

RELIGIOUS FREEDOM

A Guide to Your Rights

Papua New Guinea



“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

—Universal Declaration of Human Rights, Article 18

FREEDOM OF RELIGION AND WORSHIP IN PAPUA NEW GUINEA

1. What is the right to freedom of religion and worship?

The right to freedom of religion and worship is the right accorded to each person to engage freely in different religions, religious activities and beliefs. It includes the right not to believe or participate in a religion. The right to freedom of religion and worship further involves the protection of people from being subjected to discrimination and coercion because of their religious practices and beliefs.

2. What is the right to freedom of belief or conscience?

The right to freedom of belief or conscience is the freedom of each person to follow his or her own reasoning and convictions and not be subject to the beliefs or actions that are against his or her judgment of right and wrong.

3. What are the laws that protect religious freedom?

- The Constitution, Section 45, provides every individual the right to freedom of conscience, thought and religion, and the practice of his or her religion and beliefs, including freedom to manifest and propagate his or her religion and beliefs, except where the practice infringes another person's rights or violates public laws, safety and the welfare of marginalized groups.
- The Constitution, Section 55, provides that all citizens have the same rights, privileges, obligations, and duties irrespective of race, tribe, place of origin, political opinion, colour, creed, religion or sex.

4. What is the official religion of Papua New Guinea?

While there is no official state religion in Papua New Guinea, the Preamble of the Constitution declares that the country and its people adopt Christianity and Christian principles to be their national religion. However, section 45 of the Constitution allows people the freedom to practice other religions apart from Christianity.

5. What can I do when my right to freedom of religion and worship is violated?

The right to freedom of conscience, thought and religion is a qualified right accorded to all persons by the Constitution. Violation of this right is a violation of the Constitution. The Supreme Court and national courts protect this right, and thus a person may apply to the courts to seek redress when this right is violated.

RELIGION IN THE PUBLIC SQUARE

6. Can I express my religious views in public?

Yes. People are free to express their religious views in public pursuant to Sections 45 and 46 of the Constitution.

7. Can I share or preach my beliefs to others?

Yes. People are at liberty to preach their beliefs to others. Section 45 of the Constitution allows them to manifest and propagate their religion and beliefs, if it does not interfere with the freedom of others.

8. Can I be part of a religious entity or organization?

Yes. People have a right to freedom of association, including in religious organizations, pursuant to Section 47 of the Constitution.

9. What are the government authorities that regulate religious entities?

Papua New Guinea does not have a specific government authority that regulates religious entities. Such entities, however, can register as associations under the Associations Incorporation Act, which will allow them to perform their various activities and services in the country.

RELIGIOUS FREEDOM IN THE WORKPLACE

10. What influence does freedom of religion have in the relationship between an employer and an employee?

Although the Employment Act of 1978 does not specify freedom of religion in the employee/employer relationship, employers may not discriminate against an employee because of his or her religion and beliefs. Section 55 of the Constitution prohibits discrimination based on religion.

11. What is the relationship between religious freedom and working hours?

Employees are free to join or participate in any religious activities if this does not disrupt the flow of work and is allowed by their employers. There is no specific legal entitlement to variation of contracted working conditions to permit religious observances. Employees can make arrangements with employers to participate in religious activities that may occur within the employees' working hours.

As a Christian country, Papua New Guinea celebrates Christian holy days namely, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, and National Repentance Day. These are official Public Holidays which may be observed by everyone regardless of religion.

12. Can I wear religious clothing to work or refuse to wear part of a uniform because of my religious beliefs?

There is no specific law concerning work clothing and religious beliefs. Conceptually, employees are free to wear religious clothing and modify a part of a uniform because of religious beliefs. Generally, employers may restrict the wearing of religious clothing if it would affect the safety of the individual or others, or if it were in non-compliance of a standard dress code. Employees should seek accommodations from their respective employers if they intend to wear religious clothing that may affect their standard dress code.

RELIGIOUS FREEDOM IN SCHOOLS

13. Can there be religion classes in public schools?

Yes. The Education Act provides that one of the main objects of the National Education System is basing education on both noble traditions and Christian principles. Consequently, religious instruction is an integral part of the education-system. All international and public schools generally have religious instructions taught in school.

14. Is it mandatory for students to attend religious education or religious observances in their schools?

No. The Education Act provides for flexibility of students attending religious education provided their parents/guardians have formally submitted a written request to excuse their child. Given that the dominant religion of Papua New Guinea is Christianity, generally religious education/observances are based on Christianity.

15. Can students refrain from attending school or scheduled school activities because of their religious beliefs?

All children of the age of six are required to start basic education and are required by law to complete 12 years of basic education. The Government encourages parents and guardians of children to enroll their children as soon as they are of age. There is no specific legislative exception for religious exemptions.

Alternatively, students can be home-schooled. The Government established a Flexible Distance and Open Education program (FDOE) as an alternative for students who decide to study at home in a flexible environment. This is only available for grades 7-12 education, regardless of age, employment status, marital status, including those with physical disabilities.

16. Can students modify school uniforms because of their religious beliefs?

There is no law that provides for modification of school uniforms because of religious beliefs. However, each school has its own policies and dress code. Parents and guardians of students should discuss any concerns relating to this issue with the school's administration before their children start school.

MILITARY AND PUBLIC SERVICE

17. Is there mandatory military or public service, and if so, are there any religious exemptions?

No. Papua New Guinea law does not provide for mandatory military or public service.

RELIGION AND JUSTICE

18. Can I refrain from taking an oath in legal proceedings because of my religious beliefs?

Yes. In legal proceedings if a person chooses not to take an oath, which usually means swearing an oath on affidavit material by putting their hand on a bible, they may swear an affirmation pursuant to the Oaths, Affirmations and Statutory Declarations Act of Papua New Guinea.

19. Can judges make decisions based on their religious beliefs?

No. A judge's decision must be independent and free from biased opinions and must be seen to be fair and just. The judge must present his or her ruling on the relevant law and evidence presented before him or her.

20. Is there any protection for statements made in confidence to religious leaders?

Section 19 (1) of the Evidence Act Chapter 48 provides that a leader of a church or religious denomination must not divulge in any legal proceedings a confession made to him or her in his or her professional capacity, except with the consent of the person who made the confession.

RELIGIOUS FREEDOM IN INTERNATIONAL LAW

In addition to local protections for religious freedom in individual countries, there are also different international instruments or legal documents that protect this right. In 1948, the right to freedom of religion and conscience was introduced by the Universal Declaration of Human Rights. Since then, there have been different covenants and conventions that establish and develop this right at the international level.

What protections do I receive under international law?

International instruments establish that all people are equal before the law, regardless of their religion. These laws also state that no one may be discriminated against on the basis of religion. This is an offense against human dignity and is condemned as a violation of human rights and fundamental freedoms.

What freedoms do these international instruments include?

- **Freedom of thought, conscience, and religion.**

This freedom includes freedom of thought on all matters, freedom to hold beliefs, freedom of commitment to religion or belief, and freedom of personal conviction. It does not allow any limitations on the freedom to have or adopt a religion or belief of one's choice. No one can be compelled to reveal his or her thoughts or adherence to a religion or belief.

- **Freedom to change religion or beliefs.**

All people have the right to leave their own religion or belief and to adopt another, or to remain without any belief at all. The use of physical force, penal sanctions, policies, or practices to force a person to adopt, change, or maintain a certain religion or belief is prohibited.

- **The freedom to manifest and profess your own religion or beliefs, individually and collectively, both publicly and privately.**

Everyone enjoys the right to peacefully manifest and share one's religion or belief with others without being subject to the approval of the state of another religious community. This right is not limited to members of registered religious communities. Moreover, registration should not be compulsory for religious communities or organizations in order to enjoy their rights.

- **The freedom to manifest your religion through teaching, practice, worship, and observance.**

The freedom to manifest religion or belief in worship, observance, practice, and teaching includes a broad range of acts:

- Worship and observance extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest.
- Practice and teaching of religion or belief include acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests, and teachers; the freedom to establish seminaries or religious schools; and the freedom to prepare and distribute religious texts or publications.

- **The freedom of parents and guardians to have their children or pupils receive religious or moral education that is in accordance with their own convictions.**

Children enjoy the right to have access to religious education in accordance with the wishes, religious beliefs, or convictions of their parents or guardians. Likewise, children should not be forced to receive religious instruction that is contrary to the wishes of their parents or guardians. In accordance with the principle of the best interests of the child, the State should encourage an atmosphere of religious tolerance in schools and promote respect for pluralism and religious diversity.

Are there any limitations to these freedoms?

Yes. There are some limitations that are given by law, and their purpose is to protect public safety, order, health, morals, and the fundamental rights and freedoms of others. However, restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.

FINDING COMMON GROUND

We have the freedom to choose, share, and live what we believe. We generally hold our religious freedoms and beliefs dear as guiding principles in our lives. Just as we value our own religion and beliefs, we should highly value all people's rights to religious freedom and belief. Knowing the importance of these freedoms, how can we share the principles of freedom of religion in our communities? Is there a way to find common ground when we interact with people holding different beliefs?

The following strategies may allow you to find common ground in your community:

BECOME INFORMED

Before you can protect the religious beliefs of yourself or others, it is important to be informed and understand the rights and basic principles of freedom of religion. This brochure contains some relevant information with regards to your rights and the basics of freedom of religion. Seek to stay aware of changes in religious freedoms by watching developments that affect these freedoms in the news.

LISTEN TO ALL SIDES

Listen and show concern for other people's religions and sincere beliefs. Even if you disagree with the beliefs or convictions of another, seek to understand and to be respectful of his or her perspective. People's words, beliefs and actions are influenced by many factors. You should be sensitive to the feelings of others as you explain and pursue your positions, and you should ask that others not be offended by your sincere religious beliefs.

PRACTICE CIVILITY

In order to live as a community with differences of opinion and beliefs, it is critical to know how to debate and not just what to debate. Your communications on controversial topics should not be contentious. All people should treat one another with civility and respect while striving to be accurate and fair. When your positions do not prevail, you should accept unfavorable results graciously and civilly. Remember to reject persecution of any kind, including persecution based on race, ethnicity, religious belief or nonbelief, and differences in sexual orientation.

PROMOTE TOLERANCE

People must be able to peaceably live together while having differences. To live peaceably does not mean you need to abandon your positions; rather, it means you should strive to live peacefully with others who do not share your values or accept the teachings upon which they are based. Strive to teach values and standards of behavior to those around you without having them distance themselves or showing disrespect to any who are different.

BUILD TRUSTED RELATIONSHIPS

Build trusted relationships in your community among people of diverse opinions. You will be better able to protect the rights of others in a way that benefits everyone as you get to know more people and as those people come to understand each other's beliefs. Concentrate on what you have in common with your neighbors and fellow citizens. Then, as you work together, speak out for religion and the importance of religious freedom.

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