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Nairobi Central Seventh-day
Adventist Church





CHAMPIONS OF FREEDOM

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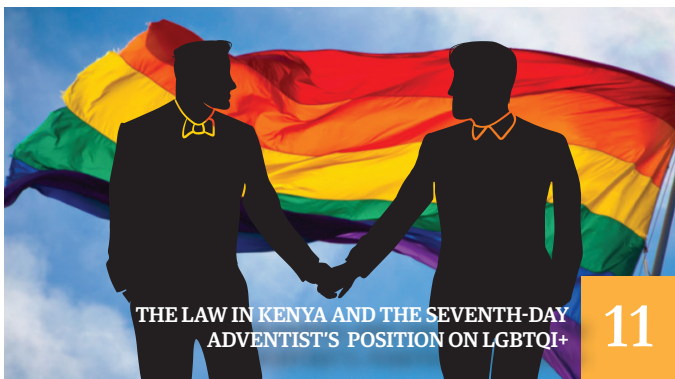
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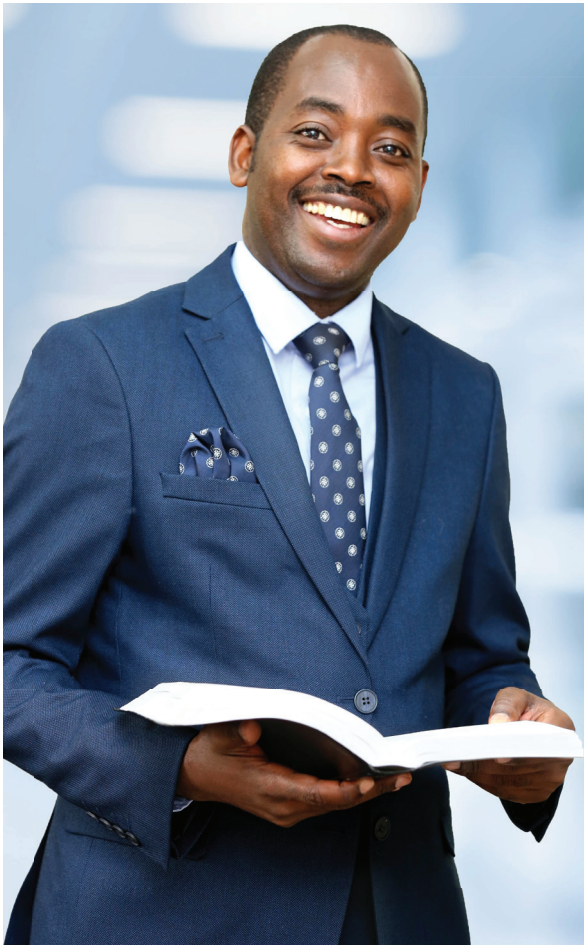
PARL

PR. PETER NYAGAH

SALVATION IS FREEDOM

the Seventh-day Adventist Church, from the onset of her history, has worked hard in championing this fundamental, God-given human right. Everyone should be free to exercise their freedom of worship and belief.

SENIOR PASTOR'S DESK



The whole idea of salvation is Freedom, Liberty. Christianity is a religion that sets people free from the oppression, discrimination, and slavery of any type. Christ came to set the oppressed free (Luke 4:18).

The Seventh day Adventist church acknowledges this God given right, and her belief and practice is to promote religious liberty for all people no matter their nationality, race, language, or color on their skin. All were created by God and in the image of God (Genesis 1:26,27).

It is on this basis that the Seventh-day Adventist Church, from the onset of her history, has worked hard in championing this fundamental, God-given human right. Everyone should be free to exercise their freedom of worship and belief.

We, the Seventh-day Adventist Church, Nairobi Central, affirm and uphold this right, and exist to create a safe space for every believer.

It is the intent of this magazine therefore to create awareness among the believers, foster harmonious interfaith co-existence in the community, and promote religious liberty in the governance of the nation. It is worth noting that governments are installed by God to serve the interest of God.

FORWARD

DAVIS OSIEMO

PUBLIC AFFAIRS AND RELIGIOUS LIBERTY (PARL) 1ST EDITION

As a department, we have had various challenges or concerns referred to us ranging from challenges at the workplace, students being denied freedom to worship, Estate planning (Succession: - Wills and Trusts) and even contemporary issues like the debate on the LGBTQI+I.

SECRETARY'S DESK



The Public Affairs and Religious Liberty Department (PARL) would like to thank God for enabling us to publish this pioneer issue of our Newsletter. Some may ask, “why a newsletter?”

One of the core mandates of the PARL Department is to assist the church in legal matters. The PARL handbook advises the department to publish periodically so as to inform and enlighten the general membership.

As a department, we have had various challenges or concerns referred to us ranging from challenges at the workplace, students being denied freedom to worship, Estate planning (Succession: - Wills and Trusts) and even contemporary issues like the debate on the LGBTQI+I.

It is apparent that there is need to have a publication which can answer some of the concerns which some church members are wrestling with and more importantly state the position of the church on some of these topical issues. While this publication may not answer all of readers concerns in depth, it is intended to be a quick reference point. It is however important to point out that individual circumstances may necessitate further consultations with a legal advisor who can advice on the best remedy based on the peculiar circumstances of the case.

As we launch this newsletter, our prayer is that it may be a blessing and a useful resource in furtherance of the gospel. Happy reading



PARL

PROF EDWIN ABUYA

Establishing Rules for Schools run by Religious Bodies

The need to Comply with the Law

Across the world there are several schools that are run by religious bodies. Most of these institutions have rules that all students (and sometimes staff) need to abide by. Upon admission to the school, students are usually given a set of regulations that they are required to sign. If one refuses to sign this document, they will not gain admission. Generally speaking, these rules determine the attire that learners should wear, their school diet, the compulsory prayer times, the religious subjects that are taught and the hairstyles that are allowed. In most instances the regulations draw on the teachings and beliefs of the religious body, which established and runs the school. Students who belong to the same religious faith as the one governing the school may have little difficulty complying with these rules since they are familiar with them. The same conclusion cannot be arrived at with respect to those students who ascribe to a different faith. For this category of learners some of these requirements would in some ways be contrary to their religious beliefs. While some would opt out of such schools, other learners would take up their



slots and, thereafter, challenge the regulations. This was the situation in *Phillip Okoth and Another v Board of Management St. Annes Primary School, Ahero and Others* (Civil Appeal No. 173 of 2020). The case in the Court of the Appeal emanated from the decision of Justice Ochieng of the High Court.

A Review on Phillip Okoth and Another vs Board of Management St. Annes Primary School, Ahero and Others

In May 2023 the Kenyan Court of Appeal sitting in Kisumu (Kiage, Tuiyott and Joel Ngugi JJA) handed down its decision in *Okoth*. This case involved learners who had filed a legal challenge against the rules established by a religious based school. In his judgement in that High Court Judge Ochieng affirmed that article 32(4) of the Constitution protected all persons living in Kenya from being compelled to ‘act or engage that is contrary to the person’s belief or religion’. According to the Judge, any such act ‘would be unconstitutional’. Since the learners and their parents in this matter had agreed in writing to abide by the rules and regulations of St. Annes Primary School, Ahero, they had accepted this framework. Consequently, there was no breach of the Constitution. According to the rule book, all learners were required attend 30-minute compulsory Mass every Friday morning. This did not sit well with the claimants who were Jehovah Witnesses. Attempts by their parents to engage the Board of the school did not bear any fruit. It is this action that prompted them to seek redress in court. Their main assertion was that the interfaith activities were adverse to their freedom of religion, which article 33 of the Constitution protects.

Dissatisfied with the finding of Justice Ochieng’, the learners lodged an appeal. In it they contended that the learned Judge got it wrong. According to the learners, they had brought sufficient evidence in court to demonstrate that the school had breached their freedom of religion. They also contended that the acts of the school were discriminatory, contrary to article 27 of the Constitution. In its response, the school, a Catholic sponsored institution, contended that the learners had signed on to the rules and regulations of the facility. In other words, they were aware of the Friday 7 a.m. Mass. Hence, they could not subsequently complain.

Courts in Kenya have a history of adjudicating cases with a similar fact pattern—*Seventh Day Adventist Church (East Africa) Limited v Minister of Education* [2017] eKLR and *Methodist Church in Kenya v Mohamed Fugicha & 3 others* [2019] eKLR. According to Justice Kiage, who wrote the lead judgment, aside from one of the appellants, the others had not committed themselves to the Friday Mass rule since they had not signed the rules and regulations. Consequently, those who had not signed on to the rules were exempt from their terms and conditions. The court also addressed the issue whether the students could be exempted from the Friday Mass. Put differently, were their article 32 rights breached? The Judge answered this question in the affirmative. This finding was based on the fact that the parents of the learners had informed the school in writing of their reluctance to allow their children to participate in the interfaith activities ran by the institution. According to the court (at page





19), refusal by the school to respect this objection was akin to coercing the learners to ‘abandon or forgo tenets of their faith and to adopt a religion which was not of their choice, ultimately infringing’ on their constitutional rights. In 2017 the Court of Appeal (Makhandia, Ouko and M’Inoti JJA) reached a similar conclusion in *Seventh Day Adventist Church (East Africa) Limited*.

Was the school justified in curtailing the learner’s freedom of religion? This is the final question that the court posed, and which is contained in article 24 of the Constitution. In his analysis, Judge Kiage underlined that duty bearers must consider whether there is a law limiting the right or freedom that a person has complained of. If none exists, as was the case in this instance, the restriction could not be legally justified. The court further reviewed the hardship that the school would have suffered, if it exempted the learners from its religious activities. On this ground, the court found that no evidence was led by the school to affirm this basic requirement. Consequently, the school had failed to reasonably accommodate the learners. To conclude the court found that the mandatory 30-minute Friday Mass sat uncomfortably with the Constitution.

Conclusion: Lessons Learned

Several lessons can be learned from this analysis. In the first place, the cases courts have handed down thus far affirm the principle that the freedom of religion and the right to education are fundamental in Kenya’s constitutional architecture. Hence, all duty bearers have an obligation to respect, promote and protect, not to curtail these rights and freedoms. If they fail, courts will jump in to secure these entitlements. In *Charles Sobraj v The Superintendent Central Jail Tihar New Dheli* ((1979) SCR 512 at 515 to 516) Justice Iyer of the Indian Supreme Court described this route figuratively: *Whenever fundamental rights are flouted or legislative protection ignored, to any [person’s] prejudice, this Court’s writ will run, breaking through stone walls and iron bars, to right the wrong and restore the rule of law. Then the parrot-cry of discipline will not deter, of security will not scare of discretion will not dissuade, the judicial process. For if courts “cave in” when great rights are gouged ..., where, often, dissenters and minorities are caged, Bastilles will be re-enacted.*

For courts to come on board the protection framework, an interested party must move them. Herein lies the second lesson. All stakeholders need to be aware of and exercise their fundamental rights and freedoms. Rarely will a court move on its volition to protect a right or freedom, which has supposedly been breached. Further, for faith-based institutions it is important to appreciate and, thereby, accommodate students from other denominations. It is no longer tenable to require learners who do not subscribe to the faith of the institution to confirm to its religious practices and beliefs. If they do, Judges will step in to stem such incidents. To avoid this situation, the rules set by a faith-based institution must be based on law. Put differently, the institution needs to meet the article 24 test. Towards this end, it is advisable for an institution to seek and obtain professional advice before subscribing a particular religious practice for all learners. Finally, it is in the interest of all schools to comply with the Constitution. As the record of the Kenyan Courts demonstrates, failure of follow the law has grave consequences. There is a real chance that legal action will be taken against an institution. This action alone is likely to soil the name of an institution, especially if a court eventually rules in favor of a learner. Thus far, courts have been reluctant to order schools to underwrite the costs of a suit where learners have been successful. It is uncertain whether this trend will persist. Even so, should faith-based schools not be cautious in their dealings with learners?

PARL

AILEEN YONAH-MIMA

Religious Freedom

PARL's work is multifaced and as such it works together with other church departments to advocate for public policy positions on issues in areas such as health, education, environmental protection, peaceful coexistence, women's and children's issues, the rights of prisoners, aid and development.

One of the core mandates of the Seventh Day Adventist Church is to spread the gospel all over the world and the Department of Public Affairs and Religious Liberty (PARL) is a department in church that fosters to create “favorable conditions to share the good news of freedom and to invite all to loving fellowship with God and fellow human beings. Additionally, PARL proactively and diligently works to dispel prejudices against the SDA church—its identity, message, and mission—by mingling with people, and sharing distinct Adventist insights through peaceful persuasion. Essentially, PARL works to position the Seventh-day Adventist Church and its services to a standing of credibility, trust, and relevance in the public realm.”¹

The Church strongly advocates for religious freedom for all people and has advocated for religious freedom for more than 100 years through the PARL Department. “The department of Public Affairs and Religious Liberty

¹ adventistliberty.org/what-is-parl



is organized for the main purpose of maintaining liberty among men, with particular emphasis upon liberty of conscience.” (Church Manual, p. 187). The church through PARL advocates for freedom of religion through fighting against laws that would otherwise curtail the freedom of worship of an individual or community, fighting for individuals who have been terminated because of their religion amongst others.

Its mandate is to create an environment where human rights are respected and foster the message that all human beings were created in God's own image and have the right to fellowship with him and each other without coercion whatsoever. To accomplish this the department works with various civil societies including influential people in both political and religious spheres, government officials, law makers, community leaders and human rights organizations.



The Department works to place the church in a position of high credibility, trust and relevance to the Public.

What does PARL Do?

The department's work is multifaced and as such it works together with other church departments to advocate for public policy positions on issues in areas such as health, education, environmental protection, peaceful coexistence, women's, and children's issues, the rights of prisoners, and aid and development.

PARL promotes religious liberty of all people no matter where they come from or what their belief. The Department has been involved in intervening in situations where an individual has been terminated because of their belief or facing discrimination because of their belief.

How does PARL Work?

The Department focuses on 3 areas;

1. **Diplomacy:** Maintaining a presence at the United Nations, and with other international organizations. Building and maintaining relationships with the various branches of the Government, state leaders, public officials and the diverse diplomatic communities by inviting them to visit with Adventist Church leaders.
2. **Events:** organize and take part in special events, e.g. every five years the General Conference organizes a World Congress for Religious Freedom, an event that brings together hundreds of public officials, government organizations, NGOs, lawyers, and religious leaders from around the world.
3. **Communication:** regular publishing of news reports, articles, books, an annual World Report

on Religious Freedom and a yearly Journal amongst other. The third Saturday of every January is named “Religious Liberty Sabbath” where all church members are invited to take time to remember the work of PARL and the importance of protecting and promoting this precious freedom - Religious Liberty
<https://www.adventistliberty.org/>

PARL and Public Affairs

Through the work of PARL the Adventist Church has many opportunities to meet and share about the church’s prophetic understanding, the 3 Angels message Rev 14:6-12. Further, the church has an opportunity to participate in national and international conversations and give its voice to the discussions while clearing the misconceptions that the world has about the church.

PARL and Religious Liberty

Religious liberty may be defined as the *“freedom from coercion in religious matters, by way of either compulsion or interference, in respect to one’s choice, profession, or practice of any religion (or no religion); a freedom limited only at the point of infringement on the rights of others”*.² Religious Liberty can further be said to be the foundation that allows for an individual or community to exercise their right to worship, practice their beliefs. Religious freedom is considered as one of the fundamental Human rights.

PARL has been in the forefront of championing for religious freedom through involvement in mediations—legal or political—to solve religious freedom challenges faced by different persons around the world. These challenges often include religiously based discrimination. The Church is cognizant of the fact that it is in the religious minority and sees it fit to ensure that all voices are heard. One of the church’s beliefs is fighting for the religious oppression and fighting for the freedom of all individuals to worship regardless of religious affiliation.

WHY RELIGIOUS LIBERTY

Religious Liberty started in the Garden of Eden Genesis 2:16-17 and the works of the department are base on

² www.ellenwhite.org

scriptures;

Joshua 24:15 But if serving the LORD seems undesirable to you, then choose for yourselves this day whom you will serve, whether the gods your ancestors served beyond the Euphrates, or the gods of the Amorites, in whose land you are living. But as for me and my household, we will serve the LORD.”

Matthew 4:18-22 Jesus Calls His First Disciples – 18 As Jesus was walking beside the Sea of Galilee, he saw two brothers, Simon called Peter and his brother Andrew. They were casting a net into the lake, for they were fishermen. 19 “Come, follow me,” Jesus said, “and I will send you out to fish for people.” 20 At once they left their nets and followed him...”

The Bible itself promotes religious liberty: God is a God of freedom “Whoever has the son is free indeed”

- **To maintain human dignity:** Religious liberty is based on the dignity of the human person and is an inalienable right
- **For Self Protection:** As Seventh Day Church, we are in the minority, and we have much to lose if our religious freedom is denied.
- **For prophetic understanding:** Having understood the great controversy we have to share this knowledge with the world and why religious liberty is important.
- **To remove prejudice:** Religious liberty is essential in proclaiming the right God!
- **To combat religious intolerance:** The denial of religious freedom is a frequent cause of conflict and violence. It provokes deep seated grievances and promotes instability in society. By combating religious intolerance, we demonstrate that our God is not intolerant; that His invitation for salvation is universal.
- **To promote God’s values and ideals:** By supporting religious liberty, we demonstrate God’s values and ideals in practice. It is a highly effective witness for the truth of the gospel, and as we do so, we are “a spectacle to the world, to angels and to men” (1 Corinthians 4:9)

PARL

ELD. JUDSON ORIEMA

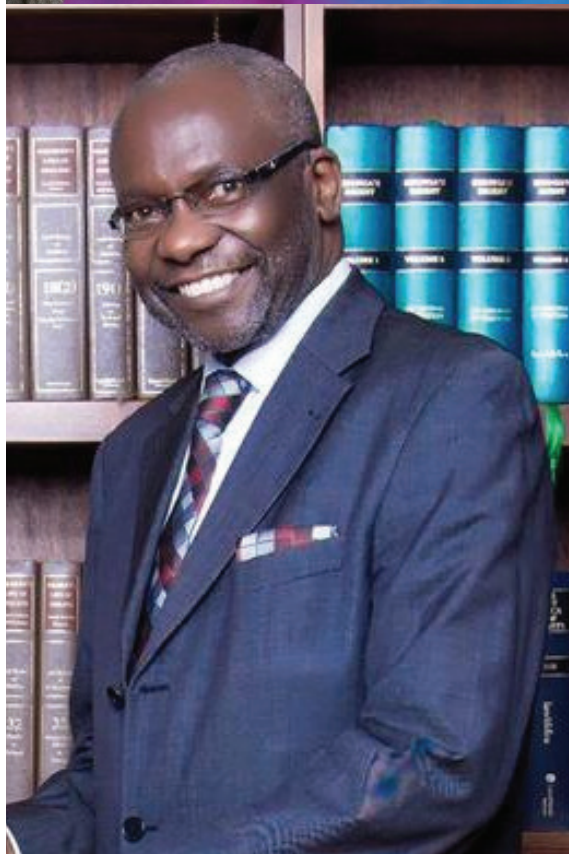
THE LAW IN KENYA AND THE SEVENTH-DAY ADVENTIST'S POSITION ON LGBTQI+

.....

Religious liberty is protected in our laws as being among the human rights and fundamental freedoms necessary to preserve the dignity of the individual, groups of persons or communities and to promote social justice and realization of the potential of human beings.

Our constitution (Kenyan) makes it a fundamental duty of the state to observe, respect, protect, promote and fulfil the human rights and fundamental freedoms in the Bill of Rights (Article 21). But the same constitution also provides for the few instances when the enjoyment of these rights and freedoms may be limited and these includes the need to ensure that the enjoyment of the rights and fundamental freedoms by any individual does not prejudice the rights and fundamental freedoms of others (Article 24).

PARL department of the SDA church has been at the forefront of defending and promoting the rights to freedom of conscience, religion, thought, belief and opinion and has used the above constitutional provisions to defend and promote the rights of the Adventists to worship on sabbath, and to be exempted from work, school and other activities taking place on the sabbath. But then should the church not uphold these rights and freedoms with regard to church member's rights to engage in practices that the church does not approve of? The emerging phenomenon of Lesbian, Gay, Bisexual, Transgender, Queer or Questioning (LGBTQI+) specifically



raises controversy both in the Kenyan legal system as well as the Adventist church.

The legal position in Kenya remains confused and confusing. On the one hand, gay and lesbian liaisons remain criminal under the provisions of sections 162, 163, 165 of The Penal Code, yet when the Non-Governmental Organizations Board declined to register an LGBTQI+ organization on that basis, a court of utmost authority in the country, the Supreme Court of Kenya (majority decision of Wilu, Wanjala and Njoki Ndungu) held that the NGO Board's decision was discriminatory and contravened the provisions of article 27(4) of the constitution, because refusing to register them amounted to convicting the persons before contravening the law. Yet the court still held that all persons, whether heterosexual, lesbian, gay, intersex or otherwise will be subject to sanctions if they contravened existing laws including sections 162, 163 and 165 of The Penal Code!

The dissenting voices of Justices Mohammed Ibrahim and William Ouko were opposed to the registration of an organization intending to champion illegal activities expressly banned by the law. It may just be pointed out that the above sections of the Penal Code criminalizes male homosexual relationships and prescribes a penalty of 7 years imprisonment! The dissenting judges must have wondered, as some of us do, that if the activities to be undertaken or promoted by the organization are prohibited by the law, what purpose would the registration if the organization serve?

The Adventist Church has not been spared the controversy and indeed some ordained ministers have resigned their position on the grounds of inability to marry their personal conviction on the issue with the church position. In referring to the church position, it is important to note that the SDA church does not have a single person sitting 'ex cathedra' and making edicts or rules for the church members to follow, but is constituency based, each conference has its constituency, so the leadership work together and do research in the background and come up with positions based on the Bible and the writings of Ellen G. White. These positions are then voted in the General Conference sessions then they are adopted.

The General Conference of the Adventist Church has launched a website (www.humansexuality.org) called Human Sexuality to help inform the Adventists and all who care to know the position of the church on the LGBTQI+ issues, and the basis for the church's position. It has been necessary for the church to be open and put its position clearly and publicly to avoid confusion

that is arising even from members of the church (both past and present) and even elders and pastors. One is perhaps aware of a group called the SDA Kinship International who are either members of LGBTQI+, or strongly support the affirmation of LGBTQI+ members. The push from the group has been for the church to affirm LGBTQI+ and to give them leadership in the church. The church has firmly resisted this, leading to the resignation of some leaders from church services.

The SDA church organized a task force specifically to look into human sexuality. Its mandate was to draw on all the resources and materials at the disposal of the church including from the Bible, biblical research institute, voted statements and other sources like E.G. White's writings to help the church members especially the younger ones to understand the Bible's position on human sexuality.

The website (www.humansexuality.org) has a wealth of researched materials on the topics of love, sex, marriage and procreation. It is designed to unveil the biblical truth concerning human sexuality and is available for all to read. There are varying re-actions to the website, but there is no denying that the comprehensive material there are helpful.

Pastor Mark Finley representing the president of the General Conference of SDA Ted Wilson has categorically said that the position of the church remains as in the Bible, that marriage is between one man and one woman. A specific publication has been produced by the General Conference reaffirming the position in the church's fundamental belief. The church holds that LGBTQI+, like other sinful tendencies, face humanity but we should strive to prayerfully resist involvement and gain God's victory over it.

The church should not conform to or be shaped by society but should itself shape and transform society by inculcating values that will improve society. LGBTQI+ Practices do not improve societal values. Change begins in the mind and once we decide that we want to change and call on the Lord to help us we will succeed.

In the nutshell, the legal position in the country remains that the LGBTQI+ activities are banned by statute, though registration of the Association has been sanctioned by the highest court. The church however has a clear position that they do not affirm the LGBTQI+ beliefs and hence cannot bless such unions nor accept openly declared members of that group into church service and leadership. Everyone is however welcome to worship and be prayed for.

PARL

REFLECTION

MODESTA NYAGAH

PUBLIC AFFAIRS AND RELIGIOUS LIBERTY SABBATH 2023

CHAMPIONS OF FREEDOM

The good news of Liberty and fellowship with **God**

COUNCIL'S DESK



The PARL Sabbath was held on 28th January 2023. The theme of the day was Champions of Freedom. The Guest Speaker of the day was Pr. Alfred Marundu, the Executive Secretary of East Kenya Union Conference. The Sermon title was 'JESUS THE FACE OF FREEDOM.'

In the Afternoon we had a panel discussion on PARL SENSITIZATION. There was a skit by the Youth Drama band focusing on challenges at work places as pertains Sabbath observance.

Public Affairs and Religious Liberty (PARL) Sabbath

Champions of Freedom


The Good News of Liberty and Fellowship with God

Theme:
**Jesus, the Face
of Freedom**

Key Text: John 8:36

Date:
28th January, 2023

Time:
Starting 8:15am EAT



Guest Speaker:
Pr. Alfred Marundu
Executive Secretary - East Kenya Union Conference



The Colour theme of the day was Navy Blue (Royalty and Authority) and Orange (Passion).

LEGAL AID DAY.

The legal Aid Day was held on 30th of April 2023. The Legal minds of Nairobi Central Church on this day gave free legal Services to members within and without the church.

The services offered were in line with what the church members had requested through a survey done using a questionnaire which was administered physically and online. The four areas of interest that were raised were; Family Law, Commercial and Corporate Law, Labour and Employment Law and Litigation.

The day had two sessions. The first one was a common Forum for all the participants and the facilitators (Legal minds). The Key note address was made by Elder Rachuonyo assisted by Elder Oriema. The address focused on the major divisions of Law and the help that can be offered.

The session was also graced by Justice Wakiaga who gave wise counsel on the importance of solving disputes out of court (as much as possible) to save time and money.

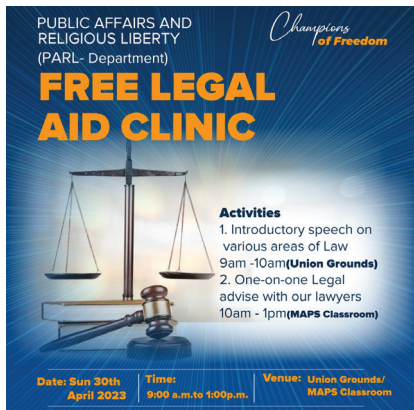
The Second session involved those who had come to seek the free legal Service breaking to the rooms that had already been labelled according to their areas of interest. All the areas of law had clients but Family Law attracted most interest.

After all was done, the Learned friends, the other PARL Council members, the Pastors present had a meal together as they made a reflection of the day.

OUTREACH AT DONHOLM SDA CHURCH.

Following our Successful PARL Sabbath which was aired on YouTube, the Donholm SDA Church PARL leaders invited us to their Church so that we could run a similar Sensitization session through a panel discussion.

We made a positive response and on 25th February 2023, all our PARL council members worshiped at Donhom Church.



After the Successful panel discussion in the afternoon, the Donholm church members fully engaged the panelists with questions on the role of PARL. The two churches promised to continue with further collaborations.

PUBLISHING.

During the PARL Sabbath, we Produced copies of a two-page leaflet focusing on the Mandate/Role of Parl.

In September 2023, we started the process of Publishing a PARL Magazine. The first Edition of this Magazine will be Launched on 27/1/2024, during the PARL Sabbath. The magazine will be available in hard copy and also E-copy.

The main Focus of the Magazine is to;

- a) Sensitize the Church members on what PARL is, its functions and how each church member can be involved.
- b) Highlight the continuing activities carried out by the Department
- c) The support PARL has given to individual members and the church as a body on Religious Liberty matters and the continuing support available.
- d) Give updates on End time occurrences, interpret prudently current trends that may reflect the climactic events of Human History in the big Picture of the Great Controversy.



2024 PARL CALENDAR OF EVENTS/ UPCOMING EVENTS.

27th January 2024

PARL Sabbath and Launching of PARL Magazine.

7th April 2024

Legal Aid Day

11th May 2024

Community Social Responsibility in Schools during Branch Sabbath School Rally.

2nd June 2024

Legal Clinic for Singles

30th June 2024

Release of the second Edition of the PARL Magazine.

28th July 2024

Corporate Social Responsibility in Prison

13th October 2024

PARL Dinner/Concert

30th November 2024

Release of Third Edition of PARL Magazine.

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Seventh-day
Adventist® Church
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