

# Jehovas vitner

REGISTERED FAITH COMMUNITY

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17 February 2022

THE STATE ADMINISTRATOR IN OSLO AND VIKEN  
POST BOX 325  
1502 MOSS

**Their ref: 2021/8021, refusal of state subsidies for 2021**

We refer to your letter dated 27 January 2022 in which you informed us of your decision to refuse state subsidies to the religious community.

The letter mentions that the decision can be appealed to the Ministry of Children and Family Affairs within 3 weeks after it has been received, and that a possible! complaint must be sent to the State Administrator via the digital solution. We have subsequently received confirmation by telephone that the deadline for timely submission of a complaint is 17 February 2022. We therefore consider this complaint to be timely.

With this letter, we want to appeal the decision. Attached is the complaint itself together with relevant appendices.

We look forward to the further assessment of the complaint and will, for the sake of order, ask you to confirm that you have received the complaint.

With best regards



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Jørgen Pedersen

*Jehovah's Witnesses*

Registered religious community

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**INTRODUCTION**

1. This complaint concerns the State Administrator's decision of January 27, 2022 to deny the religious community Jehovah's Witnesses state subsidies, which the religious community has received uninterruptedly for decades. The state administrator's decision was based on an investigation that was conducted on the basis of inquiries from two, possibly three, dissatisfied former Jehovah's Witnesses. The decision is based solely on an unlawful examination of the biblical and religious beliefs and practices of Jehovah's Witnesses. The religious community is not aware that the state administrator has examined the beliefs and practices of other religious communities in a similar way.

2. Most religions probably base their beliefs and practices on sacred scriptures that may be difficult to understand from the context of those who are not affiliated with this faith. For example, some would argue that the Mosaic Law's requirement of "eye for an eye" seems to give the right to retaliation, something most Christians today would probably find unacceptable. The fact is that religious freedom gives the religious community the right to interpret its own holy scriptures, and not the secular authorities. The state administrator would otherwise assume the position of supreme religious authority for all denominations applying for grants. Unfortunately, that is what the State Administrator has done in the case of Jehovah's Witnesses.

3. The State Administrator's decision is therefore contrary to the law and violates the fundamental rights and freedoms of Jehovah's Witnesses under Sections 16 and 101 of the Constitution and the European Convention on Human Rights (ECHR) Articles 6, 9, 11, 14 and the First Additional Protocol 1 Article 1.

4. It is worth noting that the European Court of Human Rights (ECHR) has repeatedly affirmed that Jehovah's Witnesses are a "known religion"<sup>1</sup> with "an active presence in many countries worldwide, including all European States."<sup>2</sup> The ECHR has made more than 65 decisions in favor of Jehovah's Witnesses, confirming that their religious practices are lawful. More specifically, the ECHR affirmed the right of Jehovah's Witnesses: (1) to share their faith with others; (2) to use religious literature; (3) to meet for worship; (4) to build religious buildings for worship; (5) to choose medical treatment in accordance with their religious conscience; (6) to conscientious objections to military service and alternative civilian service; (7) to be protected from violent and discriminatory attacks by individuals or the state; (8) to freedom of assembly; and (9) not to be discriminated against and discriminated by.

5. The UN Human Rights Committee has issued more than 25 decisions in favor of Jehovah's Witnesses, recognizing, inter alia, their right to: (1) share their faith with others; (2) to use and distribute their religious literature; (3) to meet for worship; and (4) to choose alternative civilian service instead of compulsory military service.

6. There is, therefore, a large body of evidence that the beliefs and practices of Jehovah's Witnesses are in no way contrary to the law. These beliefs and practices, on the other hand, are protected by Article 9 of the ECHR and Article 18 of the Norwegian Human Rights Act.

## **A. FACTS**

### **a. Overview of previous case assessment**

7. In 1999 and in 2012, the County Governor examined the religious exclusion practices of Jehovah's Witnesses in connection with evaluating the basis for both state registration and state subsidies. Both times the County Governor concluded that the exclusionary practice was in accordance with the law. (Appendices 1 and 2)

8. The former Minister of Church Affairs, Education and Research later confirmed: "We do not see that the expulsion practice is in violation of the registration conditions or that it can be characterized as a gross error or negligence. The exclusionary practice of Jehovah's Witnesses is not affected by the provisions of the law on religious communities. Consequently, the county governor has no authority to withhold the subsidy. " (Appendix 3)

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<sup>1</sup> *Kokkinakis v. Greece*, no. 14307/88, 25 May 1993, para. 32; *Manoussakis and Others v. Greece*, no. 18748/91, asvn. 40, September 26, 1996.

<sup>2</sup> *Religious Community of Jehovah's Witnesses and Others v. Austria*, no. 40825/98, § 98, 31 July 2008; ECHR, *Jehovah's Witnesses of Moscow and Others v. Russia*, no. 302/02, para. 155, 10 June 2010.

9. On August 21, 2019, the Ministry of Children and Family Affairs wrote to the then County Governor in Oslo and Viken and asked the County Governor to assess the basis for the state subsidy for Jehovah's Witnesses. (Appendix 4). The background for this inquiry was media reports where it was claimed that people in the religious community risk being excluded from their family and their circle of friends if they vote in political elections. It was a disgruntled former Jehovah's Witness who had taken the initiative for these media reports.
10. On September 11, 2019, the County Governor wrote to Jehovah's Witnesses requesting comments on the ministry's letter. (Appendix 5)
11. On October 18, 2019, Jehovah's Witnesses gave their comments to the County Governor. (Appendix 6)
12. On November 18, 2019, the County Governor ruled that Jehovah's Witnesses should continue to be eligible for state aid under the Religious Society Act and otherwise. (Appendix 7). The county governor concluded that "abstaining from this right [to vote] seems to be part of the well-known faith base of Jehovah's Witnesses - and presumably accepted by those who still choose to be members of the faith community." The county governor could therefore not find any "legally sound basis for withdrawing state aid in accordance with current legislation". The county governor apparently also acknowledged that Jehovah's Witnesses voluntarily choose to accept the teachings of the faith community.
13. On April 15, 2021, the Ministry of Children and Family Affairs wrote to the State Administrator again asking the State Administrator to consider the religious exclusionary practice of Jehovah's Witnesses in relation to registration and state subsidies. (Appendix 8). The investigation was launched following a letter from the same dissatisfied former Jehovah's Witness. He based his complaint almost exclusively on his theological interpretation of excerpts from selected religious publications published by Jehovah's Witnesses.
14. On May 27, 2021, the State Administrator asked Jehovah's Witnesses to comment on the ministry's letter and the attached complaint. (Appendix 9)
15. On June 22, 2021, Jehovah's Witnesses made their comments to the Head of State. (Appendix 10)
16. In a letter dated September 15, 2021, the State Administrator wrote that they had opened an investigation and put the assessment of Jehovah's Witnesses' claims for state subsidies on hold. (Appendix 11). At the same time, the State Administrator asked Jehovah's Witnesses to comment on three e-mails, which filled over 15 pages, from: (1) "NN", an anonymous sender, (2) Jan Frode Nilsen, formerly one of Jehovah's Witnesses and (3) Rolf Furuli, also formerly one of Jehovah's Witnesses (and the one who filed the complaint mentioned above). The emails criticized several of Jehovah's Witnesses' beliefs and practices, mostly referring to small excerpts from Jehovah's Witnesses' religious publications. The emails referred to hypothetical scenarios but did not contain factual information about real events.
17. On October 4, 2021, Jehovah's Witnesses asked the State Administrator to clarify which statement(s) in the emails were under investigation, in order to provide a meaningful answer. (Appendix 12)
18. In a letter dated October 25, 2021, the State Administrator wrote that they had "considered that there is a need to investigate the religious community and whether information we have become aware of may have an impact on the religious community's registration and claims for grants." (Appendix 13) No further information was provided on the legal or factual basis for the investigation. Therefore, Jehovah's Witnesses did not know which questions were most relevant to the Governor's assessments.

19. However, in a letter dated November 19, 2021, Jehovah's Witnesses commented on the various questions raised by dissatisfied former Witnesses. (Appendix 14)

20. On January 27, 2022, the State Administrator made a decision to deny Jehovah's Witnesses state subsidies. (Appendix 15) It turned out that several of the questions raised by the dissatisfied former Jehovah's Witnesses, including the use of voting rights and decisions on medical treatment, were not relevant to the State Administrator's decision. The State Administrator's decision focuses on (1) withdrawing from the denomination (withdrawal), (2) exclusion of minors baptized Jehovah's Witnesses, and (3) the fact that minors may lose their status as "unbaptized publishers."

**b. The religious beliefs and practices of Jehovah's Witnesses regarding baptism, exclusion, and expulsion**

21. Jehovah's Witnesses provide an overview of the religious beliefs and practices that are relevant in this case. This overview is provided as background information to help the ministry decide on the legal issues involved.

22. The religious community does not ask this ministry to evaluate or comment on our religious beliefs or practices, which would be contrary to Article 9 of the European Convention on Human Rights (see paragraphs 118 to 122 below).

*i. Baptism*

23. There are over 8.6 million Jehovah's Witnesses worldwide in 240 countries. This includes the more than 12,000 witnesses who are in Norway.

24. Jehovah's Witnesses are committed to living in harmony with the Bible. They place great emphasis on following the Bible's two most important commandments: "You shall love Jehovah your God with all your heart and with all your soul and with all your mind," and "You shall love your neighbor as yourself." (Matthew 22:37-39). Because Jehovah's Witnesses follow these two commandments, their beliefs and practices are based on a personal relationship with God and a conviction that they are accountable to God.

25. Jehovah's Witnesses respect every person's right to decide what religious beliefs he or she wants, if any. Similarly, every human being has a fundamental right to change religion if he or she decides to do so. Each person makes their own choices when it comes to religion. (Joshua 24:15) Jehovah's Witnesses believe that those who worship God must do so willingly, wholeheartedly. (Psalm 110: 3; Matthew 22:37) Therefore, Jehovah's Witnesses do not impose their beliefs on anyone. On the contrary, Jehovah's Witnesses believe that humans are free to acquire knowledge so that they can make informed choices. (Appendices 16, 17 and 18)<sup>3</sup>

26. Accordingly, Jehovah's Witnesses do not force or pressure their children to adopt their faith. Whether one wants to worship God and if so how, are personal decisions. (Romans 14:12). Therefore, Jehovah's Witnesses do not practice infant baptism. Parents who are Jehovah's Witnesses teach their children Bible principles, but as the children grow older, each one must decide whether he or she will become one of Jehovah's Witnesses. — Romans 12: 2; Galatians 6: 5 (Appendix 19)<sup>4</sup>

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<sup>3</sup> "Do Jehovah's Witnesses Pressure People to Change Religions?", <https://www.jw.org/en/jehovahs-witnesses/faq/change-religion/>; "How Do I Become One of Jehovah's Witnesses?", <https://www.jw.org/en/jehovahs-witnesses/faq/how-to-become-jehovahs-witness/>; [All True Christians Are Evangelizers](#) - Watchtower ONLINE LIBRARY (jw.org)

<sup>4</sup> "Do Jehovah's Witnesses Force Their Children to Adopt Their Faith?", <https://www.jw.org/en/jehovahs-witnesses/faq/jw-children-accept-faith-preach/>

27. A person cannot become a baptized Jehovah's Witness in an act of impulse. When a person, regardless of age, chooses to be baptized as one of Jehovah's Witnesses, there will always be an informed personal choice. The article "The Christian Baptism — The Requirements That Must Be Fulfilled" in The Watchtower of April 1, 2006 (pp. 27–28) explains:

"Are children in a position to make an intelligent dedication? The Scriptures give no age requirements for baptism. Still, infants certainly could not become believers, exercise faith, or make a dedication to God. (Acts 8:12) Regarding first-century Christians, historian Augustus Neander states in his book *General History of the Christian Religion and Church*: "Baptism was administered at first only to adults, as men were accustomed to conceive baptism and faith as strictly connected." In the case of youths, some develop a measure of spirituality at a relatively tender age, while others take longer. Before getting baptized, however, a youngster should have a personal relationship with Jehovah, a sound understanding of the fundamentals of the Scriptures, and a clear comprehension of what dedication involves, as is the case with adults."

28. Before praying to be baptized, it is important to be sure that you are ready to be baptized. This is repeatedly emphasized in the religious publications of Jehovah's Witnesses, and it is also often discussed at congregation meetings. For example, the Watchtower of March 2016 (pp. 5–6), in the article "Young Ones – Are You Ready to Get Baptized?" stated that it is important that the young people are sure that they are mature enough before they choose to be baptized:

"Of course, no one is perfect; young people as well as adults make mistakes from time to time. (Eccl. 7:20) Still, as you are considering baptism, it would be wise to analyze to what extent you are resolved in your heart to stick to Jehovah's standards. How could you measure the strength of your resolve? Ask yourself, 'What is my track record of adhering to God's standards?' Give thought to the way you have reacted to recent tests of faith. Have you demonstrated that you have the discernment needed to distinguish right from wrong? What if, like Daniel, you are treated as special by someone in Satan's world? Are you able to "keep perceiving what the will of Jehovah is" even when God's will conflicts with what you are tempted to do?—Eph.5:17.

Why do we raise these frank questions? They are meant to help you put baptism in the right perspective. As mentioned earlier, baptism symbolizes that you made a solemn promise to Jehovah himself. You promise that you will love him and serve him forever with your whole heart. (Mark 12:30) Everyone who gets baptized should be determined to follow through on his promise.—Read Ecclesiastes 5:4, 5.

[...]

The Bible says that Jehovah's people, including young ones, "will offer themselves willingly" for his service. (Ps.110:3) So a person who is contemplating baptism needs to be sure that this is his or her personal desire. That might call for self-scrutiny on your part. Why? Because your circumstance as a youth may be somewhat special. For example, you may have been raised in the truth.

Over the years, you have likely seen many people get baptized—including some of your peers and perhaps even your siblings. If that is indeed your situation, what should you be careful about?

Be alert that you do not come to view baptism as little more than a coming-of-age custom that all young people follow sooner or later. What can you do to make sure that you will keep the right view of Jehovah's arrangement of baptism? Take time often to stop and think about the reasons why getting baptized is so important. In fact, you can find several good reasons in this article and in the next.

There are ways in which you will be able to discern whether your decision to get baptized comes from your heart. For example, your heartfelt desire to serve Jehovah will be reflected in your prayers. How often you pray and how specific your prayers are may well reveal how close your relationship with Jehovah is. (Ps.25:4) An important way that Jehovah answers our prayers is by directing our attention to his Word. Thus, our effort to study the Bible is yet another indication that we really want to draw closer to Jehovah and serve him from the heart. (Josh.1:8) So ask yourself: 'How specific are my prayers? How regular is my personal study of the Bible?' And if your Christian family has a Family Worship evening, ask yourself: 'Do I willingly share in that family arrangement?' Your answers to these questions will help you to see whether your decision to get baptized is your personal desire."

29. Before being baptized, one should also have completed the interactive Bible course (Appendix 20)<sup>5</sup> offered by Jehovah's Witnesses to all who wish to become one of Jehovah's Witnesses. This course includes 60 lessons. Lesson 23 is about baptism. During the review of this lesson, the student and the Bible teacher will discuss the chapter "Should I Get Baptized?" (Appendix 21)<sup>6</sup> in the book, *Young People Ask – Questions That Work*, where it says:

"If your friends are getting baptized, that means you're ready for baptism too. False. The decision to be baptized needs to come from your own willing heart. (Psalm 110:3) You should be baptized only when you're fully aware of what being one of Jehovah's Witnesses involves and when you're sure that you're ready to take on this responsibility.—Ecclesiastes 5:4, 5." <sup>7</sup>

30. When a person has completed the Bible study and wants to be baptized and live as one of Jehovah's Witnesses, he or she will inform the congregation elder about this. A teenager will normally first talk to their parents about their decision. If the parents think that the son or daughter is not mature enough, they can advise him or her to wait. Otherwise, the young person and the parents will inform the congregation elder about the young person's desire to be baptized.

31. In each congregation, there is a council of elders that advocates for the spiritual needs of the congregation. The elders perform a variety of religious duties, including conducting the congregation's religious meetings and attending to the spiritual needs of those who belong to the congregation. (Isaiah 32: 1, 2; 1 Peter 5: 2, 3; James 5: 13-15) They are not paid for the service they perform. The biblical qualifications of the elders are described in the Bible in 1 Timothy 3: 1-7 and Titus 1: 5-9. (Appendix 22)<sup>8</sup> The elders do not control the faith of the individual Jehovah's Witness. - 2 Corinthians 1:24; Galatians 6: 5; James 5:14.

32. Before a person can be baptized as one of Jehovah's Witnesses, the elders will provide him with the Religious Handbook *Organized to Do Jehovah's Will*, which summarizes Jehovah's Witnesses' major beliefs and practices. The elders will have several meetings with the person who wants to be baptized, to make sure

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<sup>5</sup> [Enjoy Life Forever!—An Interactive Bible Course](#)

<sup>6</sup> [Should I Get Baptized | Young People Ask \(jw.org\)](#)

<sup>7</sup> "Whenever you make a vow to God, do not delay to pay it, for he finds no pleasure in the stupid ones. What you vow, pay. Better for you not to vow than to vow and not pay."

<sup>8</sup> "Overseers to Shepherd the Flock" <https://wol.jw.org/en/wol/d/r1/lp-e/1102014935>

he or she understands the basic teachings of the Bible, lives by the moral standards of the Bible, and is aware of and accepts the personal responsibility that comes with being one of Jehovah's Witnesses. If the person is a young person, the elders will also make sure that the decision is well thought out and voluntary, and that it is not due to pressure from parents or friends. It is not uncommon for the elders to conclude that a youth is not yet ready for baptism. If the candidate does not meet the biblical qualifications to be baptized, the elders will arrange for him or her to be offered personal assistance so that he or she can qualify for baptism at a later date.

33. A person becomes one of Jehovah's Witnesses when he or she is baptized.

34. Becoming one of Jehovah's Witnesses is not always an easy decision. When someone begins to associate with Jehovah's Witnesses, his or her family, neighbors, or colleagues may restrict or break contact with them. Some have even experienced violent resistance. (Appendix 23)<sup>9</sup> Because of this opposition, some choose not to become Jehovah's Witnesses. On the other hand, many decide to become one of Jehovah's Witnesses even though they may face harassment or opposition. Their decision will be a free and carefully considered choice.

*ii. Disfellowshipping and avoiding contact with the disfellowshipped*

35. The main task of the elders is to take the lead in arranging religious meetings and to give comfort and support to those who are affiliated with the congregation. If a member of the congregation decides to stop living by the moral standards of the Bible and commits a serious sin, the body of elders will ask two elders to try to give him loving spiritual help. Their goal is not to criticize the person. They sincerely want to help them regain their spirituality. —Jacob 5: 14-16.

36. In the biblical sense, if the elders determine repentance of a serious sin, he or she will continue to be one of Jehovah's Witnesses. If he or she does not repent, the decision will be made that he or she will no longer qualify as one of Jehovah's Witnesses. This is known among Jehovah's Witnesses as "disfellowshipping." This simple statement is given to the congregation: "[The person's name] is no longer one of Jehovah's Witnesses." No other details are given to the congregation.

37. When a person is disfellowshipped, it is up to each individual in the congregation to use his or her personal religious conscience to decide whether or not to limit contact or completely avoid contact with that person. This is a religious practice that can be dated all the way back to the Christians in the first century. The English historian Edward Gibbon wrote about why expulsion closer to the time of the apostles was sensible and appropriate: "It is the undoubted right of every society to exclude from its communion and benefits such among its members as reject or violate those regulations which have been established by general consent. . . . The consequences of excommunication were of a temporal as well as a spiritual nature. The Christian against whom it was pronounced, was deprived of any part in the oblations of the faithful. The ties both of religious and of private friendship were dissolved:" (Gibbons, 1999, pp. 295-296)- 1 Corinthians 5: 11-13; 2 John 1: 9–11

38. Even if the spiritual ties to the congregation are broken, one can exclusively attend the congregation's religious meetings, participate in singing religious songs during those meetings, receive religious publications, and have conversations with elders for spiritual guidance. A disfellowshipped person may also ask to be reinstated in the congregation and to be recognized as one of Jehovah's Witnesses.

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<sup>9</sup> See for example: <https://wol.jw.org/en/wol/d/r1/lp-e/2021326>



39. The "religious ties" between the disfellowshipped and "his family change, but the blood ties remain. The marriage relationship and normal family affections and dealings continue". In other words, normal family connections and togetherness in the household continue. (Appendix 24)<sup>10</sup>

*iii. Withdrawal from the religious community*

40. A person can withdraw or distance himself from Jehovah's Witnesses at any time. This is clearly explained in the online article "Can a Person Resign From Being One of Jehovah's Witnesses?", Which is available on the official website of Jehovah's Witnesses, jw.org. (Appendix 25)<sup>11</sup> It reads as follows:

**Can a Person Resign From Being One of Jehovah's Witnesses?**

Yes. A person can resign from our organization in two ways:

By formal request. Either orally or in writing, a person can state his decision that he no longer wants to be known as one of Jehovah's Witnesses.

By action. A person can take an action that places him outside our worldwide brotherhood. (1 Peter 5:9) For example, he might join another religion and make known his intention to remain part of it.—1 John 2:19.

**What if a person no longer preaches or attends your meetings? Do you view that person as having resigned?**

No, we do not. Resigning, or disassociating oneself, is different from becoming weak in faith. Often, those who for a time slow down or stop in their worship have not abandoned their faith but are suffering from discouragement. Rather than shunning such ones, we try to give them consolation and support. (1 Thessalonians 5:14; Jude 22) If the person wants help, congregation elders take the lead in providing spiritual assistance.—Galatians 6:1; 1 Peter 5:1-3.

However, the elders are not authorized to coerce or pressure someone to remain as one of Jehovah's Witnesses. Each person makes his own choice regarding religion. (Joshua 24:15) We believe that those who worship God must do so willingly, from the heart.—Psalm 110:3; Matthew 22:37.

41. It seems that the State Administrator has not understood the difference between one who withdraws from the religious community and one who becomes weak in the faith, becomes less active, or stops participating in worship. A baptized Jehovah's Witness who stops attending congregation activities (such as congregation meetings or preaching) will not be considered a withdrawn person, and those in the congregation will not avoid contact with him or her.

42. On the other hand, one who voluntarily chooses to relinquish his spiritual status as one of Jehovah's Witnesses by formally withdrawing will be respected for his decision, and it is up to each individual affiliated with the congregation to use his personal religious conscience to determine if they want to limit or completely avoid having contact with that person. ? No other details are disclosed to the congregation. (1 Corinthians 5:11-13; 2 John 1:9-11). As when someone is disfellowshipped, a brief statement will be given in the congregation that "[the person's name] is no longer one of Jehovah's Witnesses." No other details are disclosed to the congregation.

43. A person who withdraws thus clearly shows by his words or actions that he or she has deliberately chosen to relinquish or renounce his status as one of Jehovah's Witnesses. (Annexes 26 and 27)<sup>12</sup>

44. Even if a person withdraws, breaking the spiritual ties with the congregation, he or she may still attend the congregation's religious meetings, participate in singing religious songs during those meetings, receive

<sup>10</sup> "Do Jehovah's Witnesses Shun Those Who Used to Belong to Their Religion?", <https://www.jw.org/en/jehovahs-witnesses/faq/shunning/>

<sup>11</sup> "Can a Person Resign From Being One of Jehovah's Witnesses?", <https://www.jw.org/en/jehovahs-witnesses/faq/resign/>

<sup>12</sup> Disfellowshipping – How to View It — Watchtower ONLINE LIBRARY (jw.org) (paragraphs 13-16); [Questions from readers — Watchtower ONLINE LIBRARY \(jw.org\)](#)

religious publications, and have conversations with elders for spiritual guidance. One who has withdrawn may also ask to be reinstated in the congregation and to be recognized again as one of Jehovah's Witnesses

45. The "religious ties" between a person who has withdrawn and the "family change, but the blood ties remain. The marriage relationship and normal family affections and dealings continue." In other words, normal family connections and togetherness in the household continue. (Appendix 24)<sup>13</sup>

46. To summarize: The free will of the individual is fundamentally important to Jehovah's Witnesses. A person is completely free to leave Jehovah's Witnesses whenever he or she so desires. When a person withdraws or is disfellowshipped, it is always a matter of making a conscious choice not to follow the biblical beliefs and practices of Jehovah's Witnesses. Each year, thousands of people worldwide choose to be baptized as Jehovah's Witnesses. Every year, thousands also choose to leave the faith, and they are not prevented from doing so. The two or possibly three dissatisfied former Witnesses who have complained about Jehovah's Witnesses represent a small minority. They in no way represent all those who have peacefully broken their bonds with the church.

## **B. LEGAL STATEMENTS**

47. The State Attorney's decision to deny Jehovah's Witnesses state subsidies pointed to three grounds for the decision:

- a. Firstly, that Jehovah's Witnesses are not free to resign from the religious community, which is contrary to the Religious Communities Act § 2 second paragraph and the Religious Community Regulations § 11 letter d).
- b. Secondly, that the disfellowshipping of underage baptized preachers is a form of "negative social control", which is a violation of children's rights under the Religious Communities Act § 6 and the Religious Society Regulations § 11 first paragraph letter a).
- c. Thirdly, that alleged "disfellowshipping, social isolation of unbaptized minors (unbaptized preacher)" is also considered to be "negative social control" in violation of children's rights under the Religious Communities Act § 6 and the Religious Community Regulations § 11 first paragraph letter a).

48. It is worth noting that the State Attorney does not appear to have any objections to the practice of disfellowshipping adults or avoiding contact with disfellowshipped adults.

### **a. Jehovah's Witnesses' religious beliefs and practices do not violate the rights and freedoms of others**

- i. Opting out of Jehovah's Witnesses is a free and personal choice and can be done without hindrance*

49. The State Administrator's conclusion that Jehovah's Witnesses do not have the right to withdraw from the religion is completely wrong and completely unsupported. The State Administrator's assessment is in fact that more than 12,000 Jehovah's Witnesses in Norway and, by extension, over 8.6 million Jehovah's Witnesses worldwide, do not act on their own free will, but that they act under pressure, fear, threats and forced. Not only is this conclusion completely unfounded, but it is also offensive and degrading to all who are Jehovah's Witnesses. In a free and democratic society, it is very offensive for the state to disapprove of a completely

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<sup>13</sup> "Do Jehovah's Witnesses Shun Those Who Used to Belong to Their Religion?" <https://www.jw.org/en/jehovahs-witnesses/faq/shunning/>

religious society by claiming that they are incapable of thinking for themselves and that they are exposed to threats and "negative social control".

50. The State Administrator's assessments are also contrary to what the ECHR and other high courts around the world have ruled. In a decision in principle on religious freedom,<sup>14</sup> the ECHR concluded that Jehovah's Witnesses are engaged in "bearing Christian witness" and not "improper proselytism", which involves coercion or "exerting improper pressure on people".

51. In a recent decision of the ECHR, *Jehovah's Witnesses of Moscow and Others v. Russia* (no. 302/02, June 10, 2010), the following was confirmed:

- The accusation that Jehovah's Witnesses violate the right to respect for privacy, in the case of those who belong to the congregation, was rejected as completely unfounded and it was stated that "community members testified in the proceedings that they followed the doctrines and practices of Jehovah's Witnesses of their own free will" (paras. 118 and 120);
- there was no evidence to support the claim "that the rights of Jehovah's Witness children had been violated on the ground that Biblical texts restrained their independent thinking, hindered the development of patriotic feelings and made them social outcasts" (para. 123-127) ;
- that there was no evidence that those belonging to the congregation were subjected "to psychological pressure, 'mind control' techniques and totalitarian discipline." "On the contrary, the individual applicants and other members of the applicant community testified before the court that they had made a voluntary and conscious choice of their religion and, having accepted the faith of Jehovah's Witnesses, followed its doctrines of their own free will" (Sections 110 and 128-130);
- that: "there is no factual basis supporting the finding that [the individuals'] will was overborne or that the refusal of a blood transfer did not represent their true decision." (Para. 139)
- that the ECHR "was unable to find any indication that minors had been' lured '[into Jehovah's Witnesses] against their will, by deception, trickery or any other inappropriate means" (section 148).  
[emphasis added]

52. Similarly, the Supreme Administrative Court of Berlin in the case of the *State of Berlin v. Religious Association Jehovah's Witnesses in Germany*, OVG 2 B 12.01 (March 24, 2005),<sup>15</sup> that Jehovah's Witnesses in Germany meet all legal requirements to be recognized as an approved legal entity. The court rejected the state's claim that the religion of Jehovah's Witnesses "used the fear of [shunning] to keep its members in the association by force." The court noted that the state was unable to present evidence in support of its claim "despite numerous inquiries on the part of the [State] —so embracing the entire country — made of officials and institutions." More specifically, the Administrative Court in Berlin stated that:

"According to the findings of the [Court], on the basis of the material submitted by the participants and by exhausting all of the information sources available to it, the arguments of the defendant [the State] that the plaintiff [the Religious Association of Jehovah's Witnesses] . . . in the case of dropouts or disfellowshipping of a member, worked actively to separate marriage partners or families, could not be verified." [side 7]

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<sup>14</sup> ECHR, *Kokkinakis v. Greece*, 25 May 1993, Series A no. 260-A, paras. 48-50

<sup>15</sup> The decision was upheld by the Federal Administrative Court (Bundesverwaltungsgericht), Seventh Senate, February 1, 2006, BVerWG 7 B 80.05.

“There is a lack of sufficiently presented indications that such active influence to separate marriage partners and families exists, which at the same time could act as a lasting barrier against leaving the association.” [side 9]

“The defendant [the State], in contrast, accuses the plaintiff [the Religious Association of Jehovah’s Witnesses] of conducting itself contrary to its self-description as “eminently hostile toward the family”. Its extensive arguments to this can be summarized in three central statements: [...] The absolute prohibition to have contact, in the case of dropouts or those disfellowshipped from the association, led inevitably to complete social isolation; the plaintiff used the fear of these consequences to keep its members in the association by force. . . [...] According to the [Court’s] findings also these allegations cannot be verified. The defendant has been unable to provide objective indications for the correctness of the assertion that the plaintiff’s practices were “eminently hostile toward the family”, despite numerous inquiries on the part of the defendant—also embracing the entire country—made of officials and institutions.” [side 10]

“The fact that the defendant’s above-mentioned inquiries at government offices, not only to a large extent, but as a whole yielded no results, is noteworthy in that already for years now, interministerial work groups of the Federal Republic and the states exist in the area of new religions and ideological associations and psycho-groups, which essentially serve to exchange information between the departments, and which work together with the leading municipal associations, the police and other institutions.” [side 11]

53. As explained above in paragraphs 40 to 46, there are no obstacles to a Jehovah's Witness voluntarily withdrawing (opting out). Individuals are voluntarily baptized as Jehovah's Witnesses and can freely and unconditionally choose not to be Jehovah's Witnesses. Neither Jehovah's Witnesses nor elders in the congregation prevent a person from withdrawing. Not a single piece of evidence has been presented that has prevented anyone from leaving the faith.

54. However, the State Administrator has confused obstacles with consequences. Does having a distance from the congregation have consequences? It has no legal consequences, except that the person is removed from the list of members sent to the State Administrator. Withdrawal has no effect on a person's financial or civil rights.

55. There are, of course, religious consequences if a person withdraws. When a person distances himself from the congregation, he formally renounces his spiritual position as one of Jehovah's Witnesses. Withdrawal is a conscious act initiated by someone who belongs to the church. Unlike someone who becomes weak in the faith, becomes less active, or stops attending worship, such a person consciously chooses to break his spiritual ties to the congregation as he withdraws and distances himself from the congregation. His decision will therefore be respected, and the spiritual ties to the congregation will be severed.

56. What about the social ties? As part of Jehovah's Witnesses' religious beliefs and practices, they follow the Bible's admonition to limit or stop associating with people who reject or leave their religion. (1 Corinthians 5:11-13; 2 John 1:9-11) However, the only information given to the congregation is this: "[The person's name] is no longer one of Jehovah's Witnesses." Nothing else is said about him.

57. The congregation has no control over how the individual in the congregation applies biblical principles to stop associating with him. It is up to each individual in the congregation to use their personal religious conscience to determine whether or not they want to limit contact with a person who has withdrawn, just as they would relate to a person who is disfellowshipped. The religious community does not control, nor can it control, whether those who belong to congregations answer calls from someone who has withdrawn, drink coffee with them, eat a meal with them, or greet them on the street. Each individual in the congregation who limits or ceases to socialize a person who has withdrawn, does so voluntarily and of his own volition, based on their own religious conscience.

*ii. Disfellowshipping and avoiding those who no longer belong to the religious community is a legally protected religious practice*

58. All people make choices about who they are with. For compelling personal reasons, friends and family may choose to restrict or cut off contact with a disfellowshipped or withdrawn person, for example, if the person starts arguing in the family about religious matters or if he or she criticizes the religion of Jehovah's Witnesses. The ECHR has recognized that religious conditions can be a "source of conflict" among relatives belonging to "different religious denominations".<sup>16</sup>

59. In addition, in such or other cases, the person who is disfellowshipped or has withdrawn may show that he does not want anything to do with his family. The emails and media campaigns of Furuli and Nilsen clearly show that they have publicly rejected their past religion and the teachings of Jehovah's Witnesses, while this is something that their former fellow believers sincerely follow and live by. It is therefore both unreasonable and very offensive to imply that believers do not act of their own free will when they choose to limit the friendship with former believers who now show so clearly that they disagree with their values and way of life.

60. The state administrator also ignores the fact that "family estrangement" based on "clash of values" or even disagreement about everyday matters is very widespread in the modern world. It is estimated that "one in four Americans estranged from another family member" and "one in five families in the UK." (Appendix 28) Similar spittoons have been reported in families in several European countries. For example, a survey by [netwerknotarissen.nl](http://netwerknotarissen.nl)<sup>17</sup> from 2015 revealed that 47% of all Dutch people no longer have contact with one or more family members, and 10% reported that they had no contact with their parents.

61. In other words, tens of millions of families from all walks of life and all religions are affected by "family estrangement." Some of the main causes of family divisions are divorce, abuse and "clash of values". In many, if not most, of these cases, the broken family bond is never restored. The consequences of family divisions can mean missing family gatherings and religious gatherings. But no one will and cannot claim that an up-and-coming adult who temporarily or permanently decides to cut off contact with another up-and-coming family member due to "clash of values", does so because they have been pressured, threatened, forced or exposed to unnecessary influence. It is therefore an abuse of the religious community law that the religious community of Jehovah's Witnesses is punished because those who belong to the congregation make a personal and free choice as to how they choose to spend their time with family and friends.

62. Moreover, it is important to reiterate that the "religious ties" between the disfellowshipped or the withdrawn and the "family change, but blood ties remain. The marriage relationship and normal family affections and dealings continue. " In other words, regular family relationships and togetherness will continue. (Appendix 24)<sup>18</sup>

63. In addition, a person who has withdrawn or been disfellowshipped may attend congregation religious meetings, sing religious songs during those meetings, receive religious publications, meet with elders for spiritual guidance, and ask to be reinstated, to be recognized as a Jehovah's Witness. This is based on Jehovah's Witnesses' understanding of the Bible verses in 2 Corinthians, chapter 2, verses 6 to 8, which state:

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<sup>16</sup> Jehovah's Witnesses of Moscow and Others v. Russia (no. 302/02, 10 June 2010), para. 111.

<sup>17</sup> [Je kunt je kinderen ontveren. Maar dat betekent niet dat ze niets krijgen! | Netwerk Notarissen](http://www.netwerknotarissen.nl)

<sup>18</sup> *Do Jehovah's Witnesses Shun Those Who Used to Belong to Their Religion?* <https://www.jw.org/en/jehovahs-witnesses/faq/shunning/>

"This punishment given to him by the majority is sufficient. Now you should rather forgive him and comfort him, so that he will not be overwhelmed by too much sorrow. I therefore urge you to assure him that you love him."

64. A person who has resigned or is disfellowshipped can also freely associate with everyone else in society in general, whether it is at work, at school, sports clubs or associations, and so on.

65. The ECHR's conclusion in *Šidakova and Others v. The former Yugoslav Republic of Macedonia* (No. 67914/01, 6 March 2003) is of significant importance. The ECHR rejected the application from a group of parents who complained that the Macedonian Orthodox Church had violated their rights, e.g. the alleged right to continue to have contact with their adult children who had entered into a monastic order. The parents complained that they could not have a normal family life with their children since "[the Church] forbids contacts with their children in holy orders and teaches them to hate their parents and other close family members." The ECHR decided:

The Court notes that the applicants' children left their parents' homes after they had attained the age of majority, being over 18 years old at the material time. At that age, under the national law, they had acquired full legal capacity to act independently and be held responsible and liable for any of their acts or omissions. A State must be able to ensure that the children expressed their free will.

The Court considers that the issue of maintaining contacts and communication between parents and children who are not minors, and the respect and affection they extend to each other, is a private matter, which concerns and depends on the individuals bound in a family relationship, the lack of which, and the reasons for and origins of such lack, do not call for a positive undertaking by the State and cannot be imputable to it. [Emphasis ours]

66. The ECHR drew two reasonable and obvious conclusions. First, that people are supposed to act with free will. Secondly, that contact and communication between family members is a personal matter. The state cannot force family members to be together. This is all the more true in relation to relatives beyond the very close family circle. And even more so to friends and colleagues outside the family circle.

67. In many European countries, as well as in Canada and the United States (not to mention more), appeals courts and supreme courts have also ruled that disfellowshipping is a perfectly legal religious practice protected by the fundamental right to religious freedom (see excerpt from court decisions in the **attachment**).

68. In *Otuo v. Watch Tower Bible and Tract Society of Britain* [2019] EWHC 1349 (QB), a decision of the High Court of England and Wales Q.C., Judge Spearman stated of this religious practice that:

"122. [I]t is to be expected that a religious body which is guided by and which seeks to apply Scriptural principles will have the power to procure that in an appropriate case a sinner can be expelled. Among other things, this is sensible, if not essential, because someone who is unable or unwilling to abide by Scriptural principles not only does not properly belong as a member of such a body but also, unless removed, may have an undesirable influence on the faithful." (Emphasis ours)

69. The Supreme Court of Canada describes this practice of faith in the *Highwood Congregation of Jehovah's Witnesses v. Wall*, 2018 SCC 26, [2018] 1 S.C.R. 750. On behalf of nine unanimous judges in the case, Judge Rowe wrote the following in paragraphs 4 and 5:

"To become a member of the Congregation, a person must be baptized and must satisfy the elders that he or she possesses a sufficient understanding of relevant scriptural teachings and is living according to accepted standards of conduct and morality. Where a member deviates from these scriptural standards, elders meet and encourage the member to repent. If the member persists in the behaviour, he or she is asked to appear before a committee of at least three elders of the Congregation.

The committee proceedings are not adversarial, but are meant to restore the member to the Congregation. If the elders determine that the member does not exhibit genuine repentance for his or her sins, the member is "disfellowshipped" from the Congregation. Disfellowshipped

members may still attend congregational meetings, but within the Congregation they may speak only to their immediate family and limit discussions to non-spiritual matters.”

70. Pursuant to Articles 9, 10, 11 and 14 of the ECHR, it is undisputed that a religious community has the right to determine the doctrinal norms of conduct that shall apply to those who are affiliated with the religious community. In *Jehovah's Witnesses of Moscow and Others v. Russia* (No. 302/02, June 10, 2010), the ECHR stated:

“118. The Court emphasises that it is a common feature of many religions that they determine doctrinal standards of behaviour by which their followers must abide in their private lives. Religious precepts that govern the conduct of adherents in private life include, for instance, regular attendance at church services, performance of certain rituals such as communion or confession, observance of religious holidays or abstention from work on specific days of the week (see *Casimiro and Ferreira v. Luxembourg* (dec.), no. 44888/98, 27 April 1999, and *Konttinen v. Finland*, no. 24949/94, Commission decision of 3 December 1996), wearing specific clothes (see *Leyla Şahin v. Turkey* [GC], no. 44774/98, § 78, ECHR 2005-XI, and *Phull v. France* (dec.), no. 35753/03, 11 January 2005), dietary restrictions (see *Cha'are Shalom Ve Tsedek v. France* [GC], no. 27417/95, § 73, ECHR 2000-VII), and many others. . . . By obeying these precepts in their daily lives, believers manifested their desire to comply strictly with the religious beliefs they professed and their liberty to do so was guaranteed by Article 9 of the Convention in the form of the freedom to manifest religion, alone and in private.”

71. When a person becomes a member of a denomination, he or she simultaneously chooses to live by its doctrinal norms. He or she may also choose not to live by these norms. But such a choice could affect the person's spiritual status in society. It is not uncommon for a person's spiritual status in a religious community to change if he or she does not agree with a central religious norm of conduct. But that is the core of belonging to a free faith community. One must either choose whether to follow society's religious beliefs and practices or to opt out or change religion.

72. Since a denomination has the right to establish doctrinal standards of conduct and conduct for those belonging to the denomination, it also has, according to Articles 9 and 11 of the ECHR, the right to exclude a person from the congregation in violation of these norms. As the Grand Chamber stated in the *Syndicatul "Păstorul cel Bun" v. Romania* [GC] (no. 2330/09, 9 July 2013, para. 136, 137 and 165), there is no “right of dissent within a religious body”. On the contrary, a religious community has “the right” to “react, in accordance with their own rules and interests” and exclude individuals who have an unbiblical behavior. Articles 9 and 11 of the ECHR also give the individual believer the right not to associate with others, whether for religious or completely personal reasons. (*Chassagnou and Others v. France* [GC], No 25088/94 and 2 others, para. 103, 114 and 117, ECHR 1999-III; *Hasan and Chaush v. Bulgaria* [GC], no. 30985/96, para. , 62, ECHR 2000-XI)

73. Recognized international academics have also affirmed that disfellowshipping and avoiding contact with the disfellowshipped, as practiced by Jehovah's Witnesses, is a lawful religious practice that should be respected and protected. As an example, we would like to refer to the following statements:

“By defending the rights of their judicial committees to remain free from state interference when they decide whether a member should be disfellowshipped or otherwise, and their right to interpret the Bible in the sense that it mandates shunning those who had been disfellowshipped, the Jehovah's Witnesses are, once again, defending the religious liberty of all, precisely in the area where today it is mostly under attack. [...] The adherents are well aware, and the elders make sure this is the case before baptism, of both the Jehovah's Witnesses' moral standards and the consequences for violating them. They are aware that they may be disfellowshipped and shunned, which may be very unpleasant. If they want to avoid this risk, they should simply not join the Jehovah's Witnesses, or leave them voluntarily.” —Dr. Massimo Introvigne, Founder and Managing Director of the Center for Studies on New Religions (CESNUR), Italy

“It is not the place of the government to intervene in the choices that consenting adults make. And the reality is that many religions do have the standard of no longer maintaining strong ties with

people who have left their faith tradition. [...] To me, religious freedom includes the right to be wrong. Although practiced by many religions (including in my own family), disfellowshipping former members is a deeply painful experience for many people. The hurt sustained by “shunning” is real, and people have a right to call for its change. Yet, however mistaken it might be in the eyes of its opponents, it is a decision free people should have the right to make. The Jehovah’s Witnesses are not the only group that holds it is their right to do so.” —Dr. Holly Folk, Associate Professor, Western Washington University, USA

“Human rights do not give the state the mandate to enforce inner-religious reforms, for instance with the intention of opening them up for the adoption of human rights principles into their internal teaching and preaching. [...] While their theological beliefs and practices apparently differ from some of the prevailing values and predominant lifestyle of liberal societies, the Jehovah’s Witnesses unambiguously stick to the principle of nonviolence and noncoercion, for which many of them have actually served prison sentences as conscientious objectors to military service. Confusing the ‘liberal right’ to freedom of religion with a general promotion of liberal values, liberal lifestyles, liberal theologies, or liberal religious practices could hypothetically strip the Jehovah’s Witnesses of a protection they urgently need.” —Professor Heiner Bielefeldt, Lehrstuhlinhaber Institute of Political Science, Chair in Human Rights and Human Rights Politics, Germany

74. In the scientific article "The New Gnomes of Zurich: the Jehovah's Witnesses, the Spice Case, and its Manipulation by Anti-Sect and Russian Propaganda", Professor Massimo Introvigne and Alessandro Amicarelli (Human Rights Advocate and President of the European Freedom of Belief Association) made the following comment on disfellowshipping:

“The Jehovah’s Witnesses disconnection policy is not “unique”, and does not go as far as similar policies in other religious organizations do. Its application, as it happens with similar policies in other religions, may occasionally be harsh and painful. But most religions have provisions against associating with disfellowshipped ex-members, and minority or persecuted religions can hardly continue to exist without clearly marking their boundaries. [...]

Let us imagine that a member of the Labour Party in England will campaign for the Conservatives, or that a member of a club of fans of Real Madrid would march in the streets hailing the archrival FC Barcelona. Would the disfellowshipping of such persons from the Labour Party or the Real Madrid fan club violate their freedom of conscience or other human rights? Not at all. Their freedom of conscience is guaranteed by the fact that they can freely change their mind, leave the organizations that they had once joined, and join different organizations advocating for opposite points of view. What they cannot expect is to remain in a group created to advocate certain ideas, promote ideas at the opposite end of the relevant spectrum, and not be disciplined and excluded. This would not assert their freedom of conscience, but violate the freedom of their former organizations and their members to manage and police themselves as they deem fit. Indeed, expulsions are common in political parties and trade unions, and they seem to generate less protests than when they occur in a religious context. [...]

When the organization has a religious nature, this right becomes even more incontestable, as the states have no right to interfere in the internal activities of religious communities. It is not even necessary to quote Max Weber (1864–1920), one of the fathers of the modern sociology of religion, to argue that the organization of a religious community is in itself theological, and to interfere with its organization is to interfere with its theology and beliefs, which is forbidden by Article 9 ECHR and Article 18 UDHR and Article 18 of the ICCPR.»

75. It is noteworthy that the County Governor, at least three times in the last 23 years, has concluded that the practice of disassociation and disfellowshipping of Jehovah's Witnesses "was not contrary to applicable law". (Appendices 1, 2, and 7) The religious beliefs and practices of Jehovah's Witnesses have not changed significantly during this time. Nor does it have the fundamental rights and freedoms guaranteed by the Constitution, international law and international law.

76. The state administrator has therefore applied the Religious Communities Act § 2 second paragraph and the Religious Society Regulations § 11 letter d) incorrectly. Any of Jehovah's Witnesses can withdraw freely at any time. There is nothing stopping them from doing so. What others choose to do as a result of a person choosing to withdraw is a personal matter, and not something the state has the right to interfere in.



77. The supremacy of state authorities to deprive Jehovah's Witnesses of state support and thus punish them for following what has been their established Bible-based religious teachings for a long time is precisely the course of action that the State Administrator is allegedly opposed to, forcing someone to behave a particular way due to fear of being subjected to undue pressure and / or being punished. The difference is that there is no such pressure among Jehovah's Witnesses.

*iii. The religious beliefs and practices of Jehovah's Witnesses do not violate children's rights*

78. It is surprising and also very offensive that the State Administrator has come to the conclusion that Jehovah's Witnesses are violating the rights of children. This is completely wrong, especially considering the following:

79. **Firstly**, it is of the utmost interest and importance to Jehovah's Witnesses that children be well. Jehovah's Witnesses view children as a sacred responsibility entrusted to parents and as "a gift from Jehovah." (Psalm 127:3) Jehovah's Witnesses publish a wealth of information material in hundreds of languages to help parents fulfil their responsibilities by raising their children to be responsible, honest, considerate, and happy members of society. These include magazines, books, online articles at [jw.org](http://jw.org), and videos with practical advice on how to help children develop qualities such as self-control, gratitude, generosity, honesty, and kindness, as well as life skills such as decision-making and hard work. Below is a small selection of available materials:

**Web Articles at [jw.org](http://jw.org):**

[Articles with biblical advice on raising children | JW.ORG](#)

**Browse:**

[Awake!, January 2013: Teach Your Kids to Care About Others \(\[jw.org\]\(http://jw.org\)\)](#)

[The magazine Awake !, no. 2 2019 | Six Lessons Children Need to Learn \(\[jw.org\]\(http://jw.org\)\)](#)

**Videos:**

[Show that you care about others | JW.ORG Kids Videos](#)

[Please and thank you Animation Video \(\[jw.org\]\(http://jw.org\)\)](#)

[Remember to share with others | Animation Video \(\[jw.org\]\(http://jw.org\)\)](#)

[Do not steal | Animation Video \(\[jw.org\]\(http://jw.org\)\)](#)

[What does it mean to be honest? | Animation Video \(\[jw.org\]\(http://jw.org\)\)](#)

[Forgive freely - Ephesians 4:32 | Animation Video \(\[jw.org\]\(http://jw.org\)\)](#)

80. Jehovah's Witnesses have also published material designed specifically for teenagers, which covers topics such as teenage depression, bullying, alcohol abuse, and the safe use of social media. Here are just a few examples of this:

**Web Articles at [jw.org](http://jw.org):**

[Articles With Biblical Advice On Raising Teens | JW.ORG](#)

**Videos:**

[Whiteboard animation: Beat a bully without fighting \(\[jw.org\]\(http://jw.org\)\)](#)

[Use social network with common sense | Whiteboard Animations \(jw.org\)](#)

[From sad to glad | JW.ORG Whiteboard animations](#)

[Do not let your life go up in smoke | JW.ORG Whiteboard animations](#)

[Alcohol - to drink or not | JW.ORG Whiteboard animations](#)

[How can I stop the gossip? | JW.ORG Whiteboard animations](#)

[How can I learn more freedom? | JW.ORG whiteboard animations](#)

81. Despite the growing number of divorces, alcohol and drug abuse, domestic violence, and juvenile delinquency in society, Jehovah's Witnesses strengthen "family and marriage ties" and "strive to live by Bible principles that encourage love, honesty, respect, hard work, self-discipline." (Translation of the religious community)<sup>19</sup>

82. **Secondly**, many teachers and government officials have commented on the degree of social integration of Jehovah's Witnesses and how they have made a positive contribution to the communities in which they live. For example, Professor Dr. h.c. Karel Dobbelaere, Professor Emeritus at the Faculty of Social Sciences at Katholieke Universiteit Leuven in Belgium and a member of the Belgian Royal Academy, wrote that:

"For about 20 years, I have observed the Christian Congregation of Jehovah's Witnesses. In 1976, I . . . conducted a survey with Professor Bryan R. Wilson from All Souls College, Oxford, to study the social aspects of that religious minority in Belgium . . . I can say that Jehovah's Witnesses are people issued from every social stratum. Their children attend public schools and universities. They are not sectarian."<sup>20</sup>

83. Similarly, a 1998 study of Jehovah's Witnesses in France concluded that Witnesses have "a high level of social inclusion." More than half of the Witnesses interviewed in the study were engaged in charitable work, 40 percent were engaged in local and / or cultural activities, and a third were engaged in sports. This study also showed that children who were Jehovah's Witnesses spent some of their free time with friends, reading or watching television, and that 97 percent of those interviewed said that they had regular contact with non-Jehovah's Witnesses. Regarding schooling, the studies showed that the level of education of Jehovah's Witnesses in France is "close to the French average."<sup>21</sup>

84. Professor Petro Yarotskyi wrote the following in the book "The History of Religion in Ukraine":

"Jehovah's Witnesses inculcate in their children high moral principles. They teach their children to avoid behavior, actions and even attitudes that [while] considered in today's world as normal, can be harmful to the children themselves and others. Therefore, they warn their children about the dangers of using drugs, smoking and the abuse of alcohol. They recognize the importance of honesty and hard work . . . Jehovah's Witnesses teach their children moral qualities, to respect the authorities, other individuals and their property and to be law abiding citizens."

85. **Thirdly**: unlike many other religions, Jehovah's Witnesses do not force their children to follow the same faith as their parents. Worship and religious affiliation are a personal decision (Romans 14:12). For that reason, unlike Lutheran or Roman Catholic churches, Jehovah's Witnesses do not practice infant baptism. As

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<sup>19</sup> Grünberg W., Slabaugh D.L., Meister-Karanikas R., *Lexikon der Hamburger Religionsgemeinschaften: Religionsvielfalt in der Stadt von A bis Z*, Hamburg, 1995, s. 121

<sup>20</sup> Dobbelaere Prof. Dr. h.c. Karel. Letter notarized 12 November 1996

<sup>21</sup> SOFRES. *Sociological Survey of Jehovah's Witnesses in France*, October 1998.

explained in paragraph 26 above, parents who are Jehovah's Witnesses teach their children Bible principles, but as the children grow older, each one must decide whether to become one of Jehovah's Witnesses.

1. *Disfellowshipping baptized minors is neither "negative social control" nor something that violates children's rights*

86. The importance of being sure that one is ready to be baptized before praying is mentioned repeatedly in the religious publications of Jehovah's Witnesses and is often discussed at congregation meetings (see paragraphs 27 to 30 above). When a youth wants to be baptized and live as one of Jehovah's Witnesses, he will usually first talk to his parents about this decision. If the parents do not think their child is mature enough, they may encourage him or her to wait. Then the local elders will have conversations with the youth and his parents to assess his maturity and understanding of Bible teachings. This is done to ensure that the decision to be baptized is a conscious and voluntary choice, and that the youth has not been pressured by their parents or peers. It is not uncommon for the elders to conclude that a youth (or an adult) is not ready for baptism. If the candidate does not meet the biblical qualifications to be baptized, the elders will arrange for them to be offered personal assistance so that they can qualify to be baptized at a later date.

87. One who is qualified to be baptized will therefore be old and mature enough to fully understand the importance of the decision, and he is also fully aware that if one violates certain biblical principles without repentance, it can in some cases lead to being disfellowshipped from the church or in fact distancing oneself from the church. For example, a young person may know that Jehovah's Witnesses consider acts such as theft, alcohol abuse, drug abuse, domestic violence, murder, and sexual immorality to be serious sins. Anyone who disagrees with these Bible-based beliefs can simply choose not to become or remain one of Jehovah's Witnesses. The elders do not have the authority to force or coerce a youth to become or continue to be one of Jehovah's Witnesses. A person can choose to stop being one of Jehovah's Witnesses at any time. Based on this, the State Administrator has made five different mistakes.

88. **Firstly**, The decision of the head of state is in fact based only on an illegal (and largely incorrect) interpretation of extracts from the religious publications of Jehovah's Witnesses. The state administrator has pointed to a hypothetical problem that does not exist in reality. This is confirmed by the State Administrator's statement to Vårt Land on February 15, 2022: (Appendix 29)<sup>22</sup>

"We have not become aware of specific matters that must be reported to the police, child welfare or others. We have only assessed the case according to the Religious Communities Act, she writes in an e-mail to Vårt Land."

89. To illustrate how theoretical the State Administrator's concerns are, we can state that as of the date of submission of this complaint, only one person under the age of 18 is disfellowshipped in Norway (and who otherwise turns 18 later this year). It is offensive to suggest that all or even some of the baptized youth in the congregations of Jehovah's Witnesses live by the moral standards of the Bible against their own free will or for fear of being disfellowshipped and rejected.

90. In the decision of *Jehovah's Witnesses of Moscow and Others v. Russia*, persons like Furuli made similar unfounded accusations against the beliefs of Jehovah's Witnesses. The ECHR concluded that there was no actual basis for the authorities' actions. The ECHR "was unable to find any indication that minors had

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<sup>22</sup> [Believes the state must follow up on the children of Jehovah's Witnesses – Vårt Land \(vl.no\)](#)

been 'lured' [into Jehovah's Witnesses] against their will, by deception, trickery or any other inappropriate means."<sup>23</sup>

91. **Secondly**, minors have the right to decide for themselves whether they want to join or leave a religious community from the age of 15 according to the Religious Communities Act § 2. Parents can decide which religious community a minor under 15 years of age should belong to. Children under the age of 15 do not have the legal right to refuse to be registered in or to opt out of the religious community to which they belong, without the parents' consent.

92. As explained above, unlike Lutheran and Roman Catholic denominations, becoming a member of the religious community of Jehovah's Witnesses (through baptism) will be the result of a voluntary and conscious decision by the person concerned. Therefore, parents who are Jehovah's Witnesses do not "register" their minor children as "members" of the religious community. Rather, they let their children make their own conscious choices about this when they have reached the degree of maturity necessary to make such a decision. In practice, this happens in most cases when the minor is in his mid or late teens.

93. The hypothetical circumstances on which the State Administration bases its decision therefore apply to mature minors between the ages of 15 and 18. The legislature recognizes that people at this age are able to make decisions that can have significant and lasting consequences, and that they can be held accountable for their actions. According to the Penal Code § 20, for example, the criminal minimum age is 15 years. Likewise, a minor can sign an employment contract, obtain a driver's license for certain vehicles, consent to sexual acts (from the age of 16), etc. All the more reason why a minor of that age is able to understand the significance and consequences of his decision to be baptized as one of Jehovah's Witnesses. He can thus also take responsibility for his actions, including the choice to break the moral standards of the Bible without repenting after being baptized.

94. If one disregards religion, few would argue that children's rights are violated when a 15-year-old is punished for theft, that a 16-year-old employee is dismissed by the employer due to a breach of the employment contract, or that a 17-year-old driver is fined for driving illegally. Why then has the State Administrator concluded that Jehovah's Witnesses violate the rights of the child because, for example, a baptized 16-year-old youth will be disfellowshipped if he violates the Bible's moral standards (eg for alcohol or drug abuse, smoking, theft, etc.) without remorse? The state administrator's decision seems to be influenced by religious prejudices.

95. **Thirdly**, the State Administrator claims that "children in the congregation must follow a number of rules, and the consequence of not following them is to be expelled from the congregation, including isolation from family and friends who are told not to associate with the disfellowshipped one." This is not correct.

96. Only baptized persons can be disfellowshipped because they have unrepentantly violated the moral standards of the Bible. This will usually apply to baptized minors who are by definition mature adolescents, most likely in their mid to late teens. However, this does not apply to children in the congregation who have not been baptized (see below for this).

97. The State Attorney states that: "However, we understand that the [disfellowshipped] child may not have contact with any other close family (including grandparents, aunts, uncles and cousins) or friends." The

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<sup>23</sup> Jehovah's Witnesses of Moscow, cited above, § 148, emphasis added.

state administrator does not refer to any actual or specific events. Section 6 of the Religious Society Act presupposes that these are concrete and factual matters, which is not the case here.

98. In any case, as shown in paragraph 45 above, it is the case that the "religious ties" between the one who is disfellowshipped or has withdrawn and the "family change, but the blood ties remain. The marriage relationship and normal family affections and dealings continue." In other words, normal family connections and gatherings in the household continue. If a young person's grandparents, aunts, uncles, cousins, and friends are Jehovah's Witnesses, it is up to each individual to decide how they will apply the relevant Bible principles.

99. The state administrator does not explain how the social network of a disfellowshipped youth will be affected. In the rare event that a baptized minor is disfellowshipped, it is likely that the youth has already developed close friendships at school or in the neighborhood with non-Jehovah's Witnesses. It will be up to the youth to decide whether or not he or she will maintain these friendships.

100. **Fourth**, 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 accordance with the norms of the family or group. 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". There are several problems associated with this conclusion.

101. For example, a student must follow certain rules and behave in a certain way at school. If the student does not do so, he will be punished and may even be expelled. Expulsion of course has consequences, for example it may be that the student misses some teaching and must be isolated for a time from schoolmates. This can no doubt be "experienced as pressure or coercion to make children behave in a certain way". But no one will rightly claim that this practice violates children's rights.

102. To take it a step further: A minor who is a member of a football team, a scout group or a martial arts club must follow established rules and behave in a certain way, and if not, he may be expelled from the team or the club. It would be unreasonable to claim that such "pressure to behave in a certain way" violates children's rights. On the other hand, the State Administrator claims that a baptized minor who refrains from drug abuse, drunkenness, and violence to be one of Jehovah's Witnesses is under "pressure to behave in a certain way" and that this violates the child's rights. It does not make sense.

103. **Fifth**, the State Administrator bases his decision on Article 19 of the Convention on the Rights of the Child, which states: "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, ill-treatment or exploitation. " However, the State Administrator has not provided a single piece of evidence that children in families of Jehovah's Witnesses need protection, especially compared to children growing up in other religious or non-religious families.

104. Furthermore, the State Administrator has completely disregarded Article 14 of the same Convention, which provides that:

1. The Parties shall respect the child's right to freedom of thought, conscience and religion.
2. The Parties shall respect the right and duty of the parents, possibly guardians, to guide the child in the exercise of his or her rights in a manner consistent with the child's gradual development.

3. Freedom to express one's religion or belief may be subject only to such restrictions as are required by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

105. Instead of protecting the rights of the child, the State Administrator's decision in fact deprives the child - and in particular a mature young person - of the right to freely practice their religion. It also affects parents' rights to provide guidance and religious education to their children in accordance with young people's development. The decision of the head of state is in fact a stigmatization of Jehovah's Witnesses, and by extension, of all parents and children belonging to the denomination.

106. The State Administrator's conclusion that disfellowshipping of baptized minor members is a form of "negative social control" and a violation of children's rights under the Religious Communities Act § 6 and the Religious Society Regulations § 11 first paragraph a) is consequently unsupported and incorrect.

## *2. Unbaptized minors are not disfellowshipped or exposed to social isolation*

107. The State Attorney's third basis for denying Jehovah's witnesses state subsidies is presumed "disfellowshipping, social isolation of unbaptized minors (unbaptized preacher)", which is also considered "negative social control" and a violation of children's rights under section 6 and the Religious Community Regulations § 11 first paragraph letter a). This conclusion is also unsupported and incorrect.

108. The state administrator emphasized that "[as] an unbaptized preacher commits a serious sin, these children can also be 'disfellowshipped' from the community in the congregation" and "that this practice can also be regarded as negative social control". However, unbaptized minors attending congregation meetings and engaging in the religious activities of Jehovah's Witnesses with their parents who are Jehovah's Witnesses will not be expelled if they do not follow Bible moral standards.

109. A person becomes one of Jehovah's Witnesses when he is baptized. A person who has been approved as an unbaptized publisher is permitted to participate in the public ministry of Jehovah's Witnesses, but he is not yet recognized as a consecrated and baptized Jehovah's Witness. If he later ceases to be an unbaptized preacher, the congregation will not avoid this person, since he was never a baptized witness in the first place.

110. A youth who is no longer approved as a preacher is in no way socially isolated. He can continue to attend congregation meetings with his parents and associate with others in the congregation. If the youth is engaged in activities or has a behavior that other youth in the congregation or their parents consider harmful, they can choose to limit their social interaction with the person outside the congregation meetings, but this is something the individual must decide. Parents also have a duty under the Children's Act § 30 to protect their children against what the parents believe may be harmful to the child. It would be irresponsible if parents in their upbringing disregard the influence peers can have on each other, both positively and negatively.

111. Finally, we note that there is no basis for concluding that Jehovah's Witnesses practice "disfellowshipping, social isolation of unbaptized minors (unbaptized preacher)." The conclusion that Jehovah's Witnesses exercise "negative social control" in violation of children's rights under section 6 of the Religious Communities Act and the first paragraph of section 11 of the Religious Communities Regulations is completely unsupported.

## **b. The state administrator's decision violates freedom of religion and assembly**

112. The state administrator's decision violates both the religious community's freedom of religion and assembly of Jehovah's Witnesses, as well as the rights of the more than 12,000 individual Jehovah's Witnesses

in Norway. Freedom of religion and assembly is enshrined in both Articles 16 and 101 of the Constitution and Articles 9 and 11 of the ECHR.

113. **Firstly**, Jehovah's Witnesses are a well-known and internationally recognized denomination with over 8.6 million members worldwide, and over 21 million attending their most important religious event to commemorate the death of Christ. Jehovah's Witnesses have been active in Norway since the beginning of the 20th century.

114. Norway's subsidy scheme for religious communities affects Jehovah's Witnesses' rights under Articles 9 and 11 of the ECHR. The purpose of the subsidy scheme is to assist registered religious communities in practicing their religious beliefs. This is stated in the preparatory work for the Act on page 191, under section 17.5, which states that: "The main purpose of the subsidy scheme for religious and philosophical communities is to provide a material basis for the exercise of faith and philosophy, cf. Chapter 12."

115. The use of public funds to support a religious community financially is "capable of having an impact on the exercise of the right of members of religious groups to manifest religious belief" and is "sufficiently linked to the right guaranteed by Article 9." (*Cumhuriyetçi Eğitim Ve Kültür Merkezi Vakfı v. Turkey*, no. 32093/10, para. 41, 2 December 2014; *Religionsgemeinschaft der Zeugen Jehovas and Others v. Austria*, no. 40825/98, 31 July 2008, para. 92)

116. **Secondly**, the State Administrator's decision to deny Jehovah's Witnesses state subsidies they have received for many years interferes with the rights of the religious community under Articles 9 and 11. This puts the religious community in an "unfavorable light in public opinion", promotes the view that Jehovah's Witnesses are a "dubious sect" and a second-rate religion. "[S]uch a situation of perceived inferiority goes to the freedom to manifest one's religion." (*Magyar Keresztény Mennonita Egyház and Others v. Hungary*, cited above, §§ 92 and 94)

117. Public authorities should not devalue an entire religious community.<sup>24</sup> They should be especially careful not to degrade a religious minority group, such as Jehovah's Witnesses. The governor's decision would only lead to a further stigmatization of Jehovah's Witnesses as a minority group, which was severely persecuted in Nazi Germany and is still persecuted in many countries, such as Russia. It is also ironic that the State Administrator's decision was announced on International Holocaust Remembrance Day.

118. **Thirdly**, the State Administrator has reviewed and interpreted quotations from the religious publications of Jehovah's Witnesses and drawn (often wrong) conclusions about what Jehovah's Witnesses actually believe and practice.

119. The state cannot replace the religious responsibility of a religious community by interpreting the Bible and other religious texts. In the same way, the state cannot deprive a religious community of its right and autonomy to interpret the Bible or other sacred texts.

120. It also follows from Articles 9, 10 and 11 of the ECHR that the state is not allowed to assess the legitimacy of a religious belief and practice. The state's duty to neutrality and impartiality, according to the ECHR's established case law:

- "excludes any discretion on its part to determine whether religious beliefs or the means used to express such beliefs are legitimate." and that means that "only the highest spiritual authorities of a religious community, and not the State (nor the national courts), may determine."

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<sup>24</sup> *Case of Center of Societies For Krishna Consciousness in Russia and Frolov v. Russia*, no. 37477/11, 23 November 2021, para. 42-43; *Association Les Témoins de Jéhovah v. France*, no. 8916/05, section 51, 31 June 2011.

- prohibits the state from considering a religion "doctrinal sources."<sup>25</sup>

121. The European Court of Justice has similarly ruled that authorities must refrain from assessing whether the norms that exist in the church or organization in question are legitimate (CJEU: Judgment of 17.4.2018, Egenberger, C-414/16, EU: C: 2018: 257, section 61).

122. Like any other governing body, the State Administrator is therefore not allowed to interpret religious texts on behalf of a particular denomination.

123. **Fourthly**, in its decision, the State Administrator in fact demands that Jehovah's Witnesses change their long-standing Bible-based teachings as a precondition for regaining the right to state subsidies. This is an obvious violation of religious freedom and the autonomy and self-determination of the religious community.

124. In *Paul v. Watchtower Bible and Tract Society of New York*, a decision of The United States Court of Appeal for the Ninth Circuit, it was very aptly stated that: "imposing tort liability for shunning on the Church or its members would in the long run have the same effect as prohibiting the practice and would compel the Church to abandon part of its religious teachings . . . In sum, a state tort law prohibition against shunning would directly restrict the free exercise of the Jehovah's Witnesses' religious faith."<sup>26</sup>

125. The practice of disassociation and disfellowshipping of Jehovah's Witnesses is "a belief or viewpoint of sufficient weight, gravity, coherence and importance" which is protected by the right to freedom of religion and expression.<sup>27</sup>

126. The intervention of the State Administrator is not "prescribed by law" (*Hasan and Chaush v. Bulgaria* [GC], cited above, paragraphs 84-86). Although the State Administrator believes that the decision is based on the recent amendments to the Religious Communities Act, it is clear that the decision "was arbitrary and was based on legal provisions which allowed an unfettered discretion to the executive and did not meet the required standards of clarity and foreseeability." For example, the law does not clearly define the criteria that the State Administrator must consider in order to determine whether there is "negative social control". Section 6 of the Act also presupposes that the State Administrator makes a decision based on evidence, and not only on unsupported allegations from dissatisfied former members, and at least not on an assessment of a religious community's religious literature.

127. The intervention is not necessary in a free democratic society. The state administrator has failed to show that the encroachment on the rights of the community of Jehovah's Witnesses promotes a "compelling social need", is "proportionate to the legitimate aim" and that "the justifications put forward by the national authorities are 'relevant and sufficient'." (*Izzettin Doğan and Others v. Turkey* [GC], cited above, paras. 105, 128 and 130)

128. The State Administrator's decision is therefore a violation of Articles 9 and 11 of the ECHR.

### **c. The decision of the Head of State is contrary to Article 1 of the First Additional Protocol to the European Convention on Human Rights**

129. The decision of the Head of State is also contrary to the rights of Jehovah's Witnesses under Article 1 of the ECHR.

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<sup>25</sup> *Bektashi Community and Others v. the Former Yugoslav Republic of Macedonia*, nos. 48044/10 and 2 others, avsn. 24-27, 33 and 72, 12 April 2018

<sup>26</sup> Ninth Circuit Court of Appeals: *Paul v. Watchtower Bible and Tract Society of New York*, 819 F.2d 875 (9th Cir. 1987)

<sup>27</sup> *Bayatyan v. Armenia* [GC], no. 23459/03, avsn 112, EMD 2011



130. The ECHR has stated that “the fact that the domestic laws of a State do not recognize a particular interest as a 'right' or even a 'property right' does not necessarily prevent the interest in question, in some circumstances, from being regarded as a 'possession' within the meaning of Article 1 of Protocol No. 1” (*Depalle v. France* [GC], no. 34044/02, section 68, ECHR 2010). For example, the state's handling of a case over a significant period of time may have created a legitimate expectation related to the “property” in question. In such a case, it is the case that the state “cannot legitimately rely on their margin of appreciation, which in no way dispenses them from their duty to act in good time, in an appropriate and, above all, consistent manner”. (*Öneryıldız v. Turkey* [GC], no. 48939/99, §§ 124 and 127-128, ECHR 2004-XII)

131. Since Jehovah's Witnesses have been active in Norway for over 120 years and have been receiving government subsidies continuously for over 30 years, the denomination has a “legitimate expectation” to continue receiving the same government subsidy as before. (*“Bulves” AD v. Bulgaria*, no. 3991/03, § 53, January 22, 2009) That this is a “legitimate expectation” is further justified in the following.

132. **Firstly**, in a letter from the former County Governor of November 18, 2019 (Appendix 7), the County Governor confirmed that they had considered the religious disfellowshipping practice of Jehovah's Witnesses, and reaffirmed, as in previous decisions of 1999 and 2012, that “the disfellowshipping practice was not in violation of applicable law”. As shown above, higher courts around the world and prominent international academics have repeatedly concluded that disfellowshipping and avoiding of contact with the disfellowshipped are perfectly legal religious practices that are protected by freedom of religion and assembly. The religious beliefs and practices of Jehovah's Witnesses have not changed significantly during the period in which the religious community has received government grants.

133. **Secondly**: As far as we know, no other religious community has experienced postponement or cessation of payment of their state subsidies as a result of the State Administrator having assessed the religious community's religious beliefs and procedures.

134. **Thirdly**, the state administrator has not based his decision on evidence that someone has suffered any damage. The subjective opinions of two or possibly three dissatisfied former Jehovah's Witnesses cannot be considered as evidence (see below).

#### **d. The decision of the State Administrator discriminates against Jehovah's Witnesses on the basis of religion**

135. The ECHR's established case law states that if a State introduces a system for granting a special status to religious communities, all religious communities that so wish must be given a reasonable opportunity to apply for this status, and the established criteria must be followed in a non-discriminatory manner.<sup>28</sup>

136. The Administrative Court and the Equality and Discrimination Act § 6 prohibit discrimination on the grounds of, among other things, religion. The importance of equal treatment is also recognized in the preparatory work for the Religious Communities Act (Prop. 130 L (2018-2019)). Section 5.2.4 i states: “A subsidy scheme may also raise questions of discrimination on the grounds of religion or belief if the conditions imposed directly or indirectly work so that one or more societies are disadvantaged than others, and the societies are in comparable situations. The scheme must not only be designed, but also practiced, in a non-discriminatory manner.”

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<sup>28</sup> *Religionsgemeinschaft der Zeugen Jehovas and Others v. Austria*, no. 40825/98, 31 July 2008, §§ 62, 65 and 68; *Ancient Baltic Religious Association Romuva v. Lithuania*, no. 48329/19, 8 June 2021, §§ 120-122, 126.

137. As a registered denomination, Jehovah's Witnesses are in a situation comparable to the approximately 724 denominations that receive state subsidies. Compared to these registered denominations, our denomination is discriminated against on the basis of religion.

138. The state administrator had no legitimate reason to "scrutinize afresh" the religious beliefs and practices of Jehovah's Witnesses "from the perspective of their possible dangerousness to society, still less the requirement to verify the content of their teachings" as a condition for receiving government grants. (*Magyar Keresztény Mennonita Egyház and Others v. Hungary*, cited above, para. 104, 111 and 115). Jehovah's Witnesses have been active in Norway for over 120 years, were registered as a religious community on October 15, 1985, and have received government grants continuously for the past 30 years. During this time, it has never been proven that Jehovah's Witnesses have broken the law.

39. There is no indication that the State Administrator has carried out a similar examination of the beliefs and procedures of the approximately 724 other religious communities that have been approved as recipients of state subsidies. For example, Muslim communities have for many years received state subsidies without their religious beliefs being scrutinized in a similar way, even the ECHR has stated that "sharia is incompatible with the fundamental principles of democracy" and that being forced to Wearing an Islamic veil is contrary to the basic principle that men and women are equal. (*Refah Partisi (the Welfare Party) and Others v. Turkey* [GC], nos. 41340/98, 41342/98, 41343/98 and 41344/98, § 123, ECHR 2003-II) The ECHR has also stated that several of the rites and rituals that belong to Orthodox Christianity, Judaism and Islam, "harm believers" well-being, such as for example, the practice of fasting, which is particularly long and strict in Orthodox Christianity, or circumcision practiced on Jewish or Muslim male babies". (*Jehovah's Witnesses of Moscow and Others v. Russia*, cited above, § 144). However, the state administrator has approved the requirements to receive state subsidies from all such denominations.

140. The only reason why the State Administrator has taken such drastic action against Jehovah's Witnesses is apparently based on a couple of complaints from dissatisfied former Jehovah's Witnesses, who have not described their own circumstances, but hypothetical situations.

141. The discriminatory treatment of Jehovah's Witnesses over other registered denominations is discriminatory. It is also a serious breach of the prohibition against evaluating "the legitimacy of religious beliefs or the ways in which those beliefs are expressed". (*Metropolitan Church of Bessarabia and Others v. Moldova*, cited above, § 117; *Jehovah's Witnesses of Moscow v. Russia*, cited above, §§ 99 and 119)

142. The State Administrator has not presented any evidence or "provided any justification whatsoever" as to why claims for state subsidies from these denominations have been approved, while Jehovah's Witnesses' claims for state subsidies have been denied.

143. The State Administrator has discriminated against Jehovah's Witnesses on the basis of religion, in violation of Article 14 of the ECHR in conjunction with Articles 9 and 11 and the First Additional Protocol 1, Article 1.

**e. The decision of the State Administrator is contrary to Article 6 of the European Convention on Human Rights**

144. The State Administrator's case assessment is also in conflict with ECHR art. 6, which guarantees the right to a fair and impartial trial. (*Boulois v. Luxembourg* [GC], no. 37575/04, §§ 90-94, ECHR 2012) As a registered denomination, Jehovah's Witnesses have the right to claim state subsidies, and the claim is settled in accordance with applicable law. The case assessment "involved the determination of the applicant's civil

rights" according to the ECHR and the ECHR's case law. (*Relionsgemeinschaft der Witnesses Jehovah and Others*, cited above, para.106-108)

145. **Firstly**: It was impossible for the religious community to respond to the State Administration's inquiry when no concrete and specific matters were raised about what the State Administration was concerned about. Jehovah's Witnesses could not guess what the case officer had in mind when this was not specified.

146. **Secondly**, the governor made a decision without giving Jehovah's Witnesses an opportunity to respond appropriately and meaningfully. Section 16, first paragraph, of the Public Administration Act states that: "A party who has not already commented on the case by application or in any other way shall be notified before a decision is made and given the opportunity to comment within a specified deadline". The second paragraph explains what the prior notice shall contain: "The prior notice shall state what the case concerns and otherwise contain what is deemed necessary for the party to be able to safeguard its interests in a responsible manner". The State Administrator did not provide Jehovah's Witnesses with the information they needed to respond meaningfully to what the case was really about. As described in sections 17 to 20 above, cf. vl. § 16 (2), it was completely unreasonable to ask Jehovah's Witnesses to comment on all the various questions that had been raised by dissatisfied former Jehovah's Witnesses, without specifying which questions the State Administrator was particularly concerned about. This is despite the fact that Jehovah's Witnesses asked for clarification. Instead of making a clarification, the State Administrator chose to only make one decision. It was only at this point that Jehovah's Witnesses became aware of what the State Administrator was investigating and the legal basis on which it was based.

147. **Thirdly**, Jehovah's Witnesses have been denied the right to an impartial assessment of the state grant application because the State Administrator has relied on preconceived notions of dissatisfied former Jehovah's Witnesses. (*Micallef v. Malta* [GC], no. 17056/06, para. 92-99, ECHR 2009) People who actively argue for conflicting religious beliefs have been heavily involved in this case, and this is contrary to case law that no denomination should be involved in a case involving giving state benefits to another denomination. (*Cumhuriyetçi Eğitim Ve Kültür Merkezi Vakfı v. Turkey*, no. 32093/10, section 50, December 2, 2014; *Ancient Baltic Religious Association Romuva v. Lithuania*, no. 48329/19, section 144, June 8, 2021) Neither Rolf Furuli or Jan Frode Nilsen are personally affected by the hypothetical situations they have complained about. Nor are they parties to a specific case, cf. the Public Administration Act § 2 (1) letter e).

148. The claims of a few dissatisfied former believers are not reliable evidence. Professor of Sociology of Religion Bryan R. Wilson, former professor of sociology at Oxford University and president of the International Society of the Sociology of Religion, has in his research concluded that a dissatisfied former member: (1) "is likely to be impressionable and willing to amplify or embellish his or her grievances in order to satisfy that sort of journalist, who is more interested in a sensational story than a truthful and objective account"; (2) cannot be considered as "a credible and reliable source of information, neither by the objective sociological investigator nor by the courts of justice"; (3) probably wants a "bias against his or her former religious commitment and his or her former co-religionists"; and (4) is likely to be "motivated by a desire for personal vindication."<sup>29</sup>

149. Professor Dr. Karel Dobbelaere (Professor Emeritus at the Faculty of Social Sciences of the Catholic University of Leuven in Belgium and a member of the Belgian Royal Academy) made a similar statement on questions from a Belgian parliamentary committee (report, volume 1, p. 89):

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<sup>29</sup> Apostates and New Religious Movements (Appendix 30)

"It is striking that people who have left but have never had contact with anti-sectarian movements simply talk about it in the sense that they have made a mistake. But if they work with an anti-sectarian group, they have - as research shows - adopted the whole worldview of that group and start talking about brainwashing, manipulation and the like."

150. James T. Richardson, Foundation Emeritus Professor of Sociology and Judicial Studies at the University of Nevada, Reno, stated:<sup>30</sup>

"Former members of controversial religious groups often play a major legitimating role in efforts at social control. They can claim to have been eye witnesses to key events, and can offer interpretations as an insider of the group of former membership. As such, the disaffected former members are apostates, playing the role of whistleblower, with claims to unique knowledge about the inside workings of a given religious group. These claims can be thought of as "atrocious tales" or unique "accounts" in the technical sense of those terms as used in sociology. [...] What is clear is that sometimes former members devote their lives to efforts at social control. They may spend large amounts of time educating media representatives, governmental officials (including those in law enforcement), and others about the alleged evils of a group."

151. In this case, those who wrote the emails do not claim to be victims themselves. They have left Jehovah's Witnesses of their own free will, without being hindered by anyone. They have on their own chosen to embark on a kind of crusade on behalf of, according to them, "countless" other unnamed persons. In reality, they themselves try to exercise a form of "social control".

152. It is worth noting that in the case of *Jehovah's Witnesses of Moscow v. Russia*, the ECHR pointed out that the decisions of Russian courts were based on "testimonies of prosecution experts and relatives who had been openly hostile to the religion of Jehovah's Witnesses." The ECHR therefore concluded that "in the absence of any first-hand evidence in support of these findings, [the domestic courts] cannot be said to have been based on an acceptable assessment of the relevant facts" (para. 148).

153. In the case of the *State of Berlin v. Religious Association of Jehovah's Witnesses in Germany*, cited above, the Higher Administrative Court of Berlin also refused to consider "untested reports adopted from dropouts" submitted by the State, because of " [t]he serious misgivings which exist against the substance of arguments supported exclusively by [such] reports." Among other conclusions that raised doubts about the reliability of such sources, the court stated:

"As a result, the defendant is therefore only able to support its assertion that the plaintiff conducts itself "eminently hostile toward the family", exclusively on so-called dropout reports and reports from "Sect and Affected initiatives," [...]. Its opinion that the information about the Religious Association of Jehovah's Witnesses contained therein make possible a dependable standard overall view in the sense of the decision of the Federal Constitutional Court, is not shared by the [Court]." [page 12]

"[I]t is crucial that [the defendant] at no time critically analyzed "experiences" of those concerned, which were taken from the Internet, sent to the defendant without being requested or made available by interested circles. Rather, both in content as also in a personal respect these were adopted without examination and were made a subject of its appeal arguments. Such a procedure is contrary to the current stand of scientific knowledge, as reflected in the report by the Enquete Commission and the expert opinions which it obtained." [page 12]

"As far as reports from former members of the second or a later generation are concerned, in the end nothing else is valid. It is true that from a psychological as well as a psychodynamic point of view voluntary membership is different than that based on birth with corresponding childlike socialization in the association; in the case of membership by birth, dropping out is therefore

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<sup>30</sup> "Apostates, whistleblowers, law, and social control", in *The Politics of Religious Apostasy*, edited by David G. Bromley, Praeger Publishers, Westport (Connecticut), 1998, p. 172, 173, 176.

subject to special dynamics. Nevertheless, the subsequent evaluation of membership in the association, the conclusions drawn there from, and the manner in which the disassociation takes place, is dependent to a great extent upon the individual biographical background and the individual strategy to master it. An effective connection between the association-related socialization and the development of a certain conduct orientation can, however, not be determined.” [page 14]

154. The State Administrator therefore acted in violation of Article 6 of the Convention on Human Rights.

### **C. CONCLUSION**

155. We hope that the above clearly shows that Jehovah's Witnesses fully respect the fundamental rights and freedoms of individuals, and that Jehovah's Witnesses act in accordance with the Constitution, the European Convention on Human Rights and the relevant provisions of the Religious Communities Act. Although Jehovah's Witnesses are not obligated to defend their beliefs and practices before state authorities, which have no right to assess the legitimacy of such beliefs and practices, the faith community has nevertheless tried to explain them openly and as an expression of respect, and also because these are misunderstood or misinterpreted by the State Administrator and others.

156. Jehovah's Witnesses request that the Ministry of Children and Family Affairs repeal the State Administrator's decision of January 27, 2022 and approve Jehovah's Witnesses' claims for state subsidies, as the decision is contrary to Articles 16 and 101 of the Constitution and Articles 6, 9, 11 and 14 of the European Convention on Human Rights and the First Additional Protocol Article 1.

## APPENDIX — Excerpts of court decisions

### Disfellowshipping and avoiding contact with the disfellowshipped

**Germany**, *Higher Administrative Court: State of Berlin vs. Religious Association of Jehovah's Witnesses in Germany*, OVG 2 B 12.01 (24 March 2005) (Annex \*\*)

"The clarifications substantiated in their literature ... is rather in accordance with the following: in the case of someone leaving or a disfellowshipping of a close family member it simply means no further maintaining of 'spiritual association', in the sense of common worship of Jehovah. With regard to things in daily life, however, they continue to 'deal with one another loyally in love.'"

**Ireland**, Supreme Court of Ireland: *Lowther v. Watchtower Bible and Tract Society of Ireland*, No. 95/2006 (19 October 2007) (Annex 11)

"(...) the court is quite satisfied that there is no stateable cause of action [relating to the claimant's being disfellowshipped] (...) from time immemorial at common law and ignoring the Constitution altogether, it has not been possible for the courts to interfere with either theology or disciplinary matters within the religious voluntary associations. That has always been the case. [The claimant's arguments] does not, in any way, alter in any way the fundamental principle that the courts will not interfere with a religion such as in this case Jehovah's Witnesses in relation to either theological or disciplinary matters. That has always been the position (...) The court has no hesitation in dismissing the [claimant's] appeal."

**Italia**, Supreme Court of Cassation (Civil): Sez. I, No. 9561, 26 October 2016 (Annex 14)

1.4 (...) [the claimant's claims] could not be considered criminal acts of religious discrimination. Also, the Court found that the conduct of the members – who basically refused to have friendly relationships, or any kind of relationship, with him – was also irrelevant in terms of civil law. In fact, according to the Court such behavior does not interfere with one's personal rights, but it simply implies attitudes that, although socially reprehensible, cannot be questioned as to lawfulness, since they constitute a free choice, despite it being influenced by a religious belief."

10.2 "the Court reached the conclusion that, since the alleged ostracism was a refusal to associate with him, as there is no law that requires a person to behave in the opposite manner, no discrimination took place, whereas the overall conduct pertained to a violation of norms concerning good manners and civilized behaviour, and does not constitute a crime or a civil wrong that merits judicial protection. ... the judge's control must be intended as a protection of fundamental human rights. These rights are certainly not undermined by the free choice of some individuals, or even a category of people, to break off or interrupt personal relations, which merits no legal protection."

**Poland**, Appeal Court in Warsaw, IVth Civil Section: *K. v. Watchtower Bible and Tract Society*, Case No. VI A CA 81/03, 13 August 2003 (Annex 15)

"The role of a court, however, is not to judge those principles neither how any of its members or its authorities obey them. This also applies to the following by its members the obligation concerning certain conduct toward expelled members. If any of the former fellow believers because of one's behavior did violate the plaintiff's personal rights, the suit must be directed against that person, not against the religious denomination. The latter can only take responsibility for its own actions or the negligence on the part of its authorities, not for behavior of its members. [...]"

When the plaintiff joined Jehovah's Witnesses he accepted their code, including the fact that the expulsion is final and that there exists a particular conduct (according to the plaintiff's description it could be called 'indifference') toward the expelled ones, which could be perceived as unpleasant, but not violent toward existing laws.

Summing up, both the expulsion from the denomination as well as his rejection do not consist of infringement of his personal interests which are the freedom of conscience and religion, since the decisions of the religious denominations in their nature do not fall under the jurisdiction of the court and it does not constitute a damage."

**USA**, Ninth Circuit Court of Appeals: *Paul v. Watchtower Bible and Tract Society of New York*, 819 F.2d 875 (9th Cir. 1987), p. 7 (Annex 15)

“(…) Courts generally do not scrutinize closely the relationship among members (or former members) of a church. Churches are afforded great latitude when they impose discipline on members of former members. We agree with Justice Jackson’s view that ‘[r]eligious activities which concern only members of the faith are and out to be free—as nearly absolutely free as anything can be. The members of the Church [that] Paul decided to abandon have concluded that they no longer want to associate with her. We hold that they are free to make that choice. The Jehovah’s Witness’ practice of shunning is protected under the first amendment of the United States Constitution and therefore under the provision of the Washington state constitution.”

**ECHR, Case of *Jehovah’s Witnesses of Moscow and Others v. Russia***

“110. The Court observes at the outset that the term “coercion” in its ordinary meaning implies an action directed at making an individual do something against his or her will by using force or intimidation to achieve compliance. The domestic courts did not give examples of any forceful or threatening action on the part of the applicant community calculated to break the families of its members apart. [...]

128. The Russian courts also held that the applicant community breached the right of citizens to freedom of conscience by subjecting them to psychological pressure, “mind control” techniques and totalitarian discipline. 129. Leaving aside the fact that there is no generally accepted and scientific definition of what constitutes “mind control” and that no definition of that term was given in the domestic judgments, the Court finds it remarkable that the courts did not cite the name of a single individual whose right to freedom of conscience had allegedly been violated by means of those techniques. Nor is it apparent that the prosecution experts had interviewed anyone who had been coerced in that way into joining the community. On the contrary, the individual applicants and other members of the applicant community testified before the court that they had made a voluntary and conscious choice of their religion and, having accepted the faith of Jehovah’s Witnesses, followed its doctrines of their own free will.

130. [...] Accordingly, the findings of the Russian courts on this point were based on conjecture uncorroborated by fact.”

## References

Gibbons, R. (1999). *The Rise and Fall of the Roman Empire*. London: Wordsworth Editions Ltd.

### **Full quote from *The Rise and Fall of the Roman Empire* pp. 295-296 (See Para 37 for Jehovah's Witnesses unreferenced quote):**

II. It is the undoubted right of every society to exclude from its communion and benefits such among its members as reject or violate those regulations which have been established by general consent. In the exercise of this power, the censures of the Christian church were chiefly directed against scandalous sinners, and particularly those who were guilty of murder, of fraud, or of incontinence; against the authors or the followers of any heretical opinions which had been condemned by the judgment of the episcopal order; and against those unhappy persons, who, whether from choice or compulsion, had polluted themselves after their baptism by any act of idolatrous worship. The consequences of excommunication were of a temporal as well as a spiritual nature. The Christian against whom it was pronounced, was deprived of any part in the oblations of the faithful. The ties both of religious and of private friendship were dissolved: he found himself a profane object of abhorrence to the persons whom he the most esteemed, or by whom he had been the most tenderly beloved; and as far as an expulsion from a respectable society could imprint on his character a mark of disgrace, he was shunned or suspected by the generality of mankind. The situation of these unfortunate exiles was in itself very painful and melancholy; but, as it usually happens, their apprehensions far exceeded their sufferings. The benefits of the Christian communion were those of eternal life; nor could they erase from their minds the awful opinion, that to those ecclesiastical governors by whom they were condemned, the Deity had committed the keys of Hell and of Paradise. The heretics, indeed, who might be supported by the consciousness of their intentions, and by the flattering hope that they alone had discovered the true path of salvation, endeavored to regain, in their separate assemblies, those comforts, temporal as well as spiritual, which they no longer derived from the great society of Christians. But almost all those who had reluctantly yielded to the power of vice or idolatry were sensible of their fallen condition, and anxiously desirous of being restored to the benefits of the Christian communion." ( )