

# RELIGIOUS FREEDOM

*A Guide to Your Rights*

## SIERRA LEONE



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*“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*

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# FREEDOM OF RELIGION AND WORSHIP IN SIERRA LEONE

## *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 from being 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 to not be subject to actions that are against his or her deeply held judgments of right and wrong.

## *3. What are the laws that protect religious freedom?*

The Sierra Leone law that defends religious freedom is:

- Section 24 of the 1991 Constitution of Sierra Leone, Act No. 6 (hereinafter called "the Constitution"), which guarantees freedom of conscience, which said freedom includes freedom of thought and religion, freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief.

#### *4. What is the official religion of Sierra Leone?*

Sierra Leone is a secular state, and as such there is no official religion. The Constitution does not give any organ or department of government the power to establish or authorize an official religion. There are two dominant religions practiced by people in Sierra Leone, namely, Islam and Christianity.

#### *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 laws. 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 Sierra Leone is the protector of all fundamental human rights in Sierra Leone, including the exercise of religious freedom. Thus, a person may apply to the Supreme Court for redress if that right is violated. Pursuant to sections 124(1) and 125 of the Constitution, the Supreme Court is the only court that has original and supervisory jurisdiction or authority to hear, determine, and make orders regarding religious freedoms and rights. It is also the final court of appeal on all such matters. Section 124(2) of the Constitution provides that the High Court and any other court in Sierra Leone shall “state a case” or refer any matter concerning rights and freedoms, including religious rights, and their alleged violations to the Supreme Court for interpretation and redress.

- Given the fact that religious freedom is a human rights issue, if a person is aggrieved and feels that his or her right to religion has been violated, he or she may also lodge a formal complaint with the Human Rights Commission for Sierra Leone, a statutory body mandated to investigate and report on human right abuses and violations in the country.
- In the event that a person feels dissatisfied with the final decision of the Supreme Court, he or she can file papers to the ECOWAS Court of Justice sitting in Abuja, Nigeria, under the ECOWAS Protocols, to which Sierra Leone is a signatory.

## 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, to manifest and propagate his or her religion or belief in worship, teaching, practice, and observance.

### *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 to 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.

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

In Sierra Leone, the government entity that oversees religious organizations is the Ministry of Social Welfare, Gender and Children's Affairs.

There is also an umbrella organization known as the Inter-religious Council that governs the activities of religious entities. The organization consists of religious leaders from the two major religions in the country, and is recognized by the central government.

As noted earlier, religious complaints can be investigated and reported upon by the Human Rights Commission for Sierra Leone.

## **RELIGIOUS FREEDOM IN THE WORKPLACE**

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

The laws that govern the employment relationship between employer and employee have not established additional protections for employees' religious beliefs. The Constitution guarantees freedom of conscience and religion, so the employer is in no place to impose religious 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?***

Religious holidays of the two major religions are recognized as public holidays. Such religious public holidays in Sierra Leone include Good Friday, Easter Monday, Christmas Day, Eid ul-Fitr, Eid ul-Adha, and Maulid Nabi. 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?***

Yes. According to the curriculum and teaching guide provided by the Ministry of Basic and Secondary School, schools are permitted to teach Religious and Moral Education (RME). RME courses incorporate perspectives from Islam and Christianity into a course centered on religiosity and morality.

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

Section 24(2) of the 1991 Constitution of Sierra Leone is clear in that, except with the consent of the individual or, in the case of a minor, with the consent of his or her parents, no person attending a place of education shall be required to receive religious instruction or take part in or attend any religious ceremony or observance if that instruction, ceremony, or observance relates to a religion other than his or her own or if he or she or, in the case of a minor, his or her parents do not consent to it.

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

Yes. Students must attend six years of primary education, three years of junior secondary school, and three years of senior secondary school. Any absence from school should be justified by a written note from a parent or guardian, and consecutive absences should be limited so that students will not fall behind in their education. Schools should be respectful of students who, because of their religious beliefs, do not participate in activities for religious reasons. Parents or the interested parties should communicate with school leaders from the outset to discuss the religious reasons for not participating in activities or policies.



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

Yes, in some cases. Educational institutions that are not religious institutions may allow students to modify their uniform in line with their religious beliefs. For example, students may be allowed to wear the hijab in some schools. In other educational institutions that are run by religious organizations, students are compelled to dress according to the prescribed uniform of the school without consideration for the religious views of other students.

## **MILITARY AND PUBLIC SERVICE**

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

No, there are none in Sierra Leone.

## **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. You must explain to the court your desire to refrain from taking an oath because of your religious beliefs, and if you refrain from taking a religious oath, you must affirm on oath before giving evidence. The affirmation is not a religious oath.

### ***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 Sierra Leone 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. Under the religious advice privilege in the law, third parties cannot compel religious leaders or advisers to disclose communications made in confidence. However, no privilege exists when confidential statements concern serious crimes, such as murder, manslaughter, rape, sexual abuse, or child abuse. In such cases, 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.

# 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.

