

RELIGIOUS FREEDOM

A Guide to Your Rights

LIBERIA



“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 LIBERIA

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

The right to freedom of religion is the right to have, adopt, preserve, or change your own religion. Closely tied to this right is the right to worship. The right to worship includes the right to believe, profess and practice, individually or collectively, the acts of worship or rituals of your preference. Likewise, people are free to abandon their religion, to not profess religious beliefs, and to refrain from practicing religious acts and rites.

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 a person's fundamental right to follow his or her personal reasoning and convictions and not to be subject to actions that are against a his or her deeply held judgements of right and wrong.

3. What are the laws that protect religious freedom?

The Liberian laws that defend religious freedom are:

- Articles 14, 18, and 79(b) of the 1986 Constitution, which guarantee the right of belief, the right to manifest belief, and grant basic religious-freedom protections against religious discrimination.
- Article 8 of the African Charter on Human and People's Rights, also known as the Banjul Charter. The Banjul Charter has been ratified as law in Liberia and guarantees free practice of religion.

4. What is the official religion of Liberia?

There is no official religion, and the Legislature does not have power to establish or authorize an official religion. Rather, the Constitution provides the framework for robust freedoms of religion and worship. According to the most recent National Census, 85.5 percent of Liberia's population practices Christianity. Muslims comprise 12.2 percent of the population, largely coming from the Mandingo and Vai ethnic groups.

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

The country is governed by laws and all persons have a duty to uphold the law. Therefore, when your religious rights are violated, do not take the law into your own hands. You have the following lawful means to seek redress:

- **The Supreme Court of Liberia:** The Supreme Court is the highest arbiter of justice in Liberia. If you are dissatisfied with redress received at subordinate courts, you may appeal the decisions of said subordinate courts to the Supreme Court of Liberia. The Supreme Court is the final protector of all fundamental human rights including religious freedom rights. Thus, a person may apply to the Supreme Court for redress if that right is violated and the person is dissatisfied with rulings from a subordinate court. The Supreme Court can make a binding ruling for the protection of freedom of religion and said ruling ultimately becomes law that could be referenced in similar cases.
- **Circuit Court:** Below the Supreme Court, in Liberia's hierarchical judicial system, are the Circuit Courts, one of which is situated in every county, except Montserrado County in Liberia which hosts the First and Sixth Judicial Circuit Courts. Within the First and Sixth Judicial Circuits Courts lies a series of specialized Circuit Courts, including five Criminal Courts (A, B, C, D, & E) and the Civil Law

Court to which an annex has been added. The Civil Law Court has jurisdiction over civil actions which may include fundamental human rights such as religious freedom rights. Therefore, if you are in Montserrado County and feel that your religious freedom has been violated, the court of choice would be the Civil Law Court. If you are in any of the other 15 counties of Liberia, you may take issues affecting your religious freedom to the Circuit Courts in the respective counties.

- **Magisterial Courts:** The Magisterial Court is the court of first instance. In civil cases, unless another court has exclusive original jurisdiction, the magisterial courts have original jurisdiction in matters for the recovery of money or chattels or to obtain payment of debt where the amount is less than fifteen-thousand dollars and one cent (\$15,000.01). In criminal cases, the Magisterial Court has exclusive original jurisdiction over petty larceny and other misdemeanors, unless another court is given exclusive original jurisdiction. Any matter may be filed at the level of the Magisterial Court. Even if the Magisterial Court lacks jurisdiction on a particular matter, preliminary hearings could be held there to determine the gravity of the matter and whether it is a fit subject for trial at the level of the Circuit Court. The Court's goal is to foster peaceful coexistence and tolerance between people with different beliefs in order to maintain stability and cohesion in the community. Because magistrate courts are found in every district in Liberia, this type of court may be located closer to you than the Circuit Court. Magistrate Courts are also typically less expensive and easier to access.
- **Alternative Dispute Resolution (ADR):** ADR is preferable when judicial intervention is not possible or desirable. The process includes going through negotiations, mediation, and/or arbitration via religious, tribal, or community leaders.
- **The Liberian Commission on Human Rights (LCHR):** You may also bring a complaint by petitioning the LCHR for investigations and resolution of the violation. One of the functions of the LCHR is to "investigate complaints by

Liberian citizens and foreign residents that allege violations of their fundamental rights and liberties as enshrined in Constitution and statutory laws of the Republic of Liberia and of international human rights treaties and conventions to which the Republic of Liberia is a signatory”—with religious freedom being no exception.

- **ECOWAS Court of Justice:** In a situation where you do not trust any public institution in Liberia to review your case fairly and the ADR process is not a feasible alternative, you may bring your case directly before the ECOWAS Court of Justice sitting in Abuja, Nigeria under the ECOWAS Protocols, to which Liberia is a signatory.

RELIGION IN THE PUBLIC SQUARE

6. Can I express my religious views in public?

Yes. The Constitution of Liberia provides for freedom of speech, and that speech may entail religious speech. The Constitution of Liberia states that “Every person shall have the right to freedom of expression, being fully responsible for the abuse thereof. This right shall not be curtailed, restricted or enjoined by government save during an emergency declared in accordance with this Constitution.”

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

Yes. Along with freedom of expression in public and in private, there is a right to share religious beliefs, ideas, thoughts, and opinions with others. Likewise, people can come together to establish a religion, to 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, 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 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?

Liberia does not have one government agency overseeing all religious entities and activities. Nonetheless, religious organizations are regulated by the State for the same reasons people are regulated—to maintain civility, proper conduct, and the rule of law. The State regulates religious entities in the following ways:

- The Government of Liberia (GOL) regulates all incorporated religious entities under the Associations Law of Liberia.
- All religious organizations registered by the Liberia Business Registry are regulated under the Not for Profit Corporation Act.
- The Ministry of Finance and Development Planning issues accreditation certificates to religious organizations for which tax exemptions can be applied.

Because of this legal structure, religious entities may enjoy these benefits:

- The formal recognition of the GOL
- Tax exemption granted by the Liberia Revenue Authority on all ecclesiastical, charitable, and/or educational non-profit activities
- Acquisition of movable and immovable property
- All rights vested in other legal persons
- Enjoyment of perpetual succession with the ability to sue and be sued in their own name

RELIGIOUS FREEDOM IN THE WORKPLACE

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

The Decent Work Act of Liberia establishes equal protection for all employees irrespective of their creed, religion, or religious belief. Though the labor law does not establish additional protections for employees' religious beliefs, the Constitution prohibits discrimination based on religion, so the employer should not impose any religious requirements, tests, or obligations on its employees, nor should an employer force an employee to act in a way that is contrary to the employee's religious beliefs. An employee's religion should not impact his or her wages. An employee's appointment should not be terminated because of his or her religious belief.

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

According to the Decent Work Act, ordinary hours of work shall be eight hours in any one day or forty-eight hours in any one week. Except as may be provided in the Decent Work Act, an employer shall not cause or require an employee to work longer than the ordinary hours of work. The law states that "an employer shall allow an employee a weekly rest period of at least 36 consecutive hours which, unless otherwise agreed in writing, shall include Sunday."

Religious public holidays in Liberia include Christmas Day, Fast and Prayer Day, Good Friday, and Easter Monday (restricted to some faith-based and government schools). Employees should discuss situations which could potentially impact religious observance and/or prayer with their employers, and employers should work to accommodate employees' religious beliefs and the expression of their beliefs.

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

While these actions are not specifically protected by law, the Constitution provides for freedom of religion and prohibits religious-based discrimination. Employees should notify their employers in a timely manner of any needs or special circumstances that arise due to religious beliefs or practices. This allows the employer to be aware of such circumstances and honor the religious freedom of employees more adequately.

RELIGIOUS FREEDOM IN SCHOOLS

13. Can there be religion classes in public schools?

No, the Education Law states that no special or sectarian religious instruction shall be given in the public schools of the Republic other than such general instructions in morals and ethics as the Ministry of Education shall by regulation require. Accordingly, the most recent curriculum update announced by the Ministry of Education included Religious and Moral Education (RME) which was a stand-alone subject for primary and secondary schools. RME courses, without proselytizing, incorporate perspectives from Islam, Christianity, and traditional religions into a course centered on religiosity and morality.

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

Yes, students are required to adhere to all policies of a school, whether or not religious, once they commit by registering to be a member of the student body. For public schools, under the latest curriculum, RME courses are mandatory for primary and junior high or secondary schools. Private or faith-based schools employ their own policies to which students are required to

submit. Students who attend Islamic or Christian schools are required to adhere to the stipulated curriculum, which may include respective religious education or observance of religious rites.

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

No, school attendance is compulsory for children between the ages six and sixteen. The Education Law states: "Every parent, guardian or other person having control of any child between the ages of six and sixteen years shall cause such child to attend some recognized public or private day school regularly for the entire time during which school is in session; provided, however, that this provision shall not apply to any child whose physical or mental condition renders his attendance impracticable; or to any child who shall have completed the school course. For every willful neglect of such duty as prescribed above, the offender shall be fined the sum of ten dollars..."

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

No, students are not allowed to modify their school uniform for religious reasons. The best options available for students with strong religious beliefs is to attend a faith-based institution that is owned and operated by the student's religious faith community.

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 Liberia.

RELIGION AND JUSTICE

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

No, but the law allows you to take an oath that is in accordance with your religious or ethical beliefs. As such, when you appear in court as a witness, you are entitled under the law to select the manner of oath that suits your religious or ethical beliefs. You must explain to the court your desire to refrain from taking an oath outside of your religious beliefs. The law provides that “an oath or affirmation shall be administered in the form best calculated to awaken the conscience and impress the mind of the person taking it in accordance with his religious or ethical beliefs.”

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 Liberia to render justice to all manner of men and women without fear or favor or ill will. All judicial duties must be completed without bias or prejudice based on race, sex, religion, or any other grounds.

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

Yes. The Liberian Supreme Court has opined that “the tests for determining whether a communication is privileged is whether the communication originates in confidence, whether confidence is essential to the relationship between the communicants, whether the relationship between the communicants is worthy

of preservation, and whether the injury from disclosure outweighs the benefit of the use of the evidence which the privilege would eliminate.” However, no privilege exists when confidential statements concern the intent to commit serious crimes, such as murder, manslaughter, rape, sexual abuse, or child abuse. In this case, religious leaders have a duty to report confessions of the intent to commit or the commission of a serious crime to the appropriate authorities for the protection of society as a whole, given that injury from disclosure outweighs the benefit of the use of the evidence which the privilege would eliminate.

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 or 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.

