



The state administrator in Oslo & Viken

Our Date:
22.12.2022

Our Ref:
2019/16785

Your Date:

Your Ref:
AFRUF1

Jehovah's Witnesses
Røyskattveien 25
1914 TYRE ENEBAKK
Att: Tage-André Olsen

Case manager, dial-up telephone
Julie Skjømming, 22 00 37 46

Decision on loss of registration

We refer to the notice of possible loss of registration of 25 October 2022. In the notice, Jehovah's Witnesses were given a period of four weeks to respond to whether you wanted to rectify the conditions that led to the refusal of state subsidies for 2021 in the decision on January 27, 2022.

In a letter dated November 9, 2022, Jehovah's Witnesses asked for a postponement of the deadline by a further four weeks. The deadline was set for December 20, 2022. However, we informed you in a letter of December 12, 2022, that the answer had to be made available by December 15, 2022 if we were to have the opportunity to process the case before the end of the year. We received a response from the community on December 15, 2022, by letter dated December 14, 2022.

Jehovah's Witnesses were registered with the State Administrator on October 15, 1985, and are registered until January 1, 2023, according to the transitional rules in the new Religious Communities Act § 23 second paragraph.

On October 21, 2022, we received an application for registration under the new Religious Communities Act. We also process the application in this decision.

Resolution

We withdraw the registration of Jehovah's Witnesses as a religious community, cf. the Religious Communities Act § 4 third paragraph cf. the same act § 6, cf. the Religious Communities Regulations 6 first paragraph.

We reject the new registration of Jehovah's Witnesses as a religious community, cf. the Religious Communities Act § 4 third paragraph, cf. the Religious Communities Regulations § 4 fourth paragraph.

Background of the case

On April 15, 2021, the state administrator in Oslo and Viken received an inquiry from the Ministry of Children and Families regarding Jehovah's Witnesses. We were asked to assess whether the inquiry from Rolf Furuli contained information of importance for the registration of and state subsidies to Jehovah's Witnesses, cf. the Religious Communities Act § 6. We were also asked to assess the need to carry out further investigations, cf. the Religious Communities Regulations § 10.

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In a decision of January 27, 2022, the State Administrator refused grants for 2021 for Jehovah's Witnesses based on the information that emerged in our investigations.

The Ministry of Children and Families confirmed our decision to refuse state subsidies on September 30, 2022.

The state administrator sent a notice of possible loss of registration on October 25, 2022. In the notice, we asked for feedback on whether the organization wants to correct the conditions that led to the refusal of state subsidies for 2021.

As a result of the warning, Jehovah's Witnesses asked for a meeting with the State Administrator. The meeting was held on December 1, 2022. The organization wanted to talk about its disfellowshipping practices. We stated that our case management is in writing, and that what emerges in the meeting, and which Jehovah's Witnesses believe is relevant to the case, must also be sent to us in writing.

In a letter dated December 14, 2022, Jehovah's Witnesses responded to a notice of possible loss of registration. The organization does not want to rectify the conditions that led to the refusal of state subsidies for 2021 and disagrees with the decision of October 27, 2022. The organization asked for deferred implementation of any decision on loss of registration, cf. Section 42 of the Public Administration Act.

Legal Basis

Section 4 of the Religious Communities Act, third paragraph, reads as follows:

"§ 4. Registration of faith and belief communities

The faith or belief community can be refused registration, or the registration can be withdrawn, if one or more of the conditions for refusing a grant in § 6 are met."

Section 6 of the Religious Communities Act, first paragraph, reads as follows:

"§ 6. Grounds for refusing grants

If a faith or belief community, or individuals acting on behalf of the community, use violence or coercion, make threats, violate children's rights, violate statutory prohibitions on discrimination or in other ways seriously violate the rights and freedoms of others, the community may be denied a grant or the grant may be curtailed . Grants can also be refused or cut short if the organization encourages or supports violations mentioned in this section.
(...)

Grants can also be refused if the faith or belief community does not meet the requirements that follow from the law.
(...)"

Section 6 first paragraph of the Religious Communities Regulations reads as follows:

"§ 6. Loss of registration

If the religious or religious community no longer fulfils the registration conditions or other conditions and requirements laid down in or based on the Religious Communities Act, the state administrator can decide to withdraw the registration. The community must be notified in writing and with a deadline of at least four weeks to rectify the situation. The rules on the state administrator's investigations in section 10 apply.

In the assessment of whether a community should be deprived of registration due to conditions mentioned in the Religious Communities Act § 6 first to third paragraph, particular



emphasis must be placed on measures the religious or faith community has implemented to prevent such conditions. Emphasis must also be placed on how serious the relationship is and whether it appears intentional. Systematic, persistent, or intentional violations mentioned in section 6 first paragraph of the Act shall, as a general rule, result in the registration being withdrawn.
(...)”.

The State Administrator's assessment

According to § 4 third paragraph of the Religious Communities Act, registration can be withdrawn if the religious community has violated § 6 of the Religious Communities Act. In our decision of January 27, 2022, we refused state subsidies on the basis that the religious community had violated §§ 2 and 6 of the Religious Communities Act.

As we concluded that the conditions for refusing grants were met, the organization's registration as a religious community can also be withdrawn. This was the background for the notice of possible loss of registration in the letter of October 25, 2022.

In the assessment of whether an organization should be deprived of registration due to conditions mentioned in the Religious Communities Act § 6 first to third paragraph, particular emphasis must be placed on measures the religious or faith community has implemented to prevent such conditions. Emphasis must also be placed on how serious the relationship is and whether it appears intentional. Systematic, persistent, or intentional violations mentioned in the Act § 6 first paragraph shall, as a general rule, lead to the withdrawal of the registration, cf. the religious community regulations § 6 second paragraph.

Our letter of October 25, 2022 was answered by Jehovah's Witnesses in a letter dated December 14, 2022. In the letter, the organization states that they do not wish to rectify the conditions that led to the refusal of state subsidies in the decision of January 27, 2022, cf. page 4, point 23 of the letter.

Quote from the letter:

"We want to make it absolutely clear that Jehovah's Witnesses are not going to change their religious beliefs and practices in Norway in response to the State Administrator's decision dated January 27, 2022."

In our decision of January 27, 2022, there were two factors that led to the refusal of grants.

The first was that, in our opinion, the organization prevents free expression for its members. This contravenes the Religious Communities Act § 2, the Basic Law § 16 and ECHR art. 9.

We refer to our decision of January 27, 2022:

Jehovah's Witnesses has previously explained its disfellowshipping practice in a letter dated March 4, 2021, to the Ministry of Children and Families, the minister at the time, Kjell Ingolf Ropstad. The letter was attached to the Jehovah's Witness statement received here on June 23, 2021. In the letter, questions are asked "whether Jehovah's Witnesses try to shun those who no longer belong to the religious community". In their response, it is stated that:

"Those who were baptized as Jehovah's Witnesses but no longer preach to others, perhaps even drifting away from association with fellow believers, are not shunned."

We do not automatically disfellowship someone who commits a serious sin. If, however, a baptized Witness makes a practice of breaking the Bible's moral code and does not repent, he or she will be shunned or disfellowshipped. This practice is based on the teachings of the Bible."



All Jehovah's Witnesses accept to live by these standards when they make a well-considered choice to be baptized." (letter to Ropstad March 4, 2021)

However, it appears in the book "Organized to do Jehovah's Will" that a member who has chosen to leave is treated in the same way as one who has been disfellowshipped:

"The term "disassociation" denotes that a baptized Jehovah's Witness deliberately refuses to profess a Christian position by declaring that he no longer wishes to be known as one of Jehovah's Witnesses. Or he may renounce his place in the Christian congregation by his actions, for example by becoming part of a worldly organization whose purposes are contrary to the Bible, and therefore condemned by Jehovah God.

But if a Christian person chooses to disassociate, a brief notice is given to the congregation that reads: "[Person's name] is no longer one of Jehovah's Witnesses." Such a person is treated in the same way as someone who is disfellowshipped."¹

The consequence of leaving the congregation is that the person concerned is no longer allowed to have contact with family and friends in the congregation. The religious community is clear that members should not have contact with disfellowshipped members.² As we see in the section above, this also applies to members who have disassociated. This practice can mean that members feel pressured to remain in the religious community.

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

If a member of Jehovah's Witnesses changes their religious beliefs and wishes to leave the religious community, the person concerned shall, according to the above, be treated as if they were disfellowshipped. This means that the members can no longer have contact with family and friends in the religious community without this having consequences for the remaining members. We refer to "Shepherd the Flock of God" ("Elder's Book") chapter 12 point 17 (1) on "Unnecessary association with disfellowshipped or those who have disassociated". In our opinion, this practice constitutes a form of sanctioning of both former members and remaining members. Against this background, the religious community has not ensured that a withdrawal can take place unconditionally and without obstacles from the religious community's side, cf. the preparations for the Religious Communities Act § 2, page 254.

Since our decision of January 27, 2022, we have received several inquiries from members and former members of Jehovah's Witnesses. Among these are inquiries from members who support the practice of Jehovah's Witnesses and who disagree with the decision, and from members who state that they want to leave the religious community but choose to stay because they do not want to break with family and friends. The latter group of members say that their choice to leave the congregation will mean that friends and family cannot have contact with them, even if they leave the congregation voluntarily, and not because of disfellowshipping. They state that this is what makes them stay in the congregation. They also say that Jehovah's Witnesses encourage members to "keep an eye on" each other and inform "the elders" (the management) if they know that someone in the religious community is in contact with disassociated or disfellowshipped persons.

¹ Organized to do Jehovah's Will, pp. 152-153

² Organized to do Jehovah's Will, p. 150 and Remain in God's Love pp. 39-41.



The second factor that led to the refusal of state subsidies for 2021 in the decision of January 27, 2022 was that children's rights were violated by the exercise of negative social control of children in the congregation, including due to the disfellowshipping rules of under-age baptized children, and social isolation of unbaptized children who do not behave in line with the organization's rules. This contravenes the Religious Communities Act § 6 first paragraph, the Constitution § 104 third paragraph and the Convention on the Rights of the Child art. 19

We refer to the decision of January 27, 2022:

Disfellowshipping of minor baptized publishers

In a letter from the ministry, the State Administrator was asked to take a closer look at Jehovah's Witnesses' practice of disfellowshipping children. In a letter to the then Minister for Children and Families, Kjell Ingolf Ropstad, dated March 4, 2021, the organization has explained how the religious group treats an underage baptized publisher who breaks the organization's rules.

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

In the quote above, Jehovah's Witnesses refer to the practice described earlier in the same letter as disfellowshipping.

The book "Organized to do Jehovah's Will" elaborates on how baptized minors are treated:

*"When baptized minors commit serious sins, the elders should be informed of this. When the elders deal with cases of serious sins committed by a minor, it is best that the young person's baptized parents are present. They should cooperate with the sentencing committee and not try to shield the young offender from necessary disciplinary measures. The sentencing committee will step in to reprimand him and reinstate him, as they do when dealing with cases involving adult offenders. But if the minor does not repent, he is disfellowshipped."*³

A decision on disfellowshipping is made by the Body of Elders in the congregation. To disfellowship means that the person concerned is no longer considered a Jehovah's Witness. This decision is communicated to the congregation where the person is a member, and the congregation is told to stop "associating with the person concerned". The organization describes disfellowshipping as a "strong form of correction"⁴

We will assess whether the disfellowshipping of under-age baptized publishers violates Section 6 of the Religious Communities Act.

According to Section 6 of the Religious Communities Act, religious communities that violate children's rights, encourage, or support such violations, can be denied funding. In the preparations for § 6 of the Religious Communities Act, negative social control of children is used as an example of a violation of children's rights that can provide grounds for refusing grants.⁵

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

³ Organized to do Jehovah's Will, pp. 154-155

⁴ Remain in God's Love, pp. 39-41

⁵ Prop. 130 L (2018-2019) Chapter 24 Notes to the individual provisions, Notes to the Religious Communities Act § 6.



systematic and may violate the individual's rights in accordance with, among other things, the Convention on the Rights of the Child and Norwegian law.⁶

The religious community itself describes this practice as a strong form of correction. Children in the congregation must follow a number of rules, and the consequence of not following them is being ostracized by the congregation, including being isolated from family and friends who are told not to associate with the disfellowshipped person.

It appears in their statement of November 19, 2021, in section 19 that the family bond does not end with disfellowshipping, as long as they live in the same household. However, we understand it to mean that the child cannot have contact with other close family (including grandparents, aunts, uncles, and cousins) or friends. This comes as a reaction to the child having broken the religious community's own rules. We believe that this can be experienced as pressure or coercion to make children behave in a certain way. We therefore consider the consequence of breaking the rules to be a form of punishment.

On this background, disfellowshipping of baptized minor members is to be considered negative social control and a violation of children's rights according to § 6 of the Religious Communities Act. According to the Religious Communities Regulations § 11 first paragraph a) this can provide grounds for denying the religious community a subsidy.

Disfellowshipping, social isolation of unbaptized minors (unbaptized publisher)

Children who are not yet baptized, but who are members of the congregation, can be given the status of "unbaptized publisher". If an unbaptized publisher commits a serious sin, these children can also be "banned" from the fellowship of the congregation. The child is not disfellowshipped, but the congregation is told that they must be careful about associating with the child.

In the book "Organized to do Jehovah's Will" the following is written about minor unbaptized publishers:

"Children can also qualify to become publishers of the good news.

...

"It would be appropriate for one of the parents to approach one of the elders in the congregation's service committee to discuss whether the child is qualified to be a publisher. The coordinator for the body of elders arranges for two elders (including one who is on the service committee) to have a meeting with the child and his believing parent(s) or guardian. If the child has basic knowledge of the truth of the Bible and shows that he wants to take part in the service, this shows good progress. After the two elders have considered these and other factors that correspond to what applies to adults, they can decide whether the child can be recognized as an unbaptized publisher." ⁷

The organization's handling of the fact that an unbaptized publisher has committed a "serious sin" is also explained:

"If an unbaptized transgressor does not repent after two elders have met with him and tried to help him, it is necessary to inform the congregation. A brief statement is given that reads: "[Person's name] is no longer recognized as an unbaptized publisher." The congregation will then regard the transgressor as a worldly person. Although he is not disfellowshipped, the

⁶ See the government's action plan against negative social control forced marriage and genital mutilation (2017-2020) p. 12)

⁷ Organized to do Jehovah's Will, pp. 76,77



Christians will be careful to associate with him. (1 Cor 15:33) The congregation will not accept any field service reports from him.”⁸

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

When assessing whether an organization should be deprived of registration due to conditions mentioned in the Religious Communities Act § 6 first to third paragraphs, particular emphasis must be placed on measures the religious or faith community has implemented to prevent such conditions, cf. the Religious Communities Regulations § 6 second paragraph.

We also refer to the preparations for regulations for the Religious Communities Act:

"The third paragraph concerns the assessment of whether a faith or belief community should be deprived of registration when there are such violations as mentioned in the Religious Communities Act, section 6, first paragraph. In such cases, there must be a higher threshold for withdrawing registration than for refusing subsidies. This means that even if there are serious violations, it is conceivable that it would be unreasonably intrusive to deprive an organization of registration. In the assessment, the county governor must look in particular at measures the religious or faith community has taken to prevent the serious conditions, for example by correcting the relationship, changing routines, etc. Consideration must also be given to the seriousness of the relationship and whether it appears to be a deliberate breach of the law's requirements. Particularly serious or persistent conditions shall lead to loss of registration. The latter is an expression that in some serious cases it would be unreasonable if the society remained registered."⁹

Furthermore, we refer to our assessment in the decision of January 27, 2022:

"We believe that the offences, which violate both the right to freedom of religion and children's right to protection against violence, are to be considered serious. The aforementioned practices are documented in books and in study articles published by the religious community. The religious community has also recorded detailed rules for how a judicial committee works and how the committee must decide on questions of disfellowshipping.¹⁰ The practice is systematically followed up by the religious community, and is communicated to the members through several channels. Against this background, we find that the offenses appear to be intentional."

The fact that a religious community violates its members' right to freedom of expression and thus violates the right to freedom of religion is considered particularly serious. The same applies to the negative social control of children, which violates children's human rights protection under the Convention on the Rights of the Child.

However, as the preparations for the religious community regulations indicate, the State Administrator must, even in the case of serious violations, check whether the community has taken measures to prevent the violations from continuing.

⁸ Organized to do Jehovah's Will, pp. 154, 155

⁹ Consultation note with proposed regulations for the Religious Communities Act, page 28

¹⁰ Shepherd the Flock of God (Elder's Book)



As mentioned in the letter of December 14, 2022, Jehovah's Witnesses state that practice will not be changed. The organization will therefore not take measures to prevent the conditions that led to refusal.

This means that the conditions are persistent. After the above preparatory work, particularly serious or persistent conditions shall lead to loss of registration.

On this background, we have assessed that the conditions for withdrawing the registration of Jehovah's Witnesses as a registered religious community have been met, cf. the Religious Communities Act, Section 4, third paragraph, cf. the same Act, Section 6, cf. the Religious Communities Regulations, 4, first paragraph.

New application for registration under the Religious Communities Act

On October 21, 2022, we received a new application for registration under the Religious Communities Act.

According to § 4 third paragraph of the Religious Communities Act, a religious community can be refused registration if one or more of the conditions for denying grants in § 6 are met.

According to the religious communities regulations § 4 fourth paragraph, organizations that do not meet the conditions in the Religious Communities Act § 1 second paragraph and § 4 first paragraph must be refused registration. The same applies if conditions exist as mentioned in the Religious Communities Act § 6 first paragraph.

In the preparatory work for the religious community regulations, it is stated that: *"In the ministry's view, religious and faith communities that commit, encourage or provide support for such serious violations as mentioned in section 6, first paragraph of the act, should not be able to be registered."*

¹¹

As mentioned earlier, Jehovah's Witnesses have violated section 6 of the Religious Communities Act. We have considered that the old registration should be withdrawn on this basis, cf. section 4 third paragraph of the Religious Communities Act. It is on this basis that the new application for registration is also rejected, cf. the Religious Communities Act § 4 third paragraph, cf. the Religious Communities Regulations § 4 fourth paragraph.

Request for deferred implementation

In a letter dated December 2, 2022 and in response to a notice dated December 14, 2022, Jehovah's Witnesses, through lawyer Anders Ryssdal, has asked the State Administrator to consider deferred implementation according to section 42 of the Public Administration Act if we withdraw the organization's registration.

The rule on deferred implementation follows from Section 42 of the Public Administration Act. The provision states, among other things, that:

"The sub-instance, appeals body or other superior body can decide that a decision shall not be implemented until the appeal deadline has expired or the appeal has been decided. (...)"

Jehovah's Witnesses intend to sue on the validity of the decision on the refusal of state subsidies of January 27, 2022. In a letter of December 2, 2022, and in a letter of February 15, 2022, Jehovah's Witnesses ask for deferred implementation until the case has been dealt with in the administration or there is a final judgment. This means that Jehovah's Witnesses wish to remain registered, retain

¹¹ Consultation note of 27/05/2020 - Proposal for regulations for the Religious Communities Act p. 27



the right to marry and be able to claim state subsidies until any appeals have been processed, or a court case has finally been decided.

It is the State Administrator's assessment that there is no basis for delaying implementation of the decision.

The religious community has been registered on a transitional arrangement according to the old Religious Communities Act, cf. Religious Communities Act § 23. This transitional arrangement lasts until January 1, 2023. The Religious Communities Act does not allow for the possibility of an extended transition period, and the State Administrator does not have the competence to extend this arrangement either.

The state administrator does not grant deferred implementation of this decision.

Consequences of the loss of registration

Loss of registration means that the community no longer has the right to submit claims for state subsidies. Loss of registration also results in the organization losing the authority to marry.

We remind you that the Religious Communities Act is essentially a subsidy act. The community is still free to practice its religion and its activities regardless of a public registration.

Right of appeal

You can appeal this decision to the Ministry of Children and Families. Then you must appeal within 3 weeks after you have received the decision. Any complaint must be sent to the State Administrator. You upload it in the digital solution, by selecting "Complaint about decision" under the attachment function: "Submit additional information".

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

With regards,

Hege Skaanes Nyhus
Department Director
Legal department

Hege Rasch-Eng
Section Head

The document has been electronically approved

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