

RELIGIOUS FREEDOM

A Guide to Your Rights

GUYANA



“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 GUYANA

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

The right to freedom of religion and worship encompasses the freedom to believe in any religion or none, to practice one's faith freely, to express religious beliefs openly, and to be free from discrimination based on religion. This fundamental human right ensures autonomy in choosing and practicing religion, as well as protection from persecution or bias.

The Constitution of Guyana Article 145 (1) guarantees the right to freedom of conscience, thought, and religion, as well as the freedom to practice and propagate any religion or belief system.

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

The right to freedom of belief grants individuals the liberty to hold any religious, spiritual, philosophical, or ideological convictions, or none at all, without fear of discrimination or coercion. It ensures autonomy to form, express, and change beliefs without interference from the government or others.

3. What are the laws that protect religious freedom?

The Constitution of Guyana, specifically Article 145 (1), provides that every person in Guyana is entitled to:

- Freedom of religion, thought and conscience.
- Freedom to change religion or belief.
- Freedom to worship either alone or in community with others, in public and in private.
- Freedom to manifest and propagate one's religion or belief in worship, teaching, practice and observance.
- Freedom of a religious community to provide religious instruction for people of that community.

There are exceptions to freedom of religion where:

- A person consents to not exercising his or her freedom of religion.
- A person, or the legal guardian of a child, does not consent to receive religious instruction, or participate in or attend a religious ceremony or observance of a religion other than his or her own in any educational facility.
- A person is required to take any oath, or take it in a manner, that is contrary to his or her religion or belief.
- Necessary in the interest of defense, public safety, public order, public morality, or public health.
- Necessary to protect the rights and freedoms of others, including the right to observe and practice any religion without the unsolicited intervention of members of any other religion.

- The Constitution of Guyana, Articles 212 A and 212 D (f) mandate the creation of an Ethnic Relations Commission, which is tasked with the function of, among other things, “encouraging and creating respect for religious, cultural and other forms of diversity in a plural society.”
- Racial Hostility Act, Cap 23:01 addresses issues of racial and religious hostility, offering legal provisions to prevent and penalize discriminatory acts, including those rooted in religion.
- Prevention of Discrimination Act, Cap 99:09 prohibits discrimination in multiple spheres, such as employment and education, and explicitly includes religion among its protected grounds.
- Education Act, Cap 39:01 ensures the provision of religious education in public schools while respecting students’ rights to receive education consistent with their religious beliefs.
- Matrimonial Causes Act, Cap 45:01 provides that marriages may be conducted according to diverse religious customs and traditions, reflecting the nation’s commitment to religious freedom and diversity.

4. What is the official religion of Guyana?

The Constitution of 1980 does not establish an official religion in Guyana.

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

Under Guyanese laws, if your freedom of religion is violated, you have legal recourse through various avenues:

- a. Commence constitutional proceedings for various declarations and orders that your guaranteed right to practice your religion has been violated. You may seek interim measures in the constitutional proceedings, restraining the State from acting while the proceedings are pending, and demand that the State abide by any orders made by the proceedings that have been commenced.
- b. Engage legal representation from professionals who specialize in human rights or constitutional law and can provide guidance on your options and represent you in any legal proceedings.
- c. Bring a civil lawsuit in court if the violation of your religious freedom constitutes a civil wrong, such as harassment or discrimination by an individual or organization.
- d. Seek judicial review in the High Court of Guyana, which involves asking the court to review the legality of another forum's decision or action.
- e. Utilize international human rights mechanisms, if domestic remedies are inadequate or unavailable, such as submitting a complaint to relevant United Nations bodies or regional human rights organizations.
- f. File a complaint with the Inter American Human Rights Commission, which investigates complaints of discrimination, including those based on religion.

RELIGION IN THE PUBLIC SQUARE

6. Can I express my religious views in public?

Yes. The right to religious freedom established in the Constitution states that every person has the right to participate individually or collectively, both in public and in private, in ceremonies, devotionals, or actions of the respective religion, provided that they do not constitute a crime or offense sanctioned by the law.

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

Yes. Along with freedom of expression in public and private, people have the right to share their religious beliefs, ideas, thoughts, and opinions with others. Likewise, people can come together to establish a religion, adhere to an existing religion, or change their religious affiliation.

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

Yes. Under the law, persons 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 internal hierarchy, and to have and direct their own institutes of formation and theological studies. The law does not require religious entities or organizations to accept people into their group, as the freedom to disassociate and exclude is another important part of religious freedom.

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

In Guyana, there is no specific government agency that regulates religious entities. Religious entities typically register themselves either as not-for-profit companies under the Companies Act or as a Friendly Society under the Friendly Societies Act. The Commercial Registry maintains a register of all companies incorporated in Guyana. The Ministry of Human Services and Social Security are regulated under the Friendly Societies Act (cap 36.04).10.

Under these acts, religious entities receive formal recognition by the Government of Guyana; may qualify for a tax exemption granted by the Guyana Revenue Authority on all ecclesiastical, charitable, and/or educational non-profit activities; may acquire movable and immovable property; and may enjoy perpetual succession with the ability to sue and be sued.

RELIGIOUS FREEDOM IN THE WORKPLACE

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

The laws which govern employment relationships between employers and employees provide protection for employees' religious beliefs. Part II of the Prevention of Discrimination Act, Chapter 98:08, provides that there shall be no distinction, exclusion or preference on the ground of religion. The Act also specifies that no act, omission, practice, or policy in the workplace should directly or indirectly result in discrimination on the grounds of religion.

The Act makes it unlawful for any employer, or anyone purporting to act for the employer, to discriminate on the grounds of religion regarding recruitment, selection, employment, or for training or apprenticeship, including in (1) advertising a job, (2) determining who should be offered employment, (3) the terms and conditions of employment, (4) conditions of work or occupational safety and health measures, (5) provision of facilities related to employment, (6) limiting or denying access to opportunities for advancement, promotion, transfer, training, or any other benefits, facilities or services associated with employment, (7) retrenching or dismissing the employee or subjecting the employee to any other disadvantage.

Exceptions for discrimination on the grounds of religion exist where (1) a genuine occupational qualification for a job exists, or (2) in the case of religious institutions, where the essential nature of the job calls for a particular religious affiliation or belief, and the essential nature of the job would be materially different or could not be carried out if performed by a person of a different religious affiliation or belief.

The Termination of Employment and Severance Pay Act, Chapter 96:01, states that an employee's religion does not constitute good or sufficient cause for dismissal or for the imposition of disciplinary action. Termination of his employment can only be

done where there is misconduct, breach of contract, unsatisfactory performance, for redundancy purposes, by mutual consent of the parties, for good or sufficient cause, or by written notice. The Act gives the employee the right to seek redress from the High Court where he is unfairly dismissed or disciplined on the grounds of religion, once proved to the satisfaction of the court.

Moreover, the Constitution prohibits discrimination based on religion, so that an employer should not impose religious obligations on employees. An employer should not force an employee to act in a way that is contrary to the employee's religious beliefs and the employee's religion should not impact his or her wages.

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

There are statutory religious holidays for the three main religions in Guyana. Designated national holidays are Good Friday, Easter Monday, Christmas Day, Eid al Fitr, Eid al Adha, Phagwah, and Diwali. The Labour Act, Chapter 98:01, provides that employers are obliged to be pay "overtime" for work done on national holidays.

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

Generally, the wearing of religious clothing to work is permissible and is customary in Guyana. However, an employer can insist that an employee wear the uniform for the place of employment.

RELIGIOUS FREEDOM IN SCHOOLS

13. Can there be religion classes in public schools?

In public schools, religious education is a subject that is offered on the syllabus. The social studies curriculum also includes instruction on the principal religions in Guyana.

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

No. Religious, non-secular schools are permitted in Guyana. Religious Education is available at the Primary School level and available as an option for the Caribbean Examinations. Schools generally observe religious practices, but religious education is not mandatory.

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

The Guyana Constitution Article 145 provides that any student under age eighteen shall not be required to receive religious instruction or take part in, or attend, any religious ceremony or observance relating to a religion that is not his own, except with the consent of his guardian.

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

Yes, the Ministry of Education promotes religious freedom in schools by allowing Muslim students to practice their religion and wear the hijab at school. The Ministry has also implemented a new “hairstyle policy,” which permits Rastafarians to wear their dreadlocks to promote their religious identity.

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 Guyana.

RELIGION AND JUSTICE

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

Yes. When you appear in court as a witness, you are entitled under the law to abstain from taking the oath. A witness is entitled to make an affirmation, which has the same force or effect in law as if the oath had been taken (Evidence Act, (cap 5.03) sections 62 and 69).

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

No. The final authority vested in the judiciary is exercised on behalf of the people of Guyana to render justice to all manner of men and women without fear, favour, or ill-will. All judicial duties must be completed without bias or prejudice based on race, sex, religion, or any other grounds, including when the judge sums up the case and provides directions to the jury on the law and facts in jury trials. (Criminal Procedures Act section 156).

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

No. There is no statutory protection for confidential communication with religious leaders.

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.



Consorcio
Latinoamericano de
Libertad Religiosa

