

# RELIGIOUS FREEDOM

*A Guide to Your Rights*

## Ghana



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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 GHANA

## *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?*

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 his or her deeply held judgments of right and wrong.

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

The Ghanaian laws that defend religious freedom include the following:

- Articles 12(2), 17, 21(1), 26(1), 28(4), 30, and 35(5) of the 1992 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 Peoples' Rights, also known as the Banjul Charter.

#### *4. What is the official religion of Ghana?*

There is no official religion, and Parliament does not have power to establish or authorize an official religion. Rather, the Constitution provides the framework for robust freedoms of religion and worship.

#### *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 for redress:

- a. The High Court. The High Court is the protector of all fundamental human rights, including religious freedom rights. Thus, a person may apply to the High Court for redress if that right is violated. The High Court can make a binding ruling for the protection of freedom of religion.
- b. District Magistrate Court. An alternative to the High Court is the District Magistrate Court. This court has jurisdiction over noncriminal issues where less than \$500 is in dispute. 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 Ghana, this type of court may be located closer to you than the High Court. Magistrate courts are also typically less expensive and easier to access.

- c. 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.
- d. The District Assembly. Religious conflicts could be considered a threat to your security. In this case the District Assembly would be another appropriate forum for resolution of your claim. In order to resolve the violation of your rights this way, you should petition the District Security Council.
- e. Commission on Human Rights and Administrative Justice (CHRAJ). You may also bring a complaint by petitioning the CHRAJ for investigations and resolution of the violation.
- f. ECOWAS Court of Justice. In a situation where you do not trust any public institution in Ghana 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, the Federal Republic of Nigeria.

## 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 his or her respective religion, provided that such participation does 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 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. 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?*

Ghana 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:

- a. The central government regulates all incorporated religious entities under the Trustees (Incorporation) Act, 1962 (Act 106).
- b. All religious organizations registered by the Registrar General are regulated under the Companies Act, 1961 (Act 179).
- c. The District Assembly supervises activities conducted by each religious entity within its locality.

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

- a. The formal recognition of the central government.
- b. Tax exemption granted by the Ghana Revenue Authority on all ecclesiastical, charitable, and/or educational nonprofit activities.
- c. Acquisition of movable and immovable property.
- d. 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 laws that govern the employment relationship between employer and employee have not established additional protections for employees' religious beliefs. Even so, the Constitution prohibits discrimination based on religion, so the employer should not 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?*

According to section 42 of the Labour Act, 2003 (Act 651), workers are entitled to 48 consecutive hours off work every seven days and all public holidays. Religious public holidays in Ghana include Good Friday, Easter Monday, Christmas Day, Eid al-Fitr, and Eid al-Adha. Employees should discuss situations that 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 update announced by the Ministry of Education for the 2020 school year, Religious and Moral Education (RME) will be a stand-alone subject in primary schools. RME courses 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?*

In 2007, RME courses were removed as a compulsory part of the national public education curriculum in primary schools, and the current Education Act, 2008 (Act 778) makes no mention of compulsory religious studies. However, RME classes are still included in school curricula. Additionally, all the councils and boards created under Act 778 include a designated chair for religious leaders.

Ghanaian law is currently changing in regard to religion in the public square and public schools. Previous education acts stipulated that no student could be compelled to attend or not attend any form of religious instruction, worship, or observance. The language specifically guaranteeing this right has been removed from more current education acts. Despite its removal, the Ghana Education Service has affirmed its commitment to religious freedom in schools. Ultimately, the agency believes every student should follow the rules and conduct of his or her school.

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

Students must attend two years of kindergarten, six years of primary education, and three years of junior high 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 modify school uniforms because of their religious beliefs?***

Yes, in some cases. In 2015, the Ghana Education Service stated their policy on religious freedom in schools as allowing Muslim students their right to practice their religion and wear the hijab at school. However, larger modifications that completely or nearly completely cover the student's uniform or face with religious clothing may not be allowed. The right of children to receive education should always remain in focus, and inclusive school policies should be promoted to respect religious freedom and allow more children access to education

## MILITARY AND PUBLIC SERVICE

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

Yes, there is a mandatory military and/or public service in Ghana. All citizens 18 years of age and older with post-secondary education are mandated by law to render a two-year mandatory national service with a minimum of six months of military training. There are no religious exemptions to this service.

## 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.

### *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 Ghana 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.

### *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 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.

# 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 includes 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

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 showing 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.

