



THE EUROPEAN ASSOCIATION OF
JEHOVAH'S CHRISTIAN WITNESSES

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From The European Association of Jehovah's Christian Witnesses

**Contribution to the Report of the U.N. High Commissioner for Human Rights
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Rwanda

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EXECUTIVE SUMMARY

This submission to the Human Rights Council (HRC) on Rwanda highlights human rights issues in the past four-and-a-half years and Rwanda's failure to implement accepted recommendations during the previous review.

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 refusal to sing the national anthem, participate in religious ceremonies, and to pay church taxes;
2. Permit Jehovah's Witnesses to take the marriage vows in civil ceremonies or oaths without being forced to hold the national flag;
3. Uphold the agreement 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 alternative service; and
4. Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Rwanda, the ICCPR, the CRC, and the ACRWC for all citizens, including Jehovah's Witnesses.

I. INTRODUCTION

1. The European Association of Jehovah's Christian Witnesses is a charity registered in the United Kingdom. It provides support to Jehovah's Witnesses facing fundamental human rights violations in various parts 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 is based on the reports submitted by victims to the national office of Jehovah's Witnesses in Rwanda (Kigali).

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

5. Rwanda ratified the ICCPR, the CRC, and the ACRWC respectively on 16 April 1975, 24 January 1991, and 11 May 2001.

6. Jehovah's Witnesses are clearly being discriminated against because of their beliefs, contrary to Article 33 of the Constitution that guarantees to the "People of Rwanda", including children: "Freedom of thought, opinion, conscience, religion, worship".
7. The same guarantee is found at Article 14.1 of the CRC: "States Parties shall respect the right of the child to freedom of thought, conscience and religion".
8. The ACRWC at Article 9 guarantees that: "Every child shall have the right to freedom of thought conscience and religion."
9. Furthermore, Article 40 of the Constitution guarantees that: "Every person has the right to education. ... Primary education is compulsory. It is free in public schools."
10. This "right to education" is also protected by Article 28 of the CRC and Article 11 of the ACRWC states that: "Every child shall have the right to an education." Article 3 of the CRC, and Article 4 of the ACRWC impose upon the State the obligation to take all necessary measures to safeguard the interests of the child.
11. The following information highlights that Witness adults and children are undergoing serious human rights violations and that Rwanda has failed to implement the guarantees of the ICCPR, the CRC, and the ACRWC.

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

12. On 31 January 2012 the Apeki Tumba School in the Gicumbi District expelled four Witness students, Abumukiza Lucie, Hakurinka Josiane, Ngaboyishema Patrick, and Niyonshuti Pacifique, because they did not sing the national anthem. The Witnesses appealed to the High Court of Kigali on 11 October 2012. The court ruled against them for procedural reasons on 9 January 2015.
13. 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, the Administration of the Ngororero District, the Education Inspector of the Western Province, and the Minister 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, then 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.
14. 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.

15. In addition to these two boys, five additional young Witnesses were accused of inciting others to refuse to sing the national anthem. 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.
16. 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 refused to sing the national anthem. They remained at home until the problem was resolved following discussions with the authorities.

Meetings held with officials

17. 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.
18. 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 Mr. Rutari Gerard, the Regional Inspector in the Ministry of Education, the Minister of Education, and Mathias Harebamungu, the 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, Mr. Harebamungu made the same comment: "If your students cannot adhere to the regulations of the priest, then you should build your own schools."

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

19. 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:
20. Between 2014 and 2015 five of the Witnesses lost their case before the Supreme Court.
21. On 31 October 2014 two Witnesses lost their case in the Nyarugenge Intermediate Court. They appealed to the High Court on November 28, 2014. The hearing is scheduled for 14 May 2015. One other Witness lost his case before the Nyarugenge Intermediate Court on 6 March 2015.
22. 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 they have appealed to the Supreme Court. These cases are pending.
23. Two Witnesses lost their case in the Karongi Intermediate Court in 2012, and received a final, adverse decision from the Supreme Court.

Law violating right to freedom of conscience

24. 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.”
25. 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.”
26. 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.
27. 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

28. 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). 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.
29. 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.
30. In January 2005, the Religious Organization of Jehovah’s Witnesses discussed the issue of conscientious objection with the Minister of the Local Government. On 3 March 2014 a meeting was organized with the executive secretaries of the cells and sectors to discuss acceptable alternatives for night patrols, and they agreed to establish an alternative service arrangement.
31. 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.

32. However, various primary officials 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. IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS

33. During Rwanda's previous review held on 24 January 2010 many delegations commended Rwanda for its level of participation with the universal periodic review mechanism. Forty eight delegations made statements and Rwanda accepted most of the recommendations. However, a number of recommendations still require serious effort to implement.
34. Numerous recommendations accepted by Rwanda related to discrimination based on various grounds (Recommendation n° 78.2; 78.6; 79.5). Rwanda agreed with Moldova's recommendation (79.5) to accelerate the legal reform process in order to ensure that all discriminatory provisions in the legislation are abolished. The Presidential Decree No. 65/01 dated 4 March 2014, and the law establishing the general statutes for public service No. 86/2013 dated 11 September 2013 (Article 11) engenders serious discrimination toward Jehovah's Witnesses (see comments paragraphs 24-25).
35. Several countries encouraged Rwanda to continue efforts to guarantee freedom of expression (Recommendation n° 79.10; 79.11; 79.13). The laws mentioned in the previous paragraph and forcing public servants to take oath by holding the National Flag is a blatant violation of their freedom of expression. The issue at stake for Jehovah's Witnesses resides in the government's attempts to compel speech rather than to restrict it.
36. Egypt urged Rwanda to protect rights of children (Recommendation n° 78.4). Attention should be given to children of Jehovah's Witnesses who are dismissed by school directors because they refused to sing the national anthem. As a result their freedoms of conscience and religion along with their right to education are violated. Rwanda accepted to further the process of ensuring free secondary education in order to guarantee access to education for all young persons (Burundi Recommendation n° 79.19). It is unfortunate to see that children of Jehovah's Witnesses are regularly deprived of this right for illegitimate reasons.
37. As a last point, it is regrettable that Rwanda rejected Recommendation n° 80.16 (Further ensure that the country's religious minorities are able to freely practice their respective beliefs).
38. As demonstrated in this report, Jehovah's Witnesses regret that Rwanda has not fully implemented the aforementioned recommendations despite having internationally accepted them.

IV. CONCLUSION

39. 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 refusal to sing the national anthem and to participate in religious ceremonies;

2. Permit Jehovah's Witnesses to take the marriage vows in civil ceremonies or oaths without being forced to hold the national flag;
3. Uphold the agreement 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 alternative service; and
4. Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Rwanda, the ICCPR, the CRC and the ACRWC for all citizens, including Jehovah's Witnesses.