

FREEDOM OF RELIGION

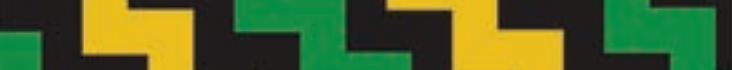
A guide

Jamaica



“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.”

— United Nations, Universal Declaration of Human Rights, Article 18



FREEDOM OF RELIGION IN JAMAICA

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

The right to freedom of religion is the right to practice religion freely. Section 17(1) of the Constitution of Jamaica states:

Every person shall have the right to freedom of religion including the freedom to change his religion and the right, either alone or in community with others and both in public and in private, to manifest and propagate his religion in worship, teaching, practice and observance.

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

Section 13(b) of the Constitution guarantees “the right to freedom of thought, conscience, belief and observance of political doctrines.” According to a 2017 Jamaican Supreme Court decision (*Brendan Courtney Bain v The University of the West Indies*), the right to freedom of thought, conscience, and belief protects your ability to think and believe as you choose, to form your own views independently of others, and to hold those views without interference.

3. What are the laws that protect religious freedom?

Religious freedom in Jamaica is mainly protected by the Constitution, which is the highest law in the country. If any other law conflicts with the Constitution, the Constitution prevails. Jamaica also has agreed to follow the International Covenant on Civil and Political Rights (ICCPR), which includes similar protections for freedom of thought, conscience, and religion.

4. What is the official religion of Jamaica?

Jamaica has no official state religion. The Constitution guarantees freedom of religion and does not establish any religion as official. Christianity is the most common religion in Jamaica, with around 65% of the population being Protestant Christians and about 2% Roman Catholic. Other religious groups, including Rastafarianism, Hinduism, Islam, and others, coexist peacefully, protected under constitutional freedom of worship.

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

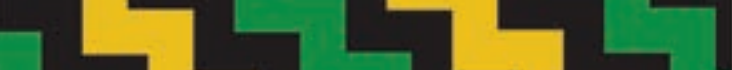
Under section 19 of the Constitution if someone believes that their rights have been violated—or are about to be violated—they can go to the Supreme Court of Jamaica to ask for help. Doing this doesn't stop them from using any other legal options available for the same issue. You can also contact the Office of the Public Defender or human rights groups in Jamaica that advocate for protection of fundamental rights.

RELIGION IN THE PUBLIC SQUARE

6. Can I express my religious views in public?

Yes, the right to freedom of religion protected by the Constitution includes the right to share religious views or beliefs in public spaces. Section 13(c)-(e) of the Constitution also protects:

- The right to freedom of expression.
- The right to seek, receive and distribute information, opinions and ideas through any media; and
- The right to freedom of peaceful assembly and association.



These rights have limits: people can express their religious beliefs as long as doing so doesn't harm or interfere with the rights and freedoms of others. This ensures a fair balance between personal religious expression and the well being of the wider community.

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

Yes, in Jamaica, you have the constitutional right to share your opinions or preach your religious beliefs to others, privately or publicly. The right to “manifest and propagate” included in the right to freedom of religion includes evangelism and preaching activities.

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

Yes, in Jamaica you can be part of a religious entity or organization. Religious groups or organizations can operate without required government registration; however, many choose to incorporate an entity to gain legal benefits.

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

- The Companies Office of Jamaica (COJ) is the main executive agency to which religious groups apply to incorporate an entity that has a separate legal personality and legal recognition. Incorporation through COJ allows religious organizations to own property and enter into legal agreements.
- The Department of Cooperatives and Friendly Societies, under the Ministry of Industry, Investment and Commerce, regulates religious organizations that are registered charitable organizations, and therefore have certain benefits such as tax exemptions.

RELIGIOUS FREEDOM IN THE WORKPLACE

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

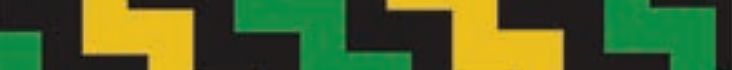
Employees are allowed to follow their religious practices—such as keeping a Sabbath day or attending religious services—within reasonable limits. They can work with their employers to arrange rest days that align with their beliefs. Under section 2(d) of the Labour Relations and Industrial Disputes Act, conflict between employers and workers can include situations where workers are treated unfairly for expressing or practicing their religion. This means that religious discrimination can form the basis of an industrial dispute if a worker seeks legal protection against an employer's violation of his or her religious rights.

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

The Employment (Flexible Work Arrangements) Act of 2014—often called the “flexi week” law—allows employees, within reasonable limits, to work with their employer to set rest days that fit their religious practices, if they still complete the required weekly hours. This law gives workers the flexibility to attend religious services or observe religious duties without neglecting their job responsibilities.

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

This depends on the situation. You have the right to show your religious beliefs through how you dress or present yourself, and most employers try to respect and accommodate this.



However, these rights are subject to limits, including safety requirements and the need to protect the rights of others. The Constitution allows rights to be restricted when it can be clearly justified in a free and democratic society.

RELIGIOUS FREEDOM IN SCHOOLS

13. Can there be religion classes in public schools?

Yes, classes on religion can be held in public schools in Jamaica.

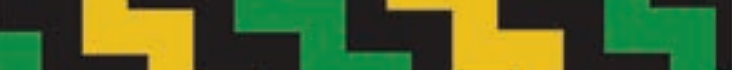
14. Is it mandatory for students to attend religious education or religious observances in their schools?

No, Section 17(4) of the Constitution states that no student can be required to receive religious instruction or take part in any religious ceremony that belongs to a religion different from their own, unless they agree to it—and if the student is a minor, their parent or guardian must agree.

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

In Jamaica, except for approved homeschooling arrangements, students cannot be excused from attending school solely for religious reasons because the law requires school attendance. However, the Education Act states that a public school cannot make admission or attendance conditional on a student being present on a day that their own religion sets aside for worship.

Students and their parents may also ask to be excused from religious observances or religious instruction at school if it conflicts with their beliefs.



When a parent makes such a request, the student must be excused without losing any other benefits the school provides. For students who live at school, the institution must make reasonable arrangements so they can participate in worship according to their faith outside regular school hours.

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

In Jamaica, students may request changes or exemptions to school uniform rules for religious reasons. The Ministry of Education and Youth's 2023 Student Dress and Grooming Policy specifically recognizes that uniform and grooming standards can be adjusted based on religion, health, or other approved grounds. For example, although hats and similar headwear are normally not part of a school uniform, exemptions may be granted to allow items such as caps, hats, or tams for religious or other permitted purposes

RELIGIOUS FREEDOM IN MILITARY SERVICE

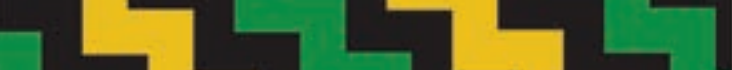
17. Is there mandatory military service, and if so, are there any religious exemptions?

Jamaica does not currently have mandatory military service (conscription). Military service in Jamaica is voluntary.

RELIGION AND JUSTICE

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

Yes, in Jamaica, you do not have to take an oath in court if it conflicts with your religious beliefs. Under the Oaths Act of 1889, anyone who objects to swearing an oath—whether for religious reasons or because they have no religious belief—may instead make a solemn affirmation.



This affirmation has the same legal effect as an oath.

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

Judges in Jamaica are required to make decisions impartially and fairly, guided by the Constitution and the law rather than by their personal religious beliefs. Although judges, like all citizens, have the right to freedom of religion, this does not allow them to base their rulings on their religious convictions. The Judicial Conduct Guidelines (2014) make it clear that judges must avoid any improper influence and must not engage in conduct that could raise doubts about their neutrality, including any expression of partisan or religious bias in their judicial role. Judges are expected to remain independent and neutral, ensuring that their personal beliefs do not compromise the fairness of their decisions.

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

Jamaica's constitutional protection of religious freedom includes the right to practice one's faith privately, including confidential religious counseling. However, unlike some countries that have explicit 'priest penitent' privileges in their evidence laws—rules that prevent clergy from being forced to reveal confessional communications—Jamaica does not have a specific, codified protection of that kind.



Consortio
Latinoamericano de
Libertad Religiosa

GO-HRE | GENEVA OFFICE
FOR HUMAN RIGHTS
EDUCATION



CONCIENCIA NACIONAL POR LA
LIBERTAD RELIGIOSA



MESA DE DIÁLOGO
Y REPRESENTACIÓN
CRISTIANA



International
Society



RELIGIOUS FREEDOM &
BUSINESS FOUNDATION
FAITH & BUSINESS BUILD A BETTER WORLD