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Submission to the UN Human Rights Committee

Prior to the Adoption of the List of Issues
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Fourth periodic report pursuant to article 40 of the Covenant

Rwanda

(116th Session of the Human Rights Committee, 7 – 24 March 2016)

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SUMMARY OF THE SUBMISSION

This submission to the Human Rights Committee (CCPR) on the Republic of Rwanda highlights violations of the provisions of the International Covenant on Civil and Political Rights (“ICCPR”) prior to the adoption of the List of issues to be taken up in connection with the consideration of the fourth report of the Republic of Rwanda (CCPR/C/RWA/4).

As described below, serious issues of concern persist. Jehovah’s Witnesses in Rwanda, and as a worldwide organization, respectfully request the government of Rwanda to:

1. Discontinue expelling students who are Jehovah’s Witnesses throughout the country based on their conscientious objection to sing the national anthem, participate in religious ceremonies, and to pay church taxes;

2. Recognize the rights of the child including their right to education, as protected by article 24 of the ICCPR and found in General Comment No. 17;

3. Permit Jehovah’s Witnesses to take the marriage vows in civil ceremonies or oaths without being forced to hold the national flag;

4. Uphold and communicate to the local officials the agreement made on 15 March 2005 between the Religious Organization of Jehovah’s Witnesses and the Ministry of Local Government to respect conscientious objection to paramilitary training and to night patrol duty, and allow them to perform civilian alternative service; and

5. Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Rwanda and the ICCPR, for all citizens, including Jehovah’s Witnesses.

I. Introduction

1. The European Association of Jehovah’s Christian Witnesses (EAJCW) is a charity registered in the United Kingdom. It is assisting the adherents of the faith of Jehovah’s Witnesses in various areas of the world.

2. The Christian community of Jehovah’s Witnesses has been present in the Rwanda since 1970. In general, they freely carry out their worship. They peacefully attend religious meetings and conventions, and engage in their religious community service without hindrance.

3. Nevertheless, their neutral stance in political affairs continues to be the foundation for discrimination. This affects their employment, education, and their ability to register civil marriage vows. The biased treatment of the Witnesses also interferes with their rights to freedom of worship and conscience.

4. This submission focuses on the blatant violations of the rights protected under articles 18, 19, 24, 26 and 27 of the ICCPR.
II. Alleged Violations of the International Covenant on Civil and Political Rights (ICCPR – Articles 18, 19, 24, 26 and 27)

Freedom of thought, conscience and religion and right to non-discrimination (ICCPR – Articles 18, 19, 24, 26 and 27)

School children compelled to participate in activities violating freedoms of conscience and religion

5. On 31 January 2012 the Apeki Tumba School in the Rulindo District expelled four Witness students, Abumukiza Lucie, Hakurinka Josiane, Ngaboyishema Patrick, and Niyonshuti Pacifique, because they did not sing the national anthem. On 23 April 2013, the students filed a claim with the Intermediate Court of Gicumbi, but lost their case on 13 September 2013. The Witnesses appealed to the High Court of Kigali on 11 October 2013. The court ruled against them for procedural reasons on 9 January 2015.

6. On 2 February 2014 the “Institute Sainte Marie Goretti TTC Muramba” dismissed 19-year-old orphan Chantal Uwimbabazi for her refusal to participate in ‘Mass’ conducted by the Catholic Church. Discussions with the Education Office of the Administration of the Ngororero District, the Regional Education Inspector of the Western Province, and the Ministry of Education failed to bring a successful resolution. When contacted, the Minister of State, who is in charge of primary and secondary schooling in the Ministry of Education, indicated that the priest has the right to establish the regulations within his school; and if Witness students cannot adhere to those regulations, they should establish their own schools. As a result, Chantal Uwimbabazi has not returned to school and discontinued her education. This action by authorities denies her right to education because of a lack of respect for freedom of conscience and belief.

7. On 12 May 2014 G. S. Musango, a Catholic school located in the Karongi District of the Western Province, expelled eight Witness students between 13 to 20 years of age for refusing to pay church tax and failure to attend religious services in the church. However, it was alleged that they were expelled for refusing to sing the national anthem. Authorities imprisoned the eight children for six days (4-9 June 2014), and Sylvestre Habaguhirwa was kept in prison until 18 June. On that date, a judge ordered a provisional release under judicial supervision until a court hearing was held on 14 October 2014. Sylvestre Habaguhirwa and another student, Samuel Hagenimana, were beaten.

8. In addition to these two boys, five additional young Witnesses were accused of disrespecting and desecrating the national anthem because they refused to sing. Criminal charges were brought against the students on 14 October 2014. The court acquitted the students of disrespecting and desecrating the national anthem on 28 November 2014.

9. On 20 May 2014 E. S. Ruhanga, a school located in the Gakenke District of the North Province, expelled Witness students Jean Damascène Niyibizi (16 years old) and Dieudonné Muramure (10 years old), because they conscientiously objected to sing the national anthem. They remained at home until the problem was resolved following discussions with the authorities.

Meetings held with officials

10. On 6 March 2014 and 20 May 2014 local representatives of Jehovah’s Witnesses met with education officers on the issue of expelling Witness students from school because of their
faith. Some problems were resolved, but officials acknowledged that most of the difficulties faced by Witness schoolchildren occur in schools affiliated with religious organizations. The religious-based schools oblige all students to attend Mass each week, with expulsion as the sanction when a student refuses.

11. When school officials understand that the reason for expulsion is unlawful and discriminatory, they immediately allege that the students were expelled because of not singing the national anthem. Despite attempts to address this issue with the Regional Education Inspector in the Western Province, and Mathias Harebamunguthe, Permanent Secretary in Education Ministry, they reiterated that the priest has the right to establish regulations within his school. Again, during a meeting held with the local Witness representatives in his office, the Permanent Secretary in Education Ministry, Mr. Harebamungu, made the same comment: “If your students cannot adhere to the regulations of the priest, then you should build your own schools.”

12. The information provided above shows that the actions against young Jehovah’s Witnesses are in complete conflict with the terms of the Covenant and the protection guaranteed by the Constitution of Rwanda. In its General Comment No. 17 on the Rights of the Child, the Committee established the obligations of States parties to the Covenant as follows:

“(…) every possible measure should be taken to foster the development of their personality and to provide them with a level of education that will enable them to enjoy the rights recognized in the Covenant, particularly the right to freedom of opinion and expression.”

“The Covenant requires that children should be protected against discrimination on any grounds such as race, colour, sex, language, religion, national or social origin, property or birth.” — (UN Human Rights Committee, CCPR General Comment No. 17: Article 24 (Rights of the Child), 7 April 1989 - paras 4, 5).

Arbitrary dismissal from work for conscientious objection to participating in oath ceremonies

13. Currently, 25 of Jehovah’s Witnesses have been dismissed from their secular work for their conscientious refusal to take an oath while holding the national flag. Of these, 21 took their cases to court. The following are details concerning their cases:

14. Between 2014 and 2015 five of the Witnesses lost their case before the Supreme Court.

15. On 31 October 2014 two Witnesses lost their case in the Nyarugenge Intermediate Court. They appealed to the High Court on 28 November 2014. The hearing is scheduled for 14 May 2015. One other Witness lost his case before the Nyarugenge Intermediate Court on 6 March 2015.

16. There are 11 Witnesses waiting to appeal their cases to the Supreme Court. Eight won their cases in the High Court, but the government has appealed to the Supreme Court. The other three Witnesses lost their cases in the High Court and have appealed to the Supreme Court. These cases are pending.

17. Two Witnesses lost their case in the Karongi Intermediate Court in 2011, and received a final adverse decision from the High Court in 2012.
Law violating right to freedom of conscience

18. The Presidential Decree No. 65/01 dated 4 March 2014 provides sanctions for public servants when they are deficient at work. Article 14, paragraph one of the decree states, “that anyone who refuses to take a public servant’s oath in accordance with the relevant laws, is sanctioned by dismissal.”

19. The law establishing the general statutes for public service No. 86/2013 dated 11 September 2013 Article 11 defines the manner in which someone is to take the oath. It says: “A public servant shall take oath by holding the National Flag with his/her left hand while raising the right hand with a stretched palm. A public servant with disability which does not enable him/her to comply with provisions of the Paragraph One of this Article shall be made to wear the flag.”

20. Consequently, these two laws resulted in the dismissal of many Jehovah’s Witnesses from their employment, even though some had more than 20 years of work seniority without any negative reports. Further, these laws preclude any of Jehovah’s Witnesses from employment by the state or by public institutions because of their beliefs.

21. All of the Witnesses dismissed from employment requested to take the oath holding the Bible instead of the flag, but the authorities refused.

Denial of right to conscientious objection to paramilitary activities

22. Over the past 15 years, hundreds of Jehovah’s Witnesses have been arrested and incarcerated because of not participating in militarily supervised night patrols (work related to military service which conflicts with their religious beliefs and conscience). The Witnesses organized several meetings with officials to explain their neutral stand. These representatives pointed out that in 1986, authorities imprisoned Jehovah’s Witnesses because of their neutrality. Yet, in 1994, their neutrality was a key factor in their not participating in the genocide.

23. Jehovah’s Witnesses obey governmental laws and they maintain political neutrality no matter which government is in power. For example, in 1986, François-Xavier Hakizimana was imprisoned for 18 months because of his neutral stand. After the government changed following the genocide, he was again imprisoned in 1997 and 1998 for the same reason. Such examples show that the neutral stand taken by Jehovah’s Witnesses is consistent and is not in opposition to any particular government. Christian neutrality is genuinely based on principles set out in the Scriptures.

24. On 15 March 2005, the Religious Organization of Jehovah’s Witnesses discussed the issue of conscientious objection with the Minister of the Local Government. After this meeting, the Minister produced a letter to officials requesting that the Witnesses discuss with primary officials about alternatives to the night patrol. Since then, several meetings were organized with the executive secretaries of the cells and sectors to discuss acceptable alternatives for night patrols.

25. In many areas, the Witnesses are given tasks such as cleaning roads, repairing bridges, building homes for the poor, and contributing toward the health insurance for children, the poor, widows, and anyone else selected by the community.
26. However, various primary officials have not been informed about this arrangement and consequently, have not only refused to comply with the alternative service arrangement, but in some areas arrest and imprison Jehovah’s Witnesses who refuse to pay those who participate in night patrol duties. Jehovah’s Witnesses do not participate in night patrols and thus view paying those who do the same as participation.

III. Conclusions and Recommendations

27. Jehovah’s Witnesses in Rwanda, and as a worldwide organization, express concern for human rights violations as outlined above. They respectfully request the government of Rwanda to take the necessary steps to:

(1) Discontinue expelling students who are Jehovah’s Witnesses throughout the country based on their conscientious objection to sing the national anthem, participate in religious ceremonies from another faith, and to pay church taxes;

(2) Recognize the rights of the child including their right to education, as protected by article 24 of the ICCPR and found in General Comment No. 17;

(3) Permit Jehovah’s Witnesses to take the marriage vows in civil ceremonies or oaths without being forced to hold the national flag;

(4) Uphold and communicate to the local officials the agreement made on 15 March 2005 between the Religious Organization of Jehovah’s Witnesses and the Ministry of Local Government to respect conscientious objection to paramilitary training and to night patrol duty, and allow them to perform civilian alternative service; and

(5) Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Rwanda and the ICCPR, for all citizens, including Jehovah’s Witnesses.

28. The EAJCW will consider submitting an additional complementary report with the CCPR following the adoption of the List of issues to be taken up in connection with the consideration of the fourth report of the Republic of Rwanda (CCPR/C/RWA/4).