursively organized social space open to the continuing mediation between universal justification and the process of open and legitimate contestation and productive re-organization of settled boundaries and established distinctions, such as the private/public, religious/secular, or moral/legal distinctions” (Kaltsas 2019, p. 17).

Private actors are critical in realizing religious diversity in constitutional democracy and post-secular societies. Most religious diversity cases play out in private relationships, where state actors are absent. As such, private actors possess the power and influence to exercise religious freedoms in various dimensions. States are primarily responsible for protecting religious diversity. However, private actors like businesses and religious communities have complementary obligations and responsibilities. Therefore, they also have the responsibility to respect and protect religious diversity.

Most European societies subscribe to religious pluralism and diversity, whereas others discourage the coexistence of different religious communities. The traits of the two primary models are reflected in the approach towards religious symbols in state and public institutions, attitudes toward religious customs, religious expression and assembly, and religious clothing. Some European societies allow religious pluralism, whereas others subscribe to religious monism. They derive their approach from their societies’ constitutional values, principles, and norms. They justify their approach to religious diversity according to a rationale related to social needs. As the value of human dignity has individual and collective dimensions, societies must find reasonably balanced directions to the place of religious diversity in public spaces.

Nonetheless, religious diversity must respect and comply with a society’s constitutional principles and norms. In a post-secular society, religious communities should tolerate different religious denominations and worldview beliefs in a pluralistic society. Religious diversity requests them to be tolerant and committed to broadmindedness, mutual respect, and coexistence (Martínez-Torrón and Navarro-Valls 1998). The constitutional space of democratic societies is a normative framework in which different religious communities and religions can co-exist in shaping their values. States are obliged to reasonably accommodate the wishes and particularities of given religious communities (Henrard 2012; Fokas and Richardson 2018; Ferri 2018; Timmer 2015; Barras 2012).

Much scholarly work has been published on religious freedom, religious autonomy, and the state’s role in modern societies (Bhuta 2012; Berry 2017a; Marko et al. 2023; Marshall 2008). However, not so much has been written on religious diversity and pluralism from the perspective of business and human rights research. As a result, this article analyses managing religious diversity in post-secular societies. This article argues that the concepts of reasonable accommodation in managing religious diversity in religious communities should draw lessons from business and human rights standards. As explained later, the business and human rights field argues that private actors also carry obligations to respect, protect, and fulfil human rights. Private actors also carry the responsibilities of respecting and protecting religious diversity. Private actors should manage and supervise the implementation of human rights standards in all activities by exercising human rights due diligence. Indeed, states have the main primary obligations to protect rights holders’ human rights against private actors’ activities. Nonetheless, private actors also carry complementary obligations to accommodate religious diversity. Such a thesis is critical as private actors often exercise more power in local and global societies than states in managing religious diversity in the private sphere.

The article aims to determine if and how business and human rights are and could be relevant and assist in managing religious diversity. The current approach to managing religious diversity has concentrated on the states. This article, therefore, advocates that private actors such as business and religious communities have human rights obligations. It argues that business and human rights standards are helpful in the clarification of human rights obligations of business and religious communities. After an introduction, Section 2 is dedicated to discussion. It is divided into three main parts. Section 2.1 discusses human rights protection in private relationships. After that, Section 2.2 explores the fundamental normative frameworks of business and human rights standards. Section 2.3 analyses what states and religious communities can take and learn in managing religious diversity from business and human rights standards. It is divided into two further subsections, within which Section 2.3.1 analyses how the private sphere can apply business and human rights standards to manage religious diversity, while Section 2.3.2 deals with applying business and human rights standards for managing religious diversity in religious communities. Finally, Section 3 explains the article's methodology, whereas Section 4 presents results and conclusion. This article contributes to the discussion by linking the public management of religious diversity and business and human rights. It argues that private actors such as businesses and religious organizations must comply with human rights standards; however, they keep a reasonable autonomy regarding managing religious diversity concerning some fundamental freedoms.

2. Discussion

2.1. Human Rights Protection in Private Relationships

The private sphere includes the environment outside the state and public institutions. The public sphere refers to the environment and the relationship between the state and public institutions and individuals. On the other hand, private relationships are typically horizontal, in contrast to vertical relationships between the rights holders and the state actors. This article uses the working definition of the private sphere, which includes relationships between private individuals and organizations such as businesses, religious communities, and non-governmental organizations (Clapham 2019). As such, private relationships and the private sphere do not refer only to the personal, individual, or family sphere but extend to a relationship with other private actors such as private corporations and private sector employees. Private relationships also extend to civil society, including religion or belief organizations or bodies. Those civil society organizations derive from freedom of association, which derives from values of pluralism, tolerance, and broad-mindedness. As a result, this article refers to business organizations, religion, or belief bodies/organizations as belonging to the private sphere.

States have traditionally been primary duty holders of human rights obligations. They carry negative and positive obligations to respect, protect, and fulfil human rights. State obligations include both negative obligations of not harming and the positive obligation of striving to respect human rights in the private sphere. Nonetheless, modern societies are increasingly heterogeneous, diverse, and plural, consisting of many different state and non-state actors. In modern constitutional democracies, non-state actors have been in the majority, as most societal relationships occur in private spheres. As a result, human rights law cannot turn a blind eye to curtailing the power of non-state actors. It has been forced to adapt by different societal actors to extend into a private sphere. Therefore, human rights have developed into horizontal relationships between private actors in the last three decades. Domestic constitutional legal systems have increasingly accepted that private actors, such as businesses, religious organizations, and sports organizations, have human rights obligations to respect, protect, and fulfil human rights (Sajo and Uitz 2005). Notably, it is accepted that private actors carry negative obligations not to harm rights holders. It has been more contested that private actors have positive obligations to ensure that other non-state actors do not violate human rights. One can distinguish three types of horizontal

human rights effects: direct, indirect, and effect in terms of positive obligations (Alexy 2002; Frantziou 2015).

Nonetheless, most constitutional systems have internalized the horizontal effect of human rights obligations (see, for example, Lüth case, German Federal Constitutional Court 1958). Therefore, the domestic constitutional system can serve as an impetus for the horizontal application of human rights obligations to religious communities (Szoszkiewicz 2023). In contrast to vertical obligations, horizontal human rights obligations are obligations of conduct. The private actors must comply with their obligations under due diligence to discharge them.

As such, the nature and scope of human rights obligations of state and non-state actors differ. Therefore, commentators argue that the obligations of non-state actors carry complementary obligations to that of the state. Nonetheless, state and non-state actors have human rights obligations in common that are interdependent and interrelated. All actors shall not commit human rights violations. Their negative human rights obligations are very similar. In contrast, the positive responsibilities of both groups of actors differ concerning positive obligations. States enjoy under the case law of the European Court of Human Rights a margin of appreciation based on public order and other expectations to interfere with the exercise of religion and belief freedom, if necessary, in a democratic society (Evans and Thomas 2006; Berry 2017b; Chaibi 2022; Chagas 2022).

Non-state actors have positive obligations in the ambit where they exercise their power. For example, in religious organizations, these would extend to their organizations and functions. The horizontal nature of human rights obligations requires non-state actors to supervise their protection and promotion within their organization. Indeed, non-state actors such as religious and sports organizations enjoy autonomy in decision-making concerning the essence of their organization. The European Court of Human Rights (the ECtHR or the Court) observed in *Fernández Martínez v. Spain* that "Where the organisation of the religious community is in issue, Article 9 of the Convention must be interpreted in the light of Article 11, which safeguards associative life against unjustified State interference" (Fernández Martínez v. Spain, para. 127). It further noted in the same case that "the autonomous existence of religious communities is indispensable for pluralism in a democratic society. . . it has a direct interest, not only for the actual organisation of those communities but also for the effective enjoyment by all their active members of the right to freedom of religion" (ibid). It is connected with the individual enjoyment of freedom of religion. The ECtHR further noted in the same case that "Were the organizational life of the community not protected by Article 9 of the Convention, all other aspects of the individual's freedom of religion would become vulnerable" (ibid). Therefore, despite the autonomous nature of religious communities, they carry obligations to comply with fundamental rights. As such, religious communities are obliged, for instance, to ensure that their members do not resort to incitement to religious hatred against other religious organizations. Protection against hate speech is one of the pillars of a liberal democratic state based on human dignity and pluralism (see, for example, Zemmour v France).

States have obligations to supervise and measure human rights in the private sphere. However, they cannot interfere with determining the rules, policies, and regulations within autonomous organizations. Often, a dilemma arises: determining the area of justified state interference. The European Court has drawn the border when interference is necessary in a democratic society, where the pressing social need exists to interfere with particular human rights (Temperman et al. 2019). The Court noted in *Svyato-Mykhaylivska Parafiya v. Ukraine* that "The internal structure of a religious organisation and the regulations governing its membership must be seen as a means by which such organisations are able to express their beliefs and maintain their religious traditions" (Svyato-Mykhaylivska Parafiya v. Ukraine, para. 150). The Court added that ". . .the right to freedom of religion excludes any discretion on the part of the State to determine whether the means used to express religious beliefs are legitimate. . ." (ibid). States cannot interfere with religious autonomy; however, they

can request religious communities to abide by constitutionally recognized human rights and fundamental freedoms.

The Court provided an answer in *Taganrog LRO and Others v. Russia*, where it observed that "...in a pluralist and democratic society, those who exercise their right to freedom of religion, whether as members of a religious majority or a minority, cannot reasonably expect to be shielded from exposure to ideas that may offend, shock or disturb. They must tolerate and accept the denial by others of their religious beliefs and even the propagation by others of doctrines hostile to their faith..." (para. 154). As such, human rights also apply horizontally to religious organisations and create horizontal effects for private relationships of religious nature. Obligations arising from human rights and fundamental freedoms also apply horizontally to them. Such conduct may be problematic for some private actors, such as religious organizations based on monopoly and monism. In this way, the Court added in the same case that "Religious people may be genuinely offended by claims that others' religion is superior to theirs. However, just because a remark may be perceived as offensive or insulting by particular individuals or groups does not mean that it constitutes "hate speech". Although such sentiments are understandable, they cannot set limits on freedom of expression, let alone inhibit the enjoyment of freedom of religion by others ..." (ibid). As such, religious organisations have to show tolerance, broadmindedness, and pluralism to rights holders, even though they may contradict their religious values, beliefs, and traditions. This way, human rights and fundamental freedoms apply horizontally and create horizontal effects.

Similarly, the Court observed in *Ibragim Ibragimov and Others v. Russia* that "merely because a remark may be perceived as offensive or insulting by particular individuals or groups does not mean that it constitutes "hate speech". Whilst such sentiments are understandable, they alone cannot set the limits of freedom of expression..." (Ibragim Ibragimov and Others v. Russia, para. 115). Nonetheless, some human rights and fundamental freedoms may not apply to religious communities and their members. Without a doubt, non-state actors enjoy discretion in interpreting human rights and fundamental freedoms according to their religious ideology, customs, traditions, and culture to the extent that human rights are not absolute. When absolute rights are concerned, the margin of appreciation of state organs disappears. For instance, religious communities cannot opt out of rights such as the right to life, the prohibition of torture, and the freedom from forced labour and slavery. Those are non-negotiable rights that religious communities must comply with in every constitutional democracy based on the rule of law. Nonetheless, they enjoy a certain level of autonomy where fundamental freedoms are concerned and where there is no pressing social need to justify interference with religious freedoms as a necessity in a democratic society. As such, the private actors carry complementary obligations to respect and protect religious diversity. They must show tolerance and broadmindedness when respecting and protecting other private actors' human rights.

2.2. Business and Human Rights Normative Framework

For decades, states have not been the only actors in global societies. The last decades have witnessed the unprecedented rise of private actors in human societies. As such, post-secular societies include a vast array of actors in the private sphere, from business actors to religious communities. Traditionally, states have been the only duty holders of human rights obligations. Rights holders have so far been able to enforce state accountability for human rights violations only.

Nonetheless, the list of duty holders of human rights has been extended in the last decades to include, for instance, international organizations and private actors from business to individuals. As far as the private actors go, it is mainly the business and human rights field that has seen systematic reforms in the past two decades or at least attempts thereof. It has been progressively developed since the 1970s (Ruggie 2004; Ruggie et al. 2021). The normative framework of business and human rights argues that private actors, particularly enterprises, must respect, protect, and fulfil business and human rights (Deva

2012). The main document is the United Nations Guiding Principles on Business and Human Rights (hereinafter, the UNGPs on Business and Human Rights), adopted by the UN Human Rights Council in 2011 (UN Human Rights Council 2011).

The UNGPs on Business and Human Rights create tripartite normative human rights obligations of states and corporations to protect rights holders against business-related human rights abuses. They were not adopted in the form of an international treaty but in the form of guidelines. As such, they are formally non-binding and belong to the groups of soft law mechanisms. Even so, submitting an argument that they are also binding in international law is plausible. Most mainstream commentators argue that they are binding through their content (Cata Backer 2012). The UNGPs on Business and Human Rights restate existing international law as they include existing obligations of states and companies in international law. As such, they are binding by their substance, even though they may not be binding formally.

The UNGPs consist of 31 principles establishing inter-connected and interdependent obligations of states and corporations in business and human rights. As such, they establish such obligations as three pillars: state duty to protect, corporate responsibility to respect, and access to remedies.

First, the Pillar I requires states to protect human rights. The traditional understanding of human rights law has been that states must protect, respect, and fulfil human rights. States have positive obligations of conduct to control corporations and not violate rights holders' human rights. State duty to protect human rights against the adverse conduct of businesses illustrates the restatement of international legal obligations. State human rights obligations are both territorial and extraterritorial. States are to control business also when they conduct business outside the territory of their home state. They have to ensure that their private companies comply with human rights.

In contrast, state obligations are even more extensive in the case of state-owned enterprises, where states should lead by example for private sectors. States must introduce domestic human rights due diligence legislation for corporations to protect human rights throughout their supply chains. State obligations to protect the human rights of individuals should be equally distributed across all branches of government and supervisory institutions.

Secondly, the UNGPs on Business and Human Rights provide in Pillar II that companies must respect human rights. They do not differentiate between small and large companies. Therefore, any company has to respect and protect human rights. Respecting and protecting human rights is much more challenging for small and medium-sized companies, as respecting human rights in business supply chains is challenging. As such, companies must embed business and human rights standards in their operations. Mainly, they should introduce human rights due diligence in their supply chain. Human rights due diligence is a procedural obligation to ensure respect for human rights in each corner of business operations. They have to control their supply chains. They must ensure that they draft public policy statements and documents on human rights and include them in their business operations. They must incorporate a quality assurance mechanism in their global supply chain, report, and act based on gathered information (see, for example, Directive (EU) 2022/2464 2022). Generally, the dilemma is how far businesses and other private actors, such as religious organizations, must ensure respect for human rights. Some industries, such as the pharmaceutical industry, require the exercise of obligations to the lowest tiers of supply chains. Others only recommend that businesses supervise the first tier of the supply chain. In most industries, respect for human rights in the supply chain is a matter of obligation of conduct, not of result (Letnar Černič 2018; Nolan 2022).

Generally, human rights due diligence is a process that corporations have to conduct internally. It includes six significant steps: adoption of human rights policies and strategy; identification and proper management of business-related human rights risks; adoption of measures to respond to those risks; examination of the feedback from a real-life business scenario; formulation of responses to reduce and minimize business-related risks; ensuring access to remedies for rights holders and granting them compensation. Businesses must

conduct due diligence in the constant and periodic consultations with stakeholders. Principle 17 of the UNGPs on Business and Human Rights notes that due diligence should include identifying business-related human rights risks and adopting measures to respond to the challenges. (UN Human Rights Council 2011). Ideally, all businesses should employ a compliance person dealing with human rights due diligence.

Nonetheless, for medium-sized or large corporations, it is necessary to have a compliance officer who regularly checks business and human rights compliance in their global supply chains, including visiting the factories in their region and talking with different stakeholders and civil society (Deva 2023). However, for many companies, this is a cost they cannot justify from a business point of view. Human rights due diligence is a process businesses should internalize to reduce and minimize the risks of business-related human rights abuses. It is an internal procedure where the companies have to demonstrate they have conducted regular checks and regular supervision. Human rights due diligence is not an obligation of the result but of conduct. It requires businesses to comply with the expected steps and act upon results.

One of the most difficult challenges in business and human rights is ensuring rights holders can access remedies before traditional state-based judicial, quasi-judicial, and non-judicial systems or non-state enforcement mechanisms. Pillar III of the UNGPs on Business and Human Rights establishes the state's and companies' obligations regarding access to remedy. It requires states and companies to provide a remedy for business-related human rights violations. States must ensure access to state judicial, quasi-judicial, and non-judicial mechanisms. Corporations must ensure access to internal and external company-based complaint mechanisms to ensure practical, independent, and fair protection of rights holders. Without access to justice, rights cannot enforce accountability for human rights abuses.

The UNGPs on Business and Human Rights obligations states to create a national business and human rights action plan. National action plans are a commitment of states to business and human rights. They include expectations of states to supervise the conduct of business. Why are national action plans on business necessary? They set the government's commitment and highlight the problematic business and human rights issues. What are the potential impacts of a national action plan? Since their adoption in 2011, national action plans have generated different impacts. They normatively clarified state and corporate human rights obligations and access to remedy. In many instances, they have helped build capacity in state institutions and beyond and awareness concerning business and human rights. In business and human rights, various stakeholders often conflate business and human rights with corporate social responsibility. However, corporate social responsibility is a different area. It describes a more voluntary approach for businesses and society. At the same time, civil society argues for companies' binding obligations in business and human rights. What is also essential is raising awareness about state and corporate human rights obligations. For instance, national action plans in France, Germany, and Norway include some of the best business and human rights practices. In the UK, they led to the adoption of domestic legislation on modern slavery.

All in all, business and human rights include four questions. First, who are duty holders of human rights obligations in business and human rights? Second, who has committed business-related human rights abuses? Third, who is responsible for business-related human rights abuses? How does one achieve legal accountability for business-related human rights abuses of states, companies, and other non-state actors? Fourth, what are the mechanisms available? Where can victims and rights holders turn to when there are business-related human rights abuses? The business and human rights field argues that states and companies carry human rights obligations and that rights holders should be able to enforce accountability for business-related human rights obligations. State and private actors should engage different stakeholders to build business and human rights capacity. They should carefully draft structure and content and define action and expected results, which are indispensable to ensure responsibility and accountability for the rights

holders to access independent, fair, and impartial courts and that human rights defenders are not prosecuted.

2.3. Lessons from Business and Human Rights for Managing Religious Diversity

At first glance, business and human rights and religious diversity are not interconnected fields. However, they are related as both argue that private actors have obligations and accountability to respect and protect human rights. Business and human rights argue that private actors are, besides states, duty holders of human rights obligations. The management of religious communities has so far concentrated on "the shift from norm compliance to management needs to be seen as a consequence of the normative deficiency of anti-discrimination law and plurality within the EU constitutional framework" (Śledzińska-Simon 2016, p. 19). This article argues that this management takes place not only in the public sphere, managed by the state and public institutions, but also in the private sphere, where a plurality of private actors plays a role in the theatre of religious diversity. Both public and private actors play a role in accommodating religious diversity at different levels of public and private relationships (Alidadi 2012). The area of business and human rights includes lessons both for religious communities and for private enterprises. Lessons from business and human rights for managing religious diversity proceed in at least two ways.

2.3.1. Application of Business and Human Rights Standards for Managing Religious Diversity in the Private Sphere

States and businesses have several obligations in religious diversity stemming from business and human rights. In several cases, international human rights bodies such as the European Court of Human Rights have recognized that states' positive obligations include obligations to reasonably accommodate various expressions of religious freedom. Accordingly, states must protect individuals against the adverse conduct of corporations. Businesses are expected to accommodate religious and belief diversity in their operations reasonably.

In the *Eweida* case, the Court confirmed that the state carries an obligation to accommodate religious symbols in a private space as a part of human dignity. It noted that "Ms Eweida's cross was discreet and cannot have detracted from her professional appearance. There was no evidence that the wearing of other, previously authorised, items of religious clothing, such as turbans and hijabs, by other employees had any negative impact on British Airways' brand or image. Moreover, the fact that the company was able to amend the uniform code to allow for the visible wearing of religious symbolic jewellery demonstrates that the earlier prohibition was not of crucial importance" (Eweida v. the UK, para. 94). It, therefore, decided that "…there is no evidence of any real encroachment on the interests of others, the domestic authorities failed sufficiently to protect the first applicant's right to manifest her religion, in breach of the positive obligation under Article 9" (ibid, para. 95). The Eweida case is relevant for discussing the extension of duty holders to private actors, such as business organizations and religious or belief organizations or bodies.

In an earlier decision of the European Court of Human Rights, *Kosteski v. the former Yugoslav Republic of Macedonia* that "… this is a case where the applicant sought to enjoy a special right bestowed by Macedonian law which provided that Muslims could take holiday on particular days, including the Bayram festival in issue…In the context of employment, with contracts setting out specific obligations and rights between employer and employee, the Court does not find it unreasonable that an employer may regard absence without permission or apparent justification as a disciplinary matter" (*Kosteski v. the former Yugoslav Republic of Macedonia*, para. 36). Therefore, private actors have nonetheless certain leeway when protecting religious freedom and diversity in their operations. The state's duty to protect includes obligations to ensure religious pluralism and diversity in the private sector. Additionally, private companies have complementary obligations to ensure religious pluralism. Their business operations should not interfere with the

respect for religious freedom. Businesses must respect the freedom of religion and avoid discriminatory practices that allow employees of specific religions to wear religious symbols but not others. As such, the adequate and effective protection of values of pluralism, tolerance, and broadmindedness also falls within the state and corporate obligations (Koenig 2020).

Nonetheless, the UNGPs on Business and Human Rights establish, apart from the negative obligation of businesses to not harm, the positive obligation of ensuring that its business partners do not violate human rights. As explained in the previous section, companies must conduct human rights due diligence throughout their supply chain. In managing religious diversity, businesses should internalize religious pluralism in the workplace by adopting dedicated company policies, identifying and managing risks, adopting measures to reduce them in their business operations, and, finally, providing remedies to rights holders. Therefore, businesses must effectively commit to religious diversity in their operations. They must measure their compliance with religious diversity and ensure freedom of thought, conscience, and religion throughout their supply chains. They should identify risks of business-related human rights abuses and minimize them. They should establish internal complaint mechanisms and grant compensation to rights holders.

2.3.2. Application of Business and Human Rights Standards for Managing Religious Diversity in Religious Communities

Business and human rights offer lessons in managing religious diversity in religious communities internally and externally. First, religious communities enjoy autonomy and independence from the State. Nonetheless, they are part of respective constitutional systems. As such, religious communities must comply with constitutional values, principles, and norms. Internally, they maintain their autonomy by having leeway and discretion in interpreting relative rights, not absolute ones. As such, religious communities must comply with Pillar 2 (corporate responsibility to respect). They should respect all rights and retain autonomy in interpreting relative rights. On the other hand, absolute rights remain outside the ambit of religious communities. They should draft internal commitments and policies on religious diversity. They should identify risks to religious diversity from the perspective of regional and international human rights standards. Afterward, they should manage those risks and try to reduce and minimize them. Finally, they should also provide remedies and compensation to injured individuals.

Externally, religious communities have to subscribe to the fundamental values of constitutional democracy. They should comply with principles of religious pluralism, broadmindedness, and tolerance. They should encourage their community members to respect and tolerate members of other religious communities. Religious organizations should promote the protection of human dignity and foster an environment of coexistence, tolerance, broadmindedness, and reconciliation in constitutional democracies.

3. Materials and Methods

This article employs normative, analytical, deductive, and comparative legal research methods. It is based on the case law analysis from domestic and international tribunals, different sources, commentary, and secondary sources in the academic literature.

4. Results and Conclusions

This article has studied the management of religious diversity in the private spheres of post-secular societies. Private actors are critical in ensuring diversity in freedom of thought, conscience, and religion in post-secular society. There is a plurality of them, from business and civil society organizations to religious communities. States nonetheless carry a primary duty to protect human rights. Business and human rights standards, particularly the UNGPs on Business and Human Rights, have established clear obligations that private actors such as business and religious communities have to comply with. Private actors, from businesses to religious communities, must respect and protect religious diversity. Their

obligations are both of a positive and negative nature. First and most importantly, they carry obligations not to harm the enjoyment of religious freedoms and beliefs. Second, they must ensure that their business partners in global supply chains and religious community members respect religious diversity. Companies and religious communities must identify and manage the risk of religious diversity. They are to adopt accommodating measures to ensure respect for the religious freedoms of individuals and religious communities. In business and human rights, such processes are known as human rights due diligence. Equally important, states and companies must ensure access to state and non-state-based enforcement mechanisms where rights holders can enforce business-related human rights abuses. They remain, however, autonomous in interpreting relative human rights, not absolute. All in all, responsibility for managing religious diversity in the private sphere also belongs to private actors, including businesses and religious actors. They must comply with their negative and positive obligations from the UNGPs on Business and Human Rights.

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