

CONSCIENCE AND PEACE TAX INTERNATIONAL (CPTI)

Submission to the 144th Session of the Human Rights Committee for the attention of the Country Report Task Force on:

RWANDA

(Military service, conscientious objection and related issues)

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CPTI aims to supply information on all States with armed forces which report under the International Covenant on Civil and Political Rights (ICCPR) with regard to their military recruitment legislation and their recognition of the right of conscientious objection, even when there appear to be no urgent questions arising.

In association with the Child Rights International Network, CPTI also reports to the Committee on the Rights of the Child on States where there appear to be issues under the Optional Protocol to the Convention on the Rights of the Child (OPAC) on the involvement of children in armed conflict, and although these issues do not necessarily have implications for the ICCPR, such concerns are also reported in these submissions.

Summary

Rwanda has always relied on voluntary recruitment to man its armed forces, and has never recognised the right of conscientious objection to military service.

It is suggested that it might be encouraged to build on the acknowledgement of the Government in 2005 that Jehovah's Witnesses ought not be required to participate in armed night-time security patrols in order to incorporate in its legislation a recognition in principle of the right of conscientious objection to military service, and that it should also put into place procedures to deal with any cases where "professional" members of the armed forces seek release, having developed conscientious objections.

It is also suggested that the State party be questioned as to what action it has taken in response to recommendations from both the Human Rights Committee and the Committee on the Rights of the Child that it take steps to counter recruitment inside Rwanda, including in refugee camps and often of children, by the M23 armed group operating in the Democratic Republic of Congo.

Latest statistics¹

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| POPULATION (November 2024, estimated) | 13,623,000 |
| proportion of males aged 15-19 | 5.6% |
| thus average annually reaching recruitment age : | 152,578 |
| ARMED FORCES: Active strength, November 2024 | 33,000 |
| compared to the male population reaching recruitment age | 21.3% |
| MILITARY EXPENDITURE: US \$ equivalent, estimated 2023 | \$176m |
| Per capita | \$12.5 |
| As % of GDP | 1.3% |

Historical background and current situation

Having become part of the German Empire in the 19th Century, Rwanda was subsequently administered, together with Burundi, by Belgium as a League of Nations and then United Nations Trust Territory, latterly under the name “Rwanda-urundi”. It was separated from Burundi and gained independence in 1962. Its history both before and after independence has been marked by periodic bouts of inter-communal violence between the two major ethnic groups, the traditionally pastoralist Tutsi and the traditionally settled agriculturalist Hutu; these notably culminated in the genocide of 1994, in which anything between half a million and a million mainly Tutsi, representing between 5% and 10% of the then population, were massacred. This was not a military operation – the principal weapons used were machetes. In December 1994, control of the State was finally achieved by the Rwanda Popular Front, a Tutsi refugee force which had invaded in 1990, and it has administered a one-party State ever since. Many Hutu fled to the Democratic Republic of Congo (then Zaire) pursued by the Rwandan Popular Front; the resultant instability was a major cause of and contributor to the subsequent internal armed conflicts in that country.

Rwanda has never used conscription in order to recruit its national armed forces, although at various times armed opposition groups which had formerly been or were subsequently to form the government were accused of widespread forced recruitment, including of children, especially outside Rwandan territory.

National law makes no provision for conscientious objection, and there are no reports that this issue has yet arisen with regard to the national armed forces.

However conscription has in the past taken place into the Local Defence Forces (LDF). These armed militias were set up with Government support in communities around the country from 1999. Recruitment began on a strictly local level, with no element of government control. Although it was mainly voluntary, some local authorities reportedly resorted to conscription. Also, despite a minimum legal recruitment age of 18, there was reportedly widespread recruitment of minors - especially of street children into LDF units sent to fight in the DRC. As recently as 2003 it was reported that children as young as 14 were to be found in the ranks of the LDF.²

¹ Sources: For military expenditure, Stockholm International Peace Research Institute – SIPRI, April 2025. Otherwise, The Military Balance 2025 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.

² Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2004 , pp 90, 91.

In its Concluding Observations on Rwanda's Second Periodic Report under the Convention on the Rights of the Child, the Committee on the Rights of the Child welcomed "that Law No. 27/2001 on the Rights of the Child and Protection of Children against Abuse prohibits military service for children under 18 (art. 19), but remains deeply concerned that this law does not apply for the Local Defence Forces."³

Partly in response, the government made efforts to regularise the status of the LDF; culminating in Law No. 25/2004 of 19th November 2004, "Establishing and Determining the Organisation and Functioning of the Local Service in Charge of Assisting in Maintenance of Security Referred to as 'Local Defence'", which inter alia set a minimum recruitment age of 18, which was welcomed by the Committee in its Concluding Observations on Rwanda's Report under the Optional Protocol on the involvement of children in armed conflict. Since the passage of the Law no fresh cases of juvenile recruitment have been reported.⁴

In 2013, the LDUs were disbanded, and replaced by the District Administration Security Support Organ (DASSO), which is integrated more thoroughly into the national defence structure, and has a strict minimum recruitment age of 2013. No abuses have been reported since the creation of DASSO.

It has not been reported that Law No. 25/2004 included provisions on conscientious objection which arose with regard to the obligatory armed night-time security patrols. It does not seem that these patrols were directly connected with membership either of the LDUs or subsequently of DASSO – they seem to have been a general obligation placed on all members of a community, presumably by the local authorities. Jehovah's Witnesses and members of some other minority religious denominations objected on grounds of conscience to participation in these patrols, and over the years a number of them sporadically suffered arrest and detention as a result, documented in successive Annual International Religious Freedom Reports of the US State Department.⁵

The harassment of Jehovah's Witnesses for their refusal to participate in such patrols seems to have gradually faded out over the first two decades of the Century, led by the national authorities, with more reluctance at the local level.

Arrests and detentions were reported as ongoing in the first half of 2000; they then seem to have ceased until April and May 2002; then again until 2004, when they peaked with at least 209 Jehovah's Witnesses detained for between one day and one month "on alleged security grounds", including in six of the twelve provinces for refusing to participate in security patrols.

The numbers detained thereafter were: 2005-93, 2006-74, 2007-22, 2008-36, 2009-17, 2010-23, and thereafter a sharp decline, 2011-2, 2012-2, 2013-2, 2014-0 (While reporting that "While a high rate of detentions continued in 2006 in some regions, "In several other districts, local officials agreed to alternative services rather than night patrols for members of Jehovah's Witnesses, such as community-building projects. Although local officials were not always aware of alternative services available representatives of the Jehovah's Witnesses and government officials elsewhere helped to mediate similar solutions, and the release of those detained, but of course in the absence of legislation were unable to enforce appropriate responses to cases of conscientious objection to military service.

³ CRC/C/15/Add.234, 1st July 2004, para 62.

⁴ Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008, (<http://www.childsoldiersglobalreport.org/content/rwanda>)

⁵ Accessible by way of <https://www.state.gov/international-religious-freedom-reports/#archive>

In 2018 and 2019 Jehovah's Witnesses reported in some cases they could negotiate alternatives to participating in compulsory community night patrols. Subsequently there are general mentions of issues with respect to being asked to participate in military and patriotic activities but no specific references to detentions for refusal to participate in night patrols. It seems likely that these were effectively suspended during the 2020 COVID crisis, and that they have not been subsequently reinstituted to the previous extent.

In 2020, furthermore, "following engagement with the Jehovah's Witnesses, the government amended the law and eliminated a requirement that civil servants and teachers swear an oath of allegiance to the country as a condition of employment", one aspect of their testimony against oaths which had been a parallel source of harassment over the years.

In its Concluding Observations on Rwanda's Fourth Periodic Report, the Committee had expressed concern "about the restrictions placed on the enjoyment of freedom of conscience and religion of Jehovah's Witnesses with regard to refusing to sing the national anthem, to attend religious ceremonies of another faith in schools or to take an oath holding the national flag (arts. 2, 18, 23-24 and 26-27)," and recommends "The State party should guarantee, in practice, freedom of thought, conscience and religion and refrain from actions that may limit this right beyond the narrow restrictions permitted in article 18 of the Covenant." ⁶

In the List of Issues the Committee had also requested "Please also report on the progress made in guaranteeing conscientious objectors the opportunity to perform alternative civilian service in lieu of military service."⁷ However the Jehovah's Witnesses themselves in their submission to the Committee had not mentioned this particular issue and although the State party made no response to the request, it was not followed up in the dialogue or the Concluding Observations.

In the Concluding Observations the Committee raised also the role of Rwanda in the activities of the M23 armed group in the DRC:

"The Committee notes the State party's position (see S/2014/42, annex 109) contesting the findings of the Group of Experts on the Democratic Republic of the Congo, which established that the disbanded armed group Mouvement du 23 mars (M23), which was responsible for various human rights abuses in the Democratic Republic of the Congo in 2013 received support from the Rwanda Defence Force and from individuals who recruited men and children in the State party for M23. The Committee is concerned, however, at the lack of information on measures taken to open an official investigation into the findings of the Group of Experts and its response to the State party's position (see S/2014/42, annex 110) (arts. 2 and 6-7) (...) The State party should undertake prompt, impartial and effective investigations into the reported cooperation with M23 by members of the Rwanda Defence Force and other persons within its jurisdiction with a view to bringing those responsible to justice or extraditing them to the Democratic Republic of the Congo. It should also ensure that children who have been recruited in the State party to be used by M23 in hostilities receive adequate assistance and reintegration."⁸

In this it reiterated the concerns of the Committee on the Rights of the Child, which in the Concluding Observations on Rwanda's Report under the Optional Protocol on the involvement of children in armed conflict had expressed grave concern "about the situation on the Rwandan-Democratic Republic of the Congo border where several reports, including the United Nations Group of Experts on the arms embargo against the Democratic Republic of the Congo in 2012, indicate that the armed groups operating in the eastern Democratic Republic of the Congo, particularly the militia the March 23 Movement (M23) and the Democratic Forces for the

⁶ CCPR/C/RWA/CO/4, 2nd May 2016, paras 37,38.

⁷ CCPR/C/RWA/Q/4, 21st August 2015, para 19.

⁸ CCPR/C/RWA/CO/4, paras 25, 26.

Liberation of Rwanda (FDLR) continue to recruit Rwandan children and refugee children in the territory of Rwanda and use them in hostilities. While the Committee notes the establishment and expansion of the Joint Verification Mechanism (JVM) in September 2012, it is concerned that it lacks a child protection mechanism within its structure to respond to the specific risks and needs of children who may have been recruited or used in hostilities.” and urged “the State party to take immediate actions to end such practices occurring within its jurisdiction.”, recommending specifically that it:

- a) Adopt and implement, as a matter of urgency, a comprehensive time- bound plan of action to halt the use and recruitment of Rwandan and refugees children by non-State armed groups operating in the Democratic Republic of the Congo, including by closely controlling its borders and mobilizing communities. In this regard, the State party is encouraged to seek assistance from the United Nations, including the United Nations Children’s Fund (UNICEF), to protect children from unlawful recruitment within Rwanda;
- b) Strengthen cross-border frameworks of cooperation and exchange of information with the Democratic Republic of the Congo to repatriate children involved in armed conflict from the Democratic Republic of the Congo to the State party, and to ensure that children, particularly those living in areas closer to the border with that country and in refugee camps are not re-recruited by the non-State armed groups;
- c) Independently and promptly investigate serious allegations of facilitating recruitment and use in hostilities of children for M23;
- d) Ensure that individuals found responsible for supporting and facilitating the recruitment and use of children in hostilities by armed groups, including M23, are apprehended and prosecuted; and
- e) Encourage and advocate the establishment of a mechanism for child protection within the Joint Verification Mechanism, in collaboration with the other members of the mechanism, to respond to the specific risks and protection concerns of children who are or may have been recruited or used in hostilities.”⁹

More briefly, the Committee returned to this issue in 2020 in its Concluding Observations on Rwanda’s subsequent report under the Convention on the Rights of the Child itself, recommending that it “Explicitly criminalize the compulsory recruitment and use in hostilities of children under 18 years of age by the national armed forces and non-State armed groups and promptly investigate and prosecute suspects and bring perpetrators to justice”¹⁰

⁹ CRC/C/OPAC/RWA/CO/1, paras 14,15.

¹⁰ CRC/C/RWA/CO/5-6, 28th February 2020, para 51a.

Suggestions for the List of Issues

Has the State party considered consolidating the advice given by the national government to local authorities regarding the right of Jehovah's Witnesses to refuse on grounds of conscience to participate in night time community security patrols into a legislative provision expressly acknowledging, and calling for respect of, the right of conscientious objection to military service?

Have any instances occurred of members of the armed forces who initially joined as volunteers having requested release having subsequently developed conscientious objections to military service? What procedures were followed, or would be followed, in such an event? What conditions would attach to such a release, and how promptly would it take place?

What action has the State party taken to counter recruitment within its borders, including of children, by armed groups, especially M23, operating in the Democratic Republic of Congo, as recommended both by this Committee and the Committee on the Rights of the Child?