



JEHOVA'S WITNESSES
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Case manager, telephone

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Denial of state subsidies for 2021

The State Administrator refers to claims for state subsidies dated 26.02.2021, the Ministry of Children and Family Affairs' letter of 15.04.2021, our letter of 27.05.2021, and their statement in a letter of 23.06.2021.

The state administrator decided to open an investigation case and suspended the processing of claims for state subsidies in a letter dated 15.09.2021. In response to our letter, we received a statement from Jehovah Witness dated 19.11.2021.

Decision

The State Administrator denies Jehovah's Witnesses state subsidies for 2021, cf. the Religious Communities Regulations § 11 first paragraph letter a) and d), cf. the Religious Communities Act §§ 2 and 6.

The case

The state administrator has received a letter from Rolf Furuli in connection with the exclusion and expulsion of members. The Ministry of Children and Family Affairs has asked the State Administrator to assess whether Furuli's inquiry contains information of significance for the registration of and state subsidies to Jehovah's Witnesses, cf. 10.

In connection with the investigation case, we have reviewed the religious community's own statements and publications.

The legal basis

The Religious Communities Act § 2 second

paragraph The religious and philosophical communities themselves determine the conditions for membership and the procedure for registration in society. Withdrawal must always be possible in writing.

The Religious Society Act § 6 first paragraph

If a religious or philosophical community, or individuals acting on behalf of the community, commit violence or coercion, make threats, violate children's rights, violate statutory



prohibition of discrimination or in any other way seriously violates the rights and freedoms of others, society may be denied grants or grants may be curtailed. Grants may also be refused or reduced if society encourages or provides support for violations mentioned in this section.

The Faith Society Regulations § 11

The state administrator can make a decision to refuse a grant if the religious or philosophical community

- a) commits, encourages or supports violations as mentioned in the Religious Communities Act § 6 first paragraph
- b) uses the grant for purposes other than religious or philosophical purposes
- c) fails to report, reports deficient or incorrect
- d) does not comply with the law's rules for registration and deregistration
- e) has stated a significantly too high number of members or has provided other incorrect information that is important for the grant decision.

In assessing whether conditions mentioned in the first paragraph, letters a – e, shall lead to the religious or philosophical community being denied a grant, special emphasis shall be placed on measures the society has implemented to prevent such conditions. Emphasis must also be placed on how serious the relationship is and whether it appears to be intentional.

If there is a basis for refusing a grant, the grant can instead be shortened after a specific assessment. If the religious or philosophical community has systematically, persistently or intentionally committed, encouraged or supported violations mentioned in the Religious Communities Act § 6 first paragraph, grants shall nevertheless be denied in full

The European Convention on Human Rights art. 9 (EMF)

Everyone has the right to freedom of thought, conscience and religion; this right includes the freedom to change one's religion or belief,

International Convention on Civil and Political Rights art. 18 No. 2. (SP)

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation.

§ 104 third paragraph of the Constitution

Children have the right to protection of their personal integrity. The state authorities shall facilitate the conditions for the child's development, including ensuring that the child receives the necessary financial, social and health security, preferably in his or her own family.

The Convention on the Rights of

the Child art. 19 The Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or psychological violence, harm or abuse, neglect or negligent treatment, abuse or exploitation.

The State Administrator's assessment

Pursuant to section 8 of the Religious Communities Act, the State Administrator has supervisory authority over registered religious and religious beliefs philosophical society. Jehovah's Witnesses were registered with the State Administrator on 15.10.1985, and are registered until 31.12.2022 according to the transitional rules in the new Religious Communities Act § 23 second paragraph. The faith community is consequently subject to our supervision. As part of the supervisory task, we must ensure that the religious and philosophical communities fulfill their duties under the law.



On the basis of our investigations, we have concluded that Jehovah's Witnesses act in violation of the conditions for grants under the Religious Communities Act §§ 2 second paragraph and 6 first paragraph.

Free registration

The Faith Society Act § 2 second paragraph states

«The religious and philosophical communities themselves determine the conditions for membership and the procedure for registration in the community. Withdrawal must always be possible in writing ».

Furthermore, it is clear from the preparatory work for the law that members must be able to sign up unconditionally and without obstacles on the part of the religious community.¹ This is rooted in the right to religious freedom, including ECHR art. 9 and SP art. 18 no. 2. Such an interpretation as the preparatory work proposes also corresponds with interpretative statement from the UN Human Rights Committee.²

Jehovah's Witnesses have previously described their exclusionary practice in a letter dated 04.03.2021 to the Ministry of Children and Family Affairs by the then Minister Kjell Ingolf Ropstad. The letter was attached to the statement of Jehovah's Witnesses received here 23.06.2021. The letter asks "whether Jehovah's Witnesses are trying to avoid those who no longer belong to the denomination." In their answer it is stated that:

"Those who have been baptized as Jehovah's Witnesses but who no longer preach to others and who may also have stopped coming together with their fellow believers, we do not stick away from.

One who violates the moral standards of the Bible is not automatically excluded. But if a baptized Jehovah's Witnesses make it a habit to break the moral standards of the Bible and do not want to change he or she is excluded, and we stay away from him or her. This practice is based on Bible teaching. All of Jehovah's Witnesses agree to abide by these standards when they make a wise choice to be baptized. " (letter to Ropstad 04.03.21)

However, the book Organized to Do Jehovah's Will states that a member who has chosen to resign is treated in the same way as an excluded person:

The phrase "withdrawing" means that a baptized Jehovah's Witness deliberately refuses to acknowledge a Christian position by declaring that he no longer wishes to be known as one of Jehovah's Witnesses. Or he may relinquish his place in the Christian congregation by his actions, for example, by becoming part of a secular organization that has purposes that are contrary to the Bible and therefore condemned by Jehovah God.

However, if a Christian chooses to withdraw, the congregation is briefly told: "[The person's name] is no longer one of Jehovah's Witnesses." Such a person is treated in the same way as someone who is excluded. " 3

The consequence of leaving the church is that the person in question is no longer allowed to have contact with family and friends in the congregation. The faith community is clear that members should not have contact with excluded members.⁴ As we see in the section above, this also applies to members who have

¹ Prop. 130 L (2018-2019) Chapter 24 Comments on the individual provisions, *Comments on the Religious Communities Act § 2*.

² CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion) section 5.

³ Organized to Do Jehovah's Will, pp. 152-153

⁴ Organized to Do Jehovah's Will, 150 and Stay in God's Love 39-41



withdrew. This practice can cause members to feel pressured to remain in the faith community.

In the Rate Administrator's assessment, the practice is an obstacle to the members' right to free withdrawal, and in violation of the Religious Communities Act § 2 second paragraph. According to the religious community regulations § 11 d). this may provide grounds for denying the denomination a grant.

Exclusion of Minority Baptized Publishers In a letter from

the ministry, the Attorney General was asked to take a closer look at the exclusionary practice of children of Jehovah's Witnesses. In a letter to the then Minister for Children and Families, Kjell Ingolf Ropstad, dated 04.03.2021, the society has explained how society treats a minor baptized preacher who violates society's rules.

"If a baptized Jehovah's Witness, regardless of age, makes it a habit to break the moral standards of the Bible and does not repent, the same practice applies as mentioned earlier."

In the quotation above, Jehovah's Witnesses refer to the practice of exclusion described earlier in the same letter.

The book "Organized to Do Jehovah's Will" explains how baptized minors are treated:

"When baptized minors commit serious sins, the elders should be notified. When the elders deal with cases of serious sins committed by a minor, it is best that the young person's baptized parents are present. They should cooperate with the sentencing committee and not try to shield the young offender from necessary disciplinary measures. The sentencing committee will step in to reprimand him and raise him up again, as they do when dealing with cases involving adult offenders. But if the minor does not repent, he will be excluded."⁵

A decision on exclusion is made by the Elders' Council in the congregation. An exclusion means that the person is no longer considered a Jehovah's Witness. This decision is notified to the congregation where the person is a member, and the congregation is told to stop "associating with the person".

Society describes exclusion as a "strong form of correction" ⁶

We will consider whether the exclusion of underage baptized publishers violates the Religious Communities Act § 6.

Pursuant to section 6 of the Religious Communities Act, religious communities that violate children's rights, encourage or provide support for such violations, may be refused a subsidy. In the preparatory work for the Religious Societies Act § 6, negative social control of children is used as an example of a violation of children's rights that may provide grounds for refusing grants.⁷

The state administrator understands the concept of negative social control as various forms of supervision, pressure, threats and coercion that are exercised to ensure that individuals live in line with the family or group's norms.

The control is characterized by the fact that it is systematic and can violate the individual's rights in accordance with, among other things, the Convention on the Rights of the Child and Norwegian law.⁸

⁵ Organized to Do Jehovah's Will, pp. 154-155

⁶ Stay in the Love of God pp. 39-41.

⁷ Prop. 130 L (2018-2019) Chapter 24 Comments on the individual provisions, *Comments on the Religious Communities Act § 6*.

⁸ See the Government's action plan against negative social control forced marriage and female genital mutilation (2017-2020) p. 12)



The faith community itself describes this practice as a strong form of correction. Children in the congregation must follow a number of rules, and the consequence of not following them is to be rejected by the congregation, including in isolation from family and friends who are told not to associate with the excluded.

It is stated in their report of 19.11.2021 in section 19 that the family bond does not end upon exclusion, as long as they live in the same household. However, we understand that the child can not have contact with other close family (including grandparents, aunts, uncles and cousins) or friends.

This comes as a reaction to the fact that the child has broken the religious community's own rules. We believe that this can be experienced as pressure or coercion to make children behave in a certain way. We therefore consider the consequence of breaking the rules to be a form of punishment.

On this basis, the exclusion of baptized minor members can be regarded as negative social control and a violation of children's rights under the Religious Communities Act § 6. According to the Religious Society Regulations § 11 first paragraph a) this may provide grounds for denying the religious community grants.

Exclusion, social isolation of unbaptized minors (unbaptized preacher)

Children who have not yet been baptized but who are members of the congregation may be granted the status of "unbaptized publisher." If an unbaptized preacher commits a serious sin, these children too can be "excluded." from the community in the congregation. The child is not excluded, but the congregation is told that they should be careful about dealing with the child.

The book Organized to Do Jehovah's Will states the following about unbaptized minors:

"Children can also be qualified to preach the good news.

....

"It would be appropriate for one of the parents to contact one of the elders in the ward service committee to discuss whether the child is qualified to be a publisher. The coordinator of the elders' council arranges for two elders (including one who is on the service committee) to have a meeting with the child and its believing parent (parents) or guardian. If the child has a basic knowledge of the truth of the Bible and shows that he wants to participate in the ministry, this indicates good progress. After considering these and other factors similar to those of adults, the two elders may decide whether the child can be recognized as an unbaptized publisher. "

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Furthermore, society's handling of the fact that an unbaptized preacher has committed a "serious sin" is explained:

"If an unbaptized offender does not repent after two elders have met with him and tried to help him, it is necessary to inform the congregation. A brief statement is made that reads: "[The person's name] is no longer recognized as an unbaptized publisher." The church will then regard the offender as a worldly person. Even if he is not excluded, Christians will be careful to associate with him. (1 Corinthians 15:33) The congregation will not accept any field service reports from him. "

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The state administrator considers that this practice can also be regarded as negative social control. We consider social isolation as a form of punishment against the child. We believe this is a violation of children's rights under the Religious Communities Act § 6. According to the Religious Society Regulations § 11 first paragraph a) this may provide grounds for refusing the religious community subsidy.

⁹ Organized to Do Jehovah's Will, pp. 76-77

¹⁰ Organized to Do Jehovah's Will, pp. 154-155



Whether the grant should be denied

We have concluded that Jehovah's Witnesses have violated sections 2 and 6 of the Religious Communities Act, and on this basis the religious community may be refused a grant in accordance with section 11 of the Religious Communities Regulations. Pursuant to section 11, second and third paragraphs, of the Religious Communities Regulations, the State Administrator shall assess whether the conditions are serious and whether they are intentional.

The preparatory work points out that, as a general rule, subsidies must be refused when the offenses appear to be systematic and intentional.¹¹

We believe that the offenses, which violate both the right to religious freedom and children's right to protection against violence, are to be regarded as serious. The mentioned practices are documented in books and in study articles published by the religious community. The faith community has also written down detailed rules for how a judicial committee works and how the committee is to decide questions of exclusion.

¹² The practice is systematically followed up by the religious community, and is communicated to the members in several channels. Against this background, we find that the offenses appear to be intentional.

After a specific assessment, we find that grants shall be refused, cf. the Religious Communities Regulations § 11, cf. the Religious Societies Act § 6.

About shortening

Pursuant to section 11, third paragraph, of the Religious Community Regulations, the State Administrator shall assess whether there may be grounds for shortening the subsidy, instead of denying the subsidy in full. If the faith community systematically, persistently or intentionally committed, encouraged or supported violations mentioned in the Religious Communities Act § 6 first paragraph, grants shall nevertheless be denied in full.

We find no basis for shortening. The subsidy is denied in its entirety, cf. the Religious Society Regulations § 11 third paragraph.

On the relationship to the right to religious freedom

In your letter dated 19.11.2021, you explain why you believe your exclusionary practice is protected by the right to religious freedom. We would therefore like to remind you that the Religious Communities Act is a subsidy law, where the state has set certain conditions for religious communities to be able to receive public financial support. The state is free to choose how one wants to support religious communities, and has no positive obligations under ECHR art. 9 with regard to grants.¹³ The EMD has also stated that access to financial support ("additional funding") does not affect the individual's access to express ("manifest") their religion. ¹⁴

The purpose of the Religious Communities Act § 6 is to protect the rights and freedoms of others. The conditions for grants shall not be a means of limiting the room for maneuver for the religious and philosophical communities when it comes to different theological views and values. As the clear starting point, there should be room for different perceptions of what is the moral or value "right" or preferred. Therefore, the right to refuse a grant is limited to such violations as mentioned in the provision. ¹⁵

¹¹ Prop. 130 L (2018-2019) Chapter 24, *Comments on the Religious Communities Act § 6 first paragraph*.

¹² Shepherd God's flock (The Elder Book)

¹³ Prop. 130 L (2018-2019) Chapter 5.2.4

¹⁴ EMD-2008-22897, section 31

¹⁵ Prop. 130 L (2018-2019) Chapter 17.5 pp. 192



Right of

appeal This decision can be appealed to the Ministry of Children and Family Affairs within 3 weeks, after it has been received. Any complaint must be sent to the State Administrator. To send a complaint, the community uses the attachment function: "Submit additional information" in the digital solution, and then selects "Appeal against decision".

Sections 18 and 19 of the Public Administration Act contain the regulations on viewing the case documents.

With regards

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section chief

The document is electronically approved