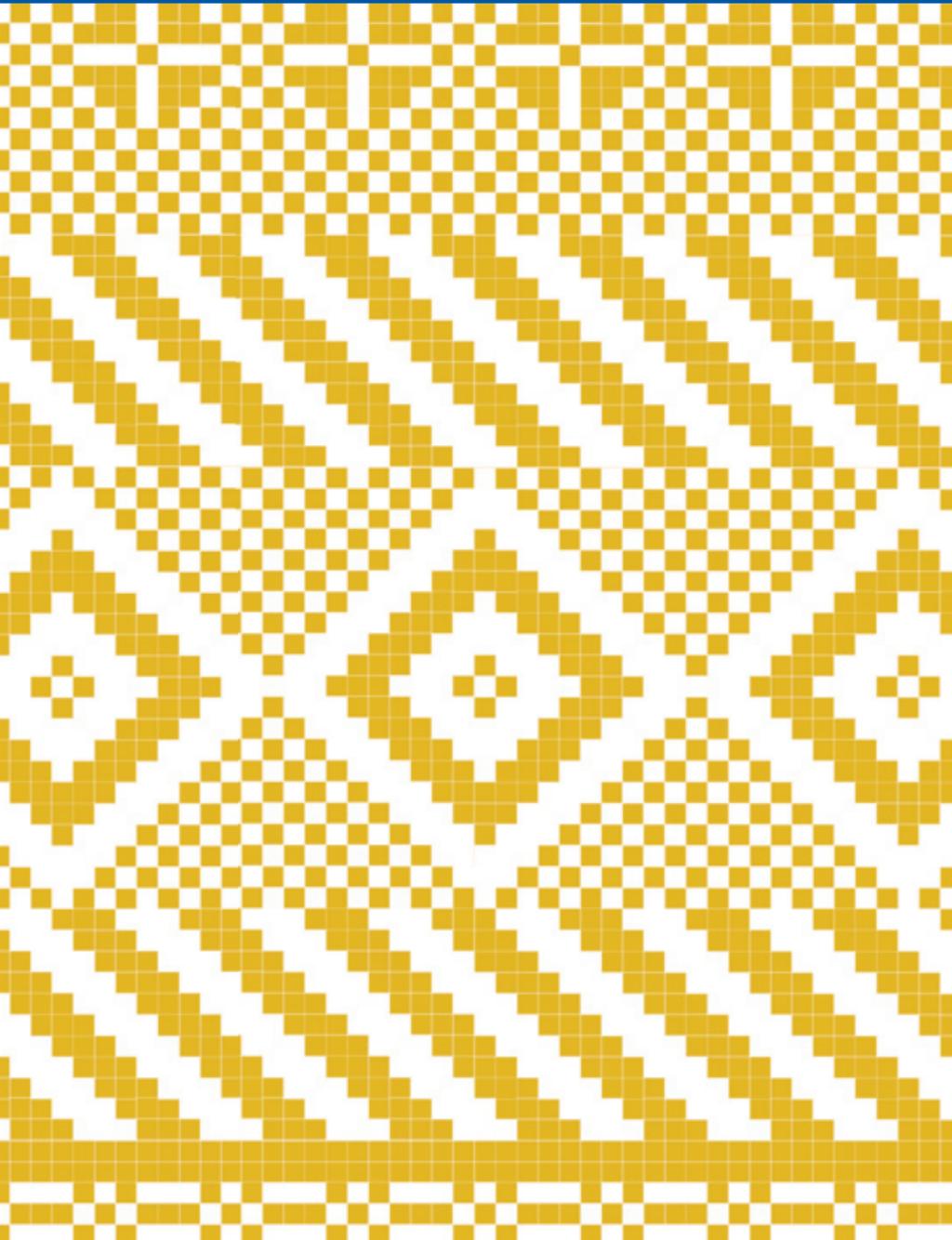


RELIGIOUS FREEDOM

A Guide to Your Rights

KIRIBATI





“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 KIRIBATI

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

The right to freedom of religion and worship includes the fundamental right of every person in Kiribati to join, participate, and worship in any religion or faith of choice, to change one's religion or belief, and the right not to hold a belief. The right to freedom of religion also protects people from being subjected to discrimination, coercion, or hostility because of their religious beliefs, as well as the right to not be forced to testify about such beliefs.

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

This is the fundamental right of every person in Kiribati to hold and follow his or her personal beliefs, reasoning, and convictions and not be subject to actions that are against his or her deeply held judgments of right and wrong, whether religious or otherwise.

3. What are the laws that protect religious freedom?

The following laws are relevant as they protect religious freedom in Kiribati:

- Constitution of the Republic of Kiribati, enacted during independence in 1979, which is the supreme law of the country. Section 11 of the Constitution protects all aspects of religious freedom with certain prescribed limitations.
- Mutual Assistance in Criminal Matters Act 2003, particularly Section 10(d).
- Employment (Amendment) Act 2008, particularly Section 75B (2).
- Education Act 2013, particularly Sections 12, 20, 21 and 40 (c).
- Employment and Industrial Relations Code 2015, particularly Section 107 (2)(d).

- Early Childhood Care and Education Act 2017, particularly Section 4.

4. What is the official religion of Kiribati?

There is no official religion of Kiribati. Kiribati is a secular Republic where every individual is afforded and guaranteed the right to freedom of religion and worship in any faith of choice.

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

If you experience discrimination or harassment because of your religious beliefs, you may institute legal proceedings for legal redress in the High Court of Kiribati. Alternative Dispute Resolution (ADR) avenues are also encouraged. One may seek ADR through legal counsel or representative and a court may appoint an arbitrator to settle grievances.

RELIGION IN THE PUBLIC SQUARE

6. Can I express my religious views in public?

Yes. Section 11(1) of the Constitution guarantees and protects the right to express one's own religious views in public. Section 11 (1) of the Constitution provides that:

"Except with his own consent, no person shall be hindered in his enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance."

However, limitations can be imposed on how religion and belief are expressed, particularly where matters of public safety or the fundamental rights and freedoms of others are affected.



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

Yes. Along with freedom of expression in public and private, there is a right to share religious beliefs, ideas, thoughts, and opinions with others. This right is protected under Section 11 (1) of the Constitution.

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

Yes. This is a fundamental basic right of every individual which is protected under Section 11 (1) of the Constitution. Under the law, people have the right to associate and participate in religious activities as communities, which includes, among other rights, the right to establish places of worship or gathering for religious purposes, to freely exercise their own ministry, to establish their own hierarchy, and to have and direct their own institutes of formation and theological studies.

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

The Registrar of Religious Bodies within the Ministry of Women Youth and Social Affairs (MWYSA) oversees registration of religious entities. The functions and duties of the Registrar, provided for under Section 5 of Religious Bodies Registration Act 2018, include the registration of a religious body or entity, and issuance of certificates of registration of religious entities.

RELIGIOUS FREEDOM IN THE WORKPLACE

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

Freedom of religion protects the rights of individual employees in both the private and public sectors. It also guarantees and protects the rights of employees from unfair treatment or discrimination in any workplace or work environment.

Sections 75A (1) and 75B (2) of the Employment (Amendment)Act 2008; and Section 107 (2)(d) of the Employment and Industrial Relations Code 2015 are relevant provisions.

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

In Kiribati, employees may exercise their religious freedom to observe Easter (including Good Friday and Easter Monday) and Christmas Holidays. For additional accommodations, employees should discuss with their employers situations that could potentially impact their religious observance and working hours.

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

Yes. No law in Kiribati prohibits religious attire based on religious beliefs. Sections 75A (1) and 75B (2) of the Employment (Amendment) Act 2008; and Section 107 (2)(d) of the Employment and Industrial Relations Code 2015 protect the rights of employees from unfair treatment or discrimination in any workplace or work environment. However, an employer may prohibit religious attire that could compromise the health and safety of the employee or others.



RELIGIOUS FREEDOM IN SCHOOLS

13. Can there be religion classes in public schools?

Yes. Section 21 of the Education Act 2013 provides for religious education to be received in schools with certain limitations. For example, a teacher must not be compelled to give, or be present at, religious instruction against the dictates of his or her conscience.

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

No. Section 11 (4) of the Constitution and Section 21 (2) of the Education Act 2013 prohibit compulsory attendance of students in religious education or religious observances in schools.

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

Yes. This right is protected under Section 11 (4) of the Constitution and Section 21 (2) of the Education Act 2013.

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

Yes. No law in Kiribati prohibits modification of school uniforms by students because of religious beliefs. Education Act 2013, Section 40 (c) may be taken to apply and protect a student's right to modify his or her school uniform based on religious belief. Section 40 (c) provides that school rules must be applied without discrimination based on religion, race, or disability. Parents may need to inform the head of the school in advance of the student's religious beliefs and the type of clothing or uniform the student would be wearing.

MILITARY AND PUBLIC SERVICE

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

No. There is no mandatory military or public service in Kiribati.

RELIGION AND JUSTICE

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

Yes. In Kiribati you are entitled under the law to abstain from taking an oath. However, you may be required instead to make an affirmation.

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

No. No law in Kiribati explicitly prohibits a judge from making decisions based on his or her religious belief. However, given the independence of the Judiciary as recognized under the Constitution and principles of impartiality, judges must base their decisions on the law only.

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

Yes. Although there are no specific laws or local case law relating to the protection of statements made in confidence to religious leaders, such statements may be protected under Sections 11 and 12 of the Constitution and under common law principles.

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

As people, 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 show 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.

