

# FREEDOM OF RELIGION AND BELIEF LEGISLATION

 [Click on each instrument to see the full text of the Articles referred to.](#)

The Freedom of Religion and Belief is recognized as one of the most fundamental rights entitled to a human being. This right has been enshrined in both international conventions and treaties, as well as domestic legislative instruments.

The freedom of religion is not constrained to the right to follow and observe the religion of one's choice, but also includes auxiliary rights stemming from the freedom of religion, such as right to religious education, right to observe religious practices, right to manifest one's religion and the right to be treated equally and not discriminated against on the grounds of religion.

## INTERNATIONAL INSTRUMENTS

- ▶ International Covenant on Civil and Political Rights
- ▶ Universal Declaration of Human Rights
- ▶ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (Resolution 36/55 of 25 November 1981)
- ▶ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities Adopted by General Assembly resolution 47/135 of 18 December 1992
- ▶ International Covenant on Economic, Social and Cultural Rights
- ▶ International Convention on the Elimination of All Forms of Racial Discrimination
- ▶ European Convention on Human Rights
- ▶ Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms
- ▶ American Convention on Human Rights
- ▶ Arab Charter on Human Rights
- ▶ Refugee Convention



### ARTICLE 18

This Article states that every person has the freedom of religion which includes the right to follow the religion of one's choice and together with others or individually to carry out activities such as worshipping and teaching one's religion. Further, parents or legal guardians can educate their children on the religion which they follow. The freedom of religion can only be restricted on limited grounds such as public safety and health and only when restricted by law.

### ARTICLE 20

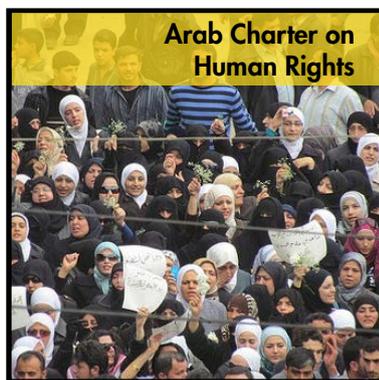
No one should incite hatred which can lead to the violations of the rights of persons on the grounds of religion.

### ARTICLE 26

All persons should be treated equally and receive equal protection of the law irrespective of factors such as religion affiliation.

### ARTICLE 27

Minority religious groups should not be discriminated and should be given equal rights to follow and profess their own religion.



### ARTICLE 27

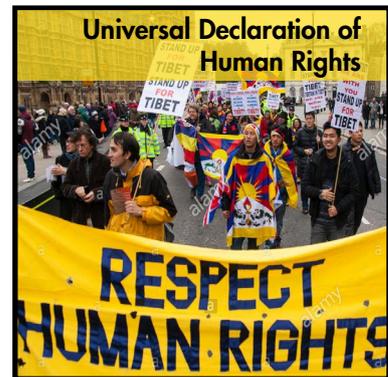
This article gives followers of any religion the right to practice and manifest their religion without prejudicing the rights of others. The freedom of belief can only be restricted by law.

### ARTICLE 35

This article states that citizens have a right to live in an environment where there is no discrimination on the grounds of religion.

### ARTICLE 37

Minorities are given the right to follow their culture and the teachings of their religion.



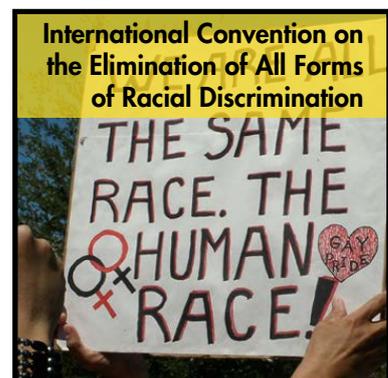
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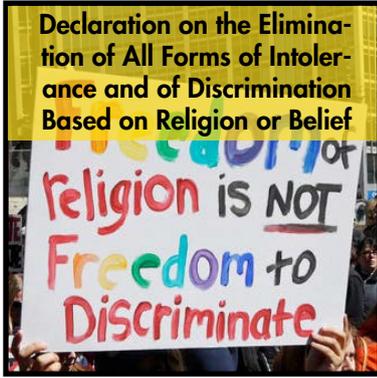
### ARTICLE 9

This Article states that every person has the freedom of religion which includes the right to change one's religion and together with others or individually to carry out activities such as worshipping and teaching one's religion. The freedom to manifest one's religion or belief can only be restricted on limited grounds such as public order and health and only when restricted by law.



### ARTICLE 5

Article 5 states that all states should ensure the absence of discrimination by ensuring among others, the freedom of religion.



### ARTICLE 1

This Article states that every person has the freedom of religion which includes the right to follow the religion of one's choice and together with others or individually to carry out activities such as worshipping and teaching one's religion. The freedom of religion can only be restricted on limited grounds such as public safety and health and only when restricted by law.

### ARTICLE 2

No person should be discriminated on the grounds of religion.

### ARTICLE 3

Discrimination of persons on the grounds of religion is considered a violation of a fundamental human right and freedom.

### ARTICLE 4

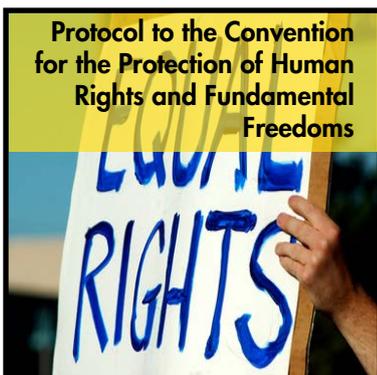
Each country should take measures to prevent discrimination on the grounds of religion including passing laws to uphold religious freedom and doing away with discriminatory law.

### ARTICLE 6

This article specifically states that freedom of religion includes the right to worship, establish a place of worship, maintain charities, disseminate material, teach the religion and train and appoint religious leaders.

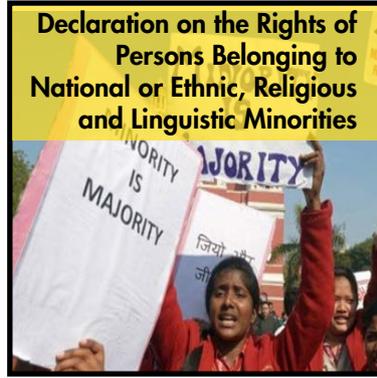
### ARTICLE 7

This article states that the rights and freedoms in relation to religion set out in this Declaration should be included in all national legislation so that all persons can exercise these rights and freedoms.



### ARTICLE 2

This article gives parents the right to provide their children with religious education in line with their convictions.



This Declaration, which consists of nine articles, was adopted by General Assembly resolution 47/135 of 18 December 1992. It provides for the rights of all minorities including religious minorities and states that minority religious groups should be granted the full enjoyment of all fundamental human rights and freedoms. The Declaration states that the State should ensure that persons belonging to religious minorities are able to practice a religion of their choice and associate with others belonging to the same religion. Further, it states that minority religions should be able to contribute towards national policies and decision making.



### ARTICLE 1(A) 2

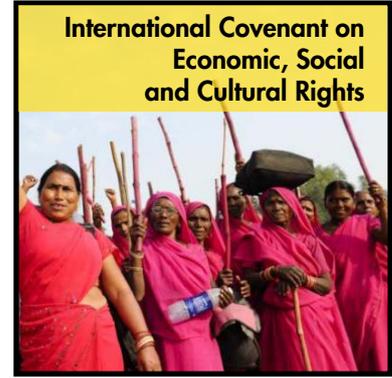
A person cannot be returned or expelled to a country, if he will face a threat to his life or freedom because of his religious affiliations.

### ARTICLE 4

Refugees should be given freedom to practice their religion and to educate their children on their religion.

### ARTICLE 33

The definition of a refugee includes those who due to fear of persecution on, among others, the grounds of religion, are outside their country or are unable to or unwilling to obtain the protection of their country or those who do not have a nationality and are outside their country and due to fear of persecution on the grounds such as those of religion, are unable or unwilling to return to their country.



### ARTICLE 13

This article gives parents the right to provide their children with religious education in line with their convictions.



### ARTICLE 12

This Article states that every person has the freedom of religion which includes the right to change one's religion and together with others or individually to profess and spread one's religion, in public or in private. The freedom to manifest one's religion or belief can only be restricted on limited grounds such as public safety and health and only when restricted by law. This article also gives parents the right to provide their children with religious education in line with their convictions.

### ARTICLE 13

This Article states that no person should encourage religious hatred that leads to violence or similar action against persons on grounds which include religion.

### ARTICLE 16

Each person is given the right to associate freely with others for religious purposes.

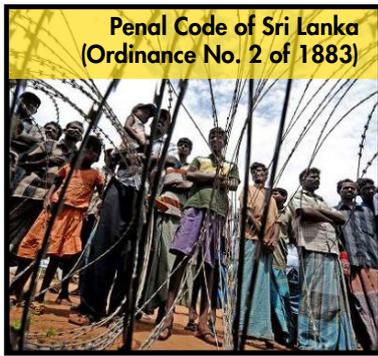
### ARTICLE 22

A person cannot be deported to another country, including his own country, if he will face a threat to his right to life or personal freedom because of his religious affiliations.

### ARTICLE 27

The freedom of religion is a non-derogable right, which means that while certain rights can be restricted in times of war or any other such emergency, the freedom of religion cannot be restricted at all.

## DOMESTIC INSTRUMENTS



### SECTION 290

This Section penalizes those who cause harm to a place of worship with the intention of insulting a particular religion or followers of a religion.

### SECTION 290 A

This Section penalizes any act which is done close to a place or object sacred to a religion with the intention of wounding religious sentiments of any person(s).

### SECTION 291

This Section penalizes those who disturb a lawful gathering of persons engaged in religious worship or practice.

### SECTION 291 A

This Section penalizes those who wound the religious feelings of a person or persons by uttering a word, making a sound, gesturing or placing an object in the sight of such person(s).

### SECTION 291 B

This Section criminalizes the outraging of the religious feelings of others by insulting the religion or religious beliefs of others.

### SECTION 292

This Section criminalizes the trespassing of a place of worship or a place for the burial of the dead, the causing of disturbance to funeral ceremonies or showing disrespect to the dead.



### SECTION 79 (2)

This Section states that anyone who uses threatening, abusive or insulting words or behaviour with the intention of disturbing the peace or if a disturbance of peace is likely to occur, it shall be considered an offence.



### ARTICLE 4

Article 4 states that one of the ways in which the sovereignty of the people is exercised, is when the government upholds the fundamental rights (which includes the freedom of religion) of the people.

### ARTICLE 10

This Article states that every person has the freedom of religion which includes the right to follow the religion of one's choice.

### ARTICLE 12

No person should be discriminated on the grounds of religion.

### ARTICLE 14 (1) (e)

This Article states the freedom of religion includes the right to together with others or individually carryout activities such as worshipping and teaching one's religion.

### ARTICLE 15 (7)

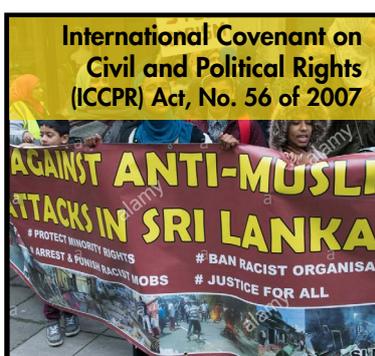
This Article states that the rights granted under Articles 12 (right to equality), 13 (freedom from arbitrary arrest, detention and punishment) and 14 (include the freedom of together with others or individually carryout activities such as worshipping and teaching one's religion) are subjected to restrictions which are provided by law, such as in the interest of national security, public order, and the rights of other persons.

### ARTICLE 27

This Article states that the State should encourage confidence and unity among people from different religions and ensure that equal opportunities are provided to all irrespective of their religious background.

### ARTICLE 27 (11)

This Article states that the State should create a social and economic environment which facilitates people of all religions to exercise or realise their religious principles.



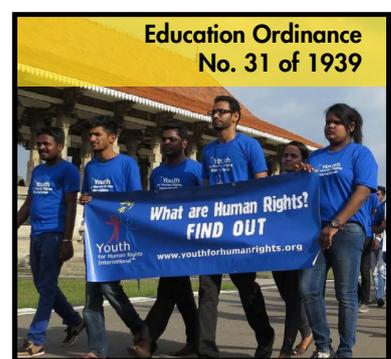
### ARTICLE 3

This Article states that no person should encourage religious hatred that leads to discrimination, hostility or violence.



### SECTION 3.2

Assisted schools are previously missionary schools that were taken over by the State in 1961. This Section states that missionary schools which were taken over by the State in 1961, should continue to apply the same ration of children admitted from each religion as at 1961, when admitting children to these Assisted Schools.



### SECTION 34; 35 (1); 35 (1) (b)

These Sections state that no child should be denied admission to an assisted school on the grounds of religion. Further, each child should receive instruction in her or his religion in a Government School where there are fifteen or more pupils belonging to that religion.



### SECTION 9

Chapels can be erected with proper authorization from the relevant authorities within a cemetery.

### SECTION 11; 27

A portion of a cemetery can be sold by the relevant authority for special use by any religious denomination which has so requested. Further, according to Section 27, if such request is denied, an application can be made to the relevant Minister.

### SECTION 13

Religious leaders can perform religious rites and services at a funeral.