2 June 2019

**From the European Association of Jehovah’s Witnesses**

**Submission to the**

**UN Human Rights Committee**

**Subsequent to the adoption of the list of issues**

**Equatorial Guinea**

Contact address in Belgium: Rue d'Argile 60, 1950 Kraainem,

Tel.: ++ 32-2-782 00 15 - Fax: ++ 32-2-782 08 11 - E-mail: jwitnesses.be@jw.org

Table of Contents

[SUMMARY OF THE SUBMISSION 3](#_Toc10096041)

[I. INTRODUCTION 3](#_Toc10096042)

[II. ALLEGED VIOLATIONS OF THE ICCPR (Articles 18, 19, 22 and 26) 3](#_Toc10096043)

[III. MEETINGS WITH OFFICIALS 5](#_Toc10096044)

[IV. CONCLUSION AND RECOMMENDATIONS 5](#_Toc10096045)

**APPENDICES**

Appendix 1 – “Memorandum of Law Concerning Jehovah’s Witnesses and National Emblems”

Appendix 2 – “Memorando de Ley con relación a los testigos de Jehová y los emblemas nacionales”

Appendix 3 – Letter from the Minister of Education and Sports, dated 12 September 2018

|  |
| --- |
| SUMMARY OF THE SUBMISSIONThis submission to the UN Human Rights Committee (the Committee) in connection with the 126th session highlights violations of the provisions of the International Covenant on Civil and Political Rights (ICCPR).Jehovah’s Witnesses in Equatorial Guinea, and as a worldwide organisation, respectfully request the government of Equatorial Guinea to:1. Respect the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions, end the expulsions of Jehovah’s Witness children from schools and reinstate those who have been expelled;
2. Reopen the place of worship of Jehovah’s Witnesses in Nsok Nsomo and allow them to assemble with their fellow believers;
3. Prevent discrimination against Jehovah’s Witnesses and allow them to rent municipal facilities for religious gatherings as allowed in the past; and
4. Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Equatorial Guinea and the ICCPR for all citizens, including Jehovah’s Witnesses.
 |

# INTRODUCTION

1. The European Association of Jehovah’s Witnesses is a charity registered in the United Kingdom. It assists the adherents of the faith of Jehovah’s Witnesses in various areas of the world.
2. Jehovah’s Witnesses have been in Equatorial Guinea for more than 50 years. Their activities were banned from 1971 to 1982 and then again, from 1985 until they were officially registered in 1994.
3. This submission focuses on situations related to the rights protected under articles 18, 19, 22 and 26 of the ICCPR.

# ALLEGED VIOLATIONS OF THE ICCPR (Articles 18, 19, 22 and 26)

1. For many years, Jehovah’s Witnesses have been generally free to practise their faith without governmental interference. They are grateful to the government for the freedom they have been able to enjoy. The Witnesses have been allowed to share their beliefs, own their places of worship and hold large gatherings for special events.
2. Recently, however, some local authorities began to discriminate against Jehovah’s Witnesses because of their position on national emblems.
3. Jehovah’s Witnesses view submission to secular authorities as a divine mandate. They are accordingly known for being law-abiding and obedient citizens. Thus, Jehovah’s Witnesses respect the national emblems of their country. However, they and their children sincerely believe that pledging allegiance to any national emblem or participating in singing a national anthem is an act of worship and that such worship belongs only to God.
4. The right of students who are Jehovah’s Witnesses to hold this belief and to respect their conscience is clearly protected by the Constitution of Equatorial Guinea, the ICCPR, the Convention on the Rights of the Child, and the African Charter on the Rights and Welfare of the Child.
5. Their belief does not mean they are disrespectful of national emblems or of those who pledge allegiance to them. Nor do they demonstrate any disrespect toward those who sing the national anthem. To the contrary, in numerous cases worldwide[[1]](#footnote-1), courts have found that students who are Jehovah’s Witnesses maintain a respectful attitude, composure and stance whenever they are in the presence of other students who either pledge allegiance to a national emblem or sing the national anthem, as has been the case in Equatorial Guinea.
6. The stance of these students is in full harmony with the requirements of the 13 February 2013 General Education Law of Equatorial Guinea, which states that students have the obligation to respect national emblems and State institutions.
7. Expelling students from school because of their legitimate religious beliefs is a serious breach of their right to freedom of thought, conscience and belief protected by the Constitution and international treaties signed by Equatorial Guinea. It is also a serious violation of their parents’ right to ensure the religious and moral education of their children in conformity with their own convictions (ICCPR, Article 18).
8. Because the children in question could not participate in singing the national anthem, the authorities refused to allow the Witnesses to rent a municipal stadium for a religious gathering, a place of worship has been padlocked and numerous Witness children have been expelled from school. The expulsion of children from school has been a systemic issue for numerous years.
9. **Refusal to Rent Municipal Stadium**
10. The Witnesses were able to rent the municipal stadium in Malabo for large religious gatherings by asking permission from the Ministry of Justice and Worship and the Ministry of Youth and Sports. The gatherings took place without any incidents, the venues were restituted in excellent condition and the media even reported positively about the events organized by the Witnesses. However, the Ministry of Education and Sports recently began overseeing sports infrastructure. In 2018, when the Witnesses requested to rent the stadium as in previous years, the Ministry of Education and Sports stated that the Witnesses cannot use the stadium because of their religious position on national emblems[[2]](#footnote-2).
11. **Witness Children Expelled From School**
12. Thirteen children have been expelled from the school in Nsok Nsomo since 30 November 2018 because they would not sing the national anthem. One of the children is a two-year-old who was expelled from a preschool. The parents of these children were invited to meet with the school officials to discuss the reasons for the expulsion. Surprisingly, the Minister of Education and Sports also attended this meeting, and he invited the local governor and police. The minister ended the meeting by saying that the children will not be allowed to attend this school or any other school. The following day, the children attempted to go to school but were denied. There is only one school in the region, so the children do not have the option of attending a different school.
13. On 10 December 2018, the governor demanded that the parents and all the children who were expelled from school present themselves at the local police station to register by making a statement of loyalty. The governor of the region of Kie Ntem, who oversees Nsok Nsomo, ordered the expelled children and their parents not to leave the community.
14. In the province of Mongomo, school officials expelled 19 Witness children on 11 March 2019 because the children respectfully refused to salute the flag and sing the national anthem. The following day, the children attempted to go to school but were denied. In order to continue their education, the children were forced to attend a different school.
15. **Closing a Place of Worship**
16. On 7 December 2018, following the expulsions of the Witness children, the governor of Kie Ntem ordered the police to padlock the Witnesses’ place of worship. The governor told the Witnesses that their place of worship would remain closed until the Witness children sing the national anthem. The governor added that until the children sing the national anthem, the Jehovah’s Witness religion would “not be allowed” in his region.

# MEETINGS WITH OFFICIALS

1. Numerous attempts have been made to meet with officials to explain the respectful position of Jehovah’s Witnesses toward national emblems and to defuse the situation. On 4 April 2019, representatives of Jehovah’s Witnesses met with the Minister of Justice in Equatorial Guinea to discuss this matter. The minister showed great understanding and promised to work to find a solution to this issue. However, to date, none of the outstanding issues have been resolved. Representatives of Jehovah’s Witnesses are eager to pursue this constructive dialogue.

# CONCLUSION AND RECOMMENDATIONS

1. Jehovah’s Witnesses in Equatorial Guinea, and as a worldwide organisation, express concern regarding the human rights violations as exposed above in the submission. They respectfully request the government of Equatorial Guinea to take the necessary steps to:
2. Respect the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions, end the expulsions of Jehovah’s Witness children from schools and reinstate those who have been expelled;
3. Reopen the place of worship of Jehovah’s Witnesses in Nsok Nsomo and allow them to assemble with their fellow believers;
4. Prevent discrimination against Jehovah’s Witnesses and allow them to rent municipal facilities for religious gatherings as allowed in the past; and
5. Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Equatorial Guinea and the ICCPR for all citizens, including Jehovah’s Witnesses.
1. For additional information on case law related to national emblems and domestic and international legal protection in Equatorial Guinea, please consult Appendices Nos. 1 (English) and 2 (Spanish), entitled “Memorandum of Law Concerning Jehovah’s Witnesses and National Emblems.” [↑](#footnote-ref-1)
2. Please see Appendix No. 3, Letter from Minister of Education and Sports, dated 12 September 2018. [↑](#footnote-ref-2)