

Table of Contents

- ***When media wrongfully stigmatize and fail to publish the judicial truth: the case of Jehovah's Witnesses (2)***
- ***When media wrongfully stigmatize and fail to publish the judicial truth: the case of Jehovah's Witnesses (1)***
- ***Case dismissed in favour of Jehovah's Witnesses prosecuted for allegedly not reporting sexual abuse***
- ***Unfounded accusations against Jehovah's Witnesses of silencing sexual abuse: The CIAOSN knew their suspicions were unfounded***
- ***Jehovah's Witnesses and sexual abuse: Former Minister of Justice Koen Geens misinformed***
- ***Jehovah's Witnesses win important case in Belgium***
- ***Court declares as unfounded false accusations about Jehovah's Witnesses***
- ***Flemish government 'cleaning up' Islamic communities***
- ***Open Brief aan de leden van het Vlaams Parlement over het voorontwerp van het decreet betreffende de erkenning van lokale geloofsgemeenschappen (Deel II)***
- ***Open Brief aan de leden van het Vlaams Parlement over het voorontwerp van decreet betreffende de erkenning van lokale geloofsgemeenschappen (Deel I)***
- ***Flemish law on religion : dangerous for religious freedom***
- ***The Flemish draft Law on religious communities: A critical analysis***
- ***The Ghent Jehovah's Witness decision: Anomaly or a new reality?***
- ***"The right to shun: Ghent's misguided Jehovah's Witness decision"***
- ***Jehovah's Witnesses: disfellowshipping, shunning, and the Ghent ruling***
- ***The Ghent case against Jehovah's Witnesses: a chronology***
- ***The Ghent Jehovah's Witness decision: dangerous for all religions***
- ***The Ghent Jehovah's Witnesses decision: dangers for Religious Liberty***
- ***Jehovah's Witnesses fined in Ghent for their "ostracism": a wrong decision***
- ***The decision of the Court of Ghent against Jehovah's Witnesses is dangerous for the Catholic Church***
- ***La décision du tribunal de Gand contre les témoins de Jéhovah est dangereuse pour l'Eglise catholique***
- ***Les témoins de Jéhovah et les abus sexuels en Belgique***
- ***Jehovah's Witnesses and sexual abuse***
- ***Jehovah's Witnesses and sexual abuse: Former Minister of Justice Koen Geens misinformed***

- ***The Belgian Case Against the Jehovah's Witnesses: The Bible in the Dock?***
 - ***Plainte au pénal contre les Témoins de Jéhovah: la Bible au banc des accusés?***
 - ***Slaughtering Religious Freedom at the Court of Justice of the European Union***
 - ***A criminal case against Jehovah's Witnesses***
 - ***Freedom of religion or belief in Belgium: Some religions are more equal than others***
-

When media wrongfully stigmatize and fail to publish the judicial truth: the case of Jehovah's Witnesses (2)

[Le Soir](#), [La Capitale Sud-info](#), [Bruxelles News](#), [Nieuwsblad](#), [VRT Nieuws](#) and [Bruzz](#) which had very imprudently reported in 2018-2019, as a breaking news, the alleged failure of the Belgian Jehovah's Witnesses association to report sexual abuse in their midst were the only media outlets to report about the 5th October 2021 court decision dismissing the charges against this religious group. They can be commended for that.

Part I was published on 8 November and is available [here](#)

HRWF (09.11.2021) - *Human Rights Without Frontiers* has identified three well-known TV channels - RTBF, RTL and VRT – and several major newspapers such as *La Libre Belgique*, *La Dernière Heure* and *Het Laatste Nieuws* which have failed to report the dismissal of the case against the association of Jehovah's Witnesses wrongfully suspected of hiding cases of sexual abuse in its midst and holding so-called internal trials, generally favourable to the alleged perpetrators.

The federal prosecutor's office explained that after three years of investigation the case had been dismissed and he was quoted by the daily newspaper *Le Soir* as saying "It is possible that there were facts, but if so, they took place in the intra-family sphere. These facts cannot therefore be attributed to the Jehovah's Witnesses association."

Part II

Act II (2019): The tsunami

Two months and a half after the publication of the CIAOSN report, the issue made the headlines again with the creation of a working group in the House of Representatives which was commissioned to inquire about "the management of sexual abuse on minors inside the organization of Jehovah's Witnesses". The parliamentary group was presided by André Frédéric, a Socialist MP who is the chairman of a Belgian anticult group named AVISO and quite recently the president of FECRIS, a pan-European anticult organization.

On 12 March 2019, *La Libre Belgique* published a press release of Belga titled "Pedophilia among Jehovah's Witnesses examined by the House of Representatives"¹. It stressed that according to the CIAOSN report, Jehovah's Witnesses are against pedophilia but "the situation is less clear on the ground".

On 27 March 2019, VRT1, a well-known Flemish Television released a 35-minute investigation program titled "The secret of Jehovah"² which dealt with the internal management of sexual issues by the organization of Jehovah's Witnesses in the Flanders and abroad: masturbation, homosexuality, incest, sexual abuse in family and in the community. For their investigation, the journalists talked with victims, former elders and former members of the internal judicial committees. One of them was Patrick Haeck, a co-founder of the anti-cult association *Reclaimed Voices/ Belgium*.

On the next day, the VRT published an article on its website titled "Jehovah's Witnesses' scandal: state intelligence to home in on sects" in which the then Belgian Minister of Justice, Koen Geens (Flemish Christian democrat) was reported to have said to VRT 1 that he wanted "Jehovah's Witnesses wishing to leave the organisation to receive help from the cults' watchdog" (CIAOSN). And he added "I will also ask the secret services to take a closer look at the activity of cults."

On 1 April, RTL, a major francophone TV channel, covered the issue in its evening TV news³ after having posted two long articles on its website⁴.

In the aftermath of the VRT documentary, a series of articles was published in *Fædrelandsvennen*, a major Norwegian newspaper,⁵ and by the website of *Avoid Jehovah's Witnesses*⁶, run by a former Jehovah's Witness in Ireland.

¹ La Chambre se penche sur la pédophilie au sein des témoins de Jéhovah, *La Libre Belgique*, 12 March 2019, <https://www.lalibre.be/belgique/politique-belge/la-chambre-se-penche-sur-la-pedophilie-au-sein-des-temoins-de-jehovah-5c87cd467b50a60724b42065>.

² VRT Eén, Pano, Het Geheim van Jehova (The Secret of Jehovah), YouTube, 3 April 2019, <https://www.youtube.com/watch?v=mPE3akJkgA>.

³ Pédophilie au sein des Témoins de Jehova: des victimes brisent le silence et racontent leur calvaire (video), RTL Info, 1 April 2019, <https://www.rtl.be/info/belgique/societe/viols-et-agressions-sexuelles-sur-mineurs-au-sein-des-temoins-de-jehova-des-victimes-racontent-leur-calvaire-video--1112795.aspx>.

⁴ Les cas de pédophilie cachés au sein des Témoins de Jehova pour ne pas salir leur communauté, RTL Info, 1 April 2019, <https://www.rtl.be/info/belgique/faits-divers/les-cas-de-pedophilie-caches-au-sein-des-temoins-de-jehovah-pour-ne-pas-salir-leur-communaute-1112611.aspx>.

Les actes pédophiles au sein des Témoins de Jehovah sont dénoncés depuis plus de 30 ans. Pourquoi rien ne semble changer? (video), RTL Info, 1 April 2019, <https://www.rtl.be/info/belgique/societe/les-actes-pedophiles-au-sein-des-temoins-de-jehova-sont-denonces-depuis-plus-de-30-ans-pourquoi-rien-ne-semble-changer-video--1112804.aspx>.

⁵ *Fædrelandsvennen*, 2019, <https://www.fvn.no/nyheter/norgeogverden/i/GGOq4I/-Mannen-hadde-innrommet-overgrep-mot-ti-barn-Likevel-fikk-jeg-beskjed-om-a-ikke-ga-til-politiet-med-saken>.

⁶ The man had admitted abusing ten children. Still, I was told not to go to the police with the case, 2019, <https://avoidjw.org/en/news/man-admitted-abusing-10-children/>.

Act III (2019): The police search of the Belgian Jehovah's Witnesses' headquarters

On 25 April 2019, the Federal Judicial Authorities searched the Belgian headquarters of the Jehovah's Witnesses Association in Kraainem, on the outskirts of Brussels⁷.

A spokesperson for the Jehovah's Witnesses then said to Brussels Times: "We attach a great deal of importance to the welfare of children, and invariably report any allegations to the authorities. There is no place within our community for anyone who might carry out such practices."

Conclusions

Sexual abuse on minors is a horrible plague and suspicions of such cases must immediately be reported to the relevant civil authorities for the protection of the minors. The police and secular courts are indeed better equipped to investigate abuse claims than religious and other communities and to identify the real facts.

Sexual abuse exists in all realms of society, in families as well as in institutions: religious communities, schools, sports centers, summer camps, clubs, and so on.

Sexual abuse on minors has not only happened in a religious institutional setting but also in schools, summer camps and various sports, such as athletics and swimming.

The facts are usually denounced years and decades later when victims are adults. Many cases which have emerged in the last few years date back to the last century where that sort of phenomenon was massively and wrongfully disregarded and silenced by families, society and leaders in charge of institutions. In those times, the police and the judiciary were also failing to take domestic violence into consideration. Times have fortunately changed.

In the last few years, the Roman Catholic Church has been in the eye of the cyclone on this issue. Hundreds of clergymen around the world, even at the highest level, have been convicted and sentenced by courts. Moreover, the Church has been accused of covering up such criminal behaviors and a number of prelates have recognized it. France is the latest example of this tragedy.

The organization of Jehovah's Witnesses is now at the heart of media campaigns in several countries targeting their alleged mishandling of sexual abuse cases they may have been aware of in the past.

In the case of Belgium, a court has declared unfounded the suspicions and the accusations of former embittered members after three years of investigation. A number of mainline media outlets should have been more prudent in their coverage of the report of the CIAOSN, should have double-checked the data and carried out a counter-investigation instead of escalating the stigmatization with catchy headlines day after day.

If such headlines had affected Jewish, Muslim or other religious communities, they would have provoked a general outcry, and rightly so. They would have been assimilated to anti-Semitism, Islamophobia or incitement to hatred towards a religious minority, even if

⁷ Jehovah's Witnesses headquarters searched, VRT News, 30 April 2019, <https://www.vrt.be/vrtnws/en/2019/04/30/jehovahs-witnesses-headquarters-searched/>.

the accusations had been founded. In the case of Jehovah's Witnesses, they were not founded, a judge said, and his decision was not appealed.

The judiciary has professionally dealt with this issue but a number of media outlets have not. In the meantime, moral damage has been committed and the accusations will persist as proven facts in the minds of public opinion as their refutation by a court has dramatically remained either unreported or under-reported by the media in comparison with the magnitude and the intensity of the stigmatization. Moreover, their fake news continue their life on internet, inexorably.

Stereotyping, demonizing, scapegoating and discriminating against religious, ethnic or other human groups are not acceptable in our democratic societies. Justice and restraint must always prevail.

When media wrongfully stigmatize and fail to publish the judicial truth: the case of Jehovah's Witnesses (1)

[Le Soir](#), [La Capitale Sud-info](#), [Bruxelles News](#), [Nieuwsblad](#), [VRT Nieuws](#) and [Bruzz](#) which had very imprudently reported in 2018-2019, as a breaking news, the alleged failure of the Belgian Jehovah's Witnesses association to report sexual abuse in their midst were the only media outlets to report about the 5th October 2021 court decision dismissing the charges against this religious group. They can be commended for that.

HRWF (08.11.2021) - *Human Rights Without Frontiers* has identified three well-known TV channels - RTBF, RTL and VRT - and several major newspapers such as *La Libre Belgique*, *La Dernière Heure* and *Het Laatste Nieuws* which have failed to report the dismissal of the case against the association of Jehovah's Witnesses wrongfully suspected of hiding cases of sexual abuse in its midst and holding so-called internal trials, generally favourable to the alleged perpetrators.

The federal prosecutor's office explained that after three years of investigation the case had been dismissed and he was quoted by the daily newspaper *Le Soir* as saying "It is possible that there were facts, but if so, they took place in the intra-family sphere. These facts cannot therefore be attributed to the Jehovah's Witnesses association."

The context

In December 2018, the Belgian media suddenly made their headlines with catchy titles targeting Jehovah's Witnesses. The movement was hereby publicly suspected of covering up or hiding cases of sexual abuse in its midst, silencing the victims and their families. The suspicions were based on a report of the *Centre for Information and Advice on Harmful Sectarian Organizations* (CIAOSN)⁸, a state-sponsored organization, also known as the Information Center on Cult or the Cult Observatory.

⁸ The CIAOSN is the "Centre d'Information et d'Avis sur les Organisations Sectaires Nuisibles". It is a state institution under the Ministry of Justice which was created in 1998 after the House of Representatives had published in 1997 a controversial report on harmful sectarian organizations to which a list of 189 allegedly suspicious religious groups had been attached.

The authors of the CIAOSN report cited newspaper articles published in the Netherlands as the rationale for investigating the activities of the Jehovah's Witness organization in Belgium. They also claimed that three testimonies collected by the Dutch association *Reclaimed Voices* were concerning facts which had allegedly taken place in Belgium. The CIAOSN investigators transmitted their report to the Federal Parliament and strongly recommended a parliamentary inquiry.

The Belgian anti-Jehovah's Witnesses campaign on the issue of sexual abuse in Europe started in the Netherlands with a number of reports published by *Reclaimed Voices*, an association founded by three former Jehovah's Witnesses, who claim to defend the rights of Jehovah's Witnesses' children and not to campaign against their organization. Afterwards, an association called *Reclaimed Voices/ Belgium* was created in the Flanders and started an anti-Jehovah's Witnesses campaign about alleged sexual abuse in their midst and other issues.

This paper analyses the media campaign targeting Jehovah's Witnesses on the issue of sexual abuse and the interactive dynamic between the actors involved in it. The objective was not to check the truthfulness of the testimonies and the accusations mentioned in various reports. It was not to deny either the existence of possible sexual abuse in Jehovah's Witnesses families or by people participating in or leading their religious activities.

This paper comprises of three parts: A chronology of the campaign, an investigation about the actors involved in it and conclusions.

The anti-Jehovah's Witnesses campaign: A story in three acts

Act I (2018): The report of the CIAOSN, a time-bomb

On 30 November 2018, the CIAOSN closed a 28-page report⁹ about the management of sexual abuse on minors inside the organization of Jehovah's Witnesses and transmitted it to the Federal Parliament. This report comprises of four parts:

Part 1: The organization of Jehovah's Witnesses (pp 1-4)

Part 2: State of play in 13 countries about initiatives denouncing internal procedures of Jehovah's Witnesses in cases of sexual abuse on minors (pp 6-10)

Part 3: State of play in Belgium (pp 12-14)

Part 4: Conclusions (pp 15-17)

Annexes (pp 18-28)

Noteworthy is that the section on Belgium only covers two pages of short descriptions of seven alleged cases or reports published in the Belgian media in 20 years' time, between 1996 and 2017. In an additional paragraph, the CIAOSN justified the rationale of its decision to investigate the management of sexual abuse inside the organization of Jehovah's Witnesses as follows:

⁹ Official title: "Signalement sur le traitement des abus sexuels sur mineurs au sein de l'organisation des témoins de Jehovah" du 30 novembre 2018. As of 1 March 2021, the report was not available on the website of the CIAOSN. The author of this paper got it from another researcher. It is said by the Belgian Federal Parliament to be an intermediary report (See <https://www.ciaosn.be/54K3713001.pdf>).

In June 2018, the CIAOSN received the notification according to which three of the 286 testimonies received by the Foundation "Reclaimed Voices" in the Netherlands concern facts which have allegedly taken place in Belgium. From June 2018 on, the CIAOSN received several direct and indirect testimonies from individuals claiming to have suffered from sexual violence in the midst of the organization of Jehovah's Witnesses in Belgium when they were children. These testimonies suggest that the management of sexual abuse in Belgium is similar to other countries.

Two points need to be raised about the CIAOSN's position.

The first source justifying the CIAOSN's move was that the Dutch association had transmitted them three Belgian cases. We contacted *Reclaimed Voices* on this issue and they denied such a news made public in Belgium, saying in an email dated 10 February 2021:

The information in the report of the CIAOSN is not correct. On 29 March 2019, we sent an email to Ms Kerstine Vanderput about this inaccuracy. At that time, it came to our attention that Koen Geens, Minister of Justice (CD&V) had said on Radio 1 in Belgium: 'It is the CIAOSN itself which has gone to the Netherlands to find this information and has stated that among the 286 Dutch complaints there were three Belgian ones'. Something similar was said on television at 'Van Gils & Guests'. In the Dutch media, we have only testified about the situation in the Netherlands. The figures that were mentioned are only alleged victims of abuse in the Netherlands.¹⁰

It is difficult to understand how such an unfounded information could be reported by the CIAOSN without any fact-checking and communicated to the Prosecutor's Office.

As to other testimonies 'received directly or indirectly', the second source of information, there are no details in the CIAOSN report concerning the collection methodology, their number, their source, their nature or the dating of the alleged sexual abuse cases.

Last but not least, the CIAOSN Report does not address the issue of the distinction to be made between institutional abuse and family abuse, a point among many others stressed by Prof. Holly Folk in her article "Jehovah's Witnesses and Sexual Abuse: Belgium and the Netherlands" published In Bitter Winter.¹¹

¹⁰ Excerpt from the email of Reclaimed Voices: "De informatie in het rapport van het IACSSO is incorrect. Wij hebben op 29 maart 2019 mevrouw Kerstine VanderPutte over deze onjuistheid gemaild. Het viel ons destijds op dat Koen Geerts, minister van Justitie (CD&V) daags ervoor in België bij radio 1 het volgende meldde: "Het is het IACSSO zelf die in Nederland informatie is gaan halen en heeft vastgesteld dat van die 286 Nederlandse klachten er drie Belgische waren". Iets soortgelijks werd op tv gezegd, bij Van Gils & gasten. Wij hebben in de Nederlandse media steeds alleen gecommuniceerd over de Nederlandse situatie. Aantallen die genoemd zijn betreffen alleen (vermeende) slachtoffers van misbruik in Nederland.

Note: Kerstine Vanderput is the director of the CIAOSN. Van Gils & Gasten is a Flemish TV program.

¹¹ Jehovah's Witnesses and Sexual Abuse: Belgium and The Netherlands, by Prof. Holly Folk, 13 January 2021, Bitter Winter, <https://bitterwinter.org/jehovahs-witnesses-and-sexual-abuse-2-belgium-and-the-netherlands/>
Holly Folk is Associate Professor of Religious Studies at [Western Washington University](#), Bellingham, Washington. She has previously taught at [Indiana Purdue University](#) and the [University of Indianapolis](#). In 2019, she has served as Program Chair for the [Association for the Sociology of Religion](#) annual meeting. She has lectured and published extensively on new religious movements, religion in Eastern Asia, new Christian groups, and communal studies.

This CIAOSN Report was however the time-bomb that exploded in the Belgian media less than a month later and triggered a chain reaction of stigmatizing news and comments failing to be confirmed by serious investigation.

On Thursday 20 December 2018 at 6.30am, *Belga* press agency published a breaking news which immediately inflamed all the media: "Sexual abuse on minors among Jehovah's Witnesses? The Information Center on Cults requests an inquiry".¹²

Very soon, as it could be expected, the question mark disappeared from the title in the media online:

Twenty-four minutes later, *La Libre Belgique* and *La Dernière Heure* titled "Sexual abuse on minors among Jehovah's Witnesses: An inquiry is necessary".¹³

At 1.35pm, *Le Soir*, another leading newspaper, made one more step, titling "How Jehovah's Witnesses in Belgium silence sexual abuse on minors inside their community"¹⁴

On the same evening, the Belgian francophone TV channel RTBF announced in its 7.30pm TV News¹⁵ that the CIAOSN was asking the House of Representatives to establish an inquiry commission about possible sexual abuses 'among' Jehovah's Witnesses. In addition, the RTBF posted on its website an article titled "Sexual abuse on minors among Jehovah's Witnesses? The Information Center on Cults demands an inquiry."

The RTBF TV news was followed by an interview of Frédéric Hoebeeck and his wife Céline Rouge, both former Jehovah's Witnesses and co-founders of the non-profit association CheCoPa, the symbolic acronym for the French words "CHEnille, COcon, PApillon" (caterpillar, cocoon, butterfly).

The RTBF also gave the floor to a spokesperson of Jehovah's Witnesses and was the only media to do it. He explained the internal procedure in force in cases of alleged sexual abuse: to investigate the case and protect children if there are strong suspicions and tell parents to contact the police.

The RTBF finally justified its report by concluding that "in the Netherlands, in eight months' time, the authorities have collected 286 testimonies of sexual abuse; this country has about 25,000 Jehovah's Witnesses, a number close to the one in Belgium."

By the end of the day, public opinion and political decision-makers in Belgium were unavoidably convinced that sexual abuse on minors had been practiced for a long time and in total impunity inside the Belgian movement of Jehovah's Witnesses because their community leaders were illegally hiding such facts. Moreover, the CIAOSN appeared to

¹² Des abus sexuels sur mineurs au sein des témoins de Jéhovah? Le Centre d'information sur les sectes réclame une enquête, RTBF, 20 December 2018, https://www.rtbef.be/info/belgique/detail_une-enquete-est-necessaire-sur-des-abus-sexuels-sur-mineurs-au-sein-des-temoins-de-jehovah?id=10102767.

¹³ Des abus sexuels sur mineurs au sein des témoins de Jéhovah: Une enquête est nécessaire, La Libre Belgique, 20 December 2018, <https://www.lalibre.be/belgique/des-abus-sexuels-sur-mineurs-au-sein-des-temoins-de-jehovah-une-enquete-est-necessaire-5c1b2f7ecd70e3d2f7592726>.

¹⁴ Comment les Témoins de Jéhovah en Belgique taisent les abus sexuels sur mineurs au sein de leur communauté, Le Soir, 20 December 2018, <https://plus.lesoir.be/196635/article/2018-12-20/comment-les-temoins-de-jehovah-en-belgique-taisent-les-abus-sexuels-sur-mineurs>.

¹⁵ RTBF TV news (video), 20 December 2018: <https://www.youtube.com/watch?v=k2g8Pw2K7pE>.

be a necessary vigilance mechanism for the protection of children against Jehovah's Witnesses and on its website, it published a call for collecting testimonies of (former) Jehovah's Witnesses who were victims of or knew about sexual abuse¹⁶.

(Part II will follow on 9 November)

Case dismissed in favour of Jehovah's Witnesses prosecuted for allegedly not reporting sexual abuse

Translation of Le Soir article French-English by HRWF

Le Soir (22.10.2021) - <https://bit.ly/31EunFR> - After three years of investigation, the Brussels council chamber has dismissed the case in favour of the non-profit association Jehovah's Witnesses, in the context of an investigation for not reporting sexual abuse. In 2018, the federal public prosecutor's office had opened an investigation after several former members of Jehovah's Witnesses had claimed to have been victims of sexual abuse within this community. They had spoken about the holding of so-called internal trials, generally favourable to the alleged perpetrators.

"The case was indeed dismissed," the federal prosecutor's office explained. "As a reminder, the investigation concerned the organised non-disclosure of sexual abuse by Jehovah's Witnesses. It is possible that there were facts, but if so, they took place in the intra-family sphere. These facts cannot therefore be attributed to the Jehovah's Witnesses association.

"The criminal investigation was opened following allegations made in the media by the CIAOSN (Centre for Information and Advice on Harmful Sectarian Organisations, editor's note) that Jehovah's Witnesses would not report accusations of sexual abuse of children to the police, (...) the Council Chamber concluded that the CIAOSN's unilateral statements were not supported by any other element of investigation", the Christian congregation of Jehovah's Witnesses reacted.

Asked to respond, the CIAOSN would not comment on a court decision but assured that "the identity of all those who testified is firmly protected" in the event that the congregation seeks to identify them. In parallel to this action, on 18 June, the Congregation of Jehovah's Witnesses of Belgium launched a civil action for defamation against the Belgian Ministry of Justice, responsible for the CIAOSN. A first hearing is scheduled on 5 May 2022. It should be noted that the order of the Council Chamber does not question the quality of the witnesses but raises a lack of evidence.

Translation French-English by HRWF

¹⁶ <https://www.ciaosn.be/actu.htm>

Unfounded accusations against Jehovah's Witnesses of silencing sexual abuse: The CIAOSN knew their suspicions were unfounded

HRWF (30.10.2021) - An important decision was rendered in Belgium on October 5, 2021, in favor of the Jehovah's Witnesses. The French-speaking Tribunal of First Instance of Brussels has dismissed accusations against the Belgian organization of the Jehovah's Witnesses and individual members of the organization, who had been accused of not reporting to the police allegations of child sexual abuse in their congregations they had become aware of, thus violating Articles 422 bis and 442 quarter of the Criminal Code of Belgium, which make reporting mandatory. See a summary of the case in [Bitter Winter](#) and the court decision [here](#).

While HRWF was not aware of the said case until its disclosure in October, it had published the following article in its newsletter and on its website in March 2021 which was showing that the CIAOSN's suspicions were unfounded and had been explicitly told by its alleged source.

Jehovah's Witnesses and sexual abuse: Former Minister of Justice Koen Geens misinformed

HRWF (09.03.2021) - At an online conference on "Limitations of Religious Freedom in Europe" organized on 4-6 March by two European universities^[1], the Belgian panelist representing *Human Rights Without Frontiers* (HRWF) declared that former Minister of Justice Koen Geens had been misinformed about the CIAOSN's report on sexual abuse and Jehovah's Witnesses.

On 30 November 2018, the CIAOSN closed a 28-page report^[2] about the management of sexual abuse on minors inside the organization of Jehovah's Witnesses and transmitted it to the Federal Parliament with a recommendation to set up a parliamentary inquiry commission on this issue.

In its report^[3], the CIAOSN justified the rationale of its decision as follows:

^[1] *Sigmund Neumann Institute for the Research on Freedom, Liberty and Democracy* (Germany) in cooperation with the *Center for Regional and Borderlands Studies/Institute of Sociology of the University of Wrocław* (Poland).

^[2] Official title: "Signalement sur le traitement des abus sexuels sur mineurs au sein de l'organisation des témoins de Jehovah" du 30 novembre 2018. As of the end of February, the report was still not available on the website of the CIAOSN. HRWF got it from another researcher working on this issue. It is said by the Belgian Federal Parliament to be an intermediary report (See <https://www.ciaosn.be/54K3713001.pdf>).

^[3] This report comprises of four parts:

Part 1: The organization of Jehovah's Witnesses (pp 1-4)

Part 2: State of play in 13 countries about initiatives denouncing internal procedures of Jehovah's Witnesses in cases of sexual abuse on minors (pp 6-10)

Part 3: State of play in Belgium (pp 12-14)

Part 4: Conclusions (pp 15-17)

Annexes (pp 18-28)

The section on Belgium only covers two pages of short descriptions of seven alleged cases or reports published in the Belgian media in 20 years' time, between 1996 and 2017.

"In June 2018, the CIAOSN received the notification according to which three of the 286 testimonies received by the Foundation "Reclaimed Voices" in the Netherlands concern facts which have allegedly taken place in Belgium. From June 2018 on, the CIAOSN received several direct and indirect testimonies from individuals claiming to have suffered from sexual violence in the midst of the organization of Jehovah's Witnesses in Belgium when they were children. These testimonies suggest that the management of sexual abuse in Belgium is similar to other countries."

A Dutch-speaking member of the board *Human Rights Without Frontiers* (HRWF) contacted *Reclaimed Voices* in The Netherlands to check the credibility of this information and get more details about the three alleged cases of sexual abuse in Belgium.

In his answer, the head of *Reclaimed Voices* in The Netherlands denied such a news made public in Belgium, saying in an email dated 10 February 2021:

"The information in the report of the CIAOSN is not correct. On 29 March 2019, we sent an email to Ms Kerstine Vanderput about this inaccuracy. At that time, it came to our attention that Koen Geens, Minister of Justice (CD&V) had said on Radio 1 in Belgium: 'It is the CIAOSN itself which has gone to the Netherlands to find this information and has stated that among the 286 Dutch complaints there were three Belgian ones'. Something similar was said on television at 'Van Gils & Guests'. In the Dutch media, we have only testified about the situation in the Netherlands. The figures that were mentioned are only alleged victims of abuse in the Netherlands.^[4]

The second argument of the CIAOSN for setting up a parliamentary inquiry commission was that they had received other testimonies 'directly or indirectly'.

No further details are available in their report, such as the number of direct and indirect testimonies received by the CIAOSN, the methodological and statistical treatment of the data, the type of sources, the nature of sexual abuse, the context of the alleged facts (abuse in families or in an institutional setting), the time period of the allegedly committed offences (the last five years, ten years, twenty years or more).

The members of the federal parliament need to get such details before taking a decision and public opinion also needs to be informed with full transparency.

HRWF Footnotes

^[4] Excerpt from the email of Reclaimed Voices: "De informatie in het rapport van het IACSSO is incorrect. Wij hebben op 29 maart 2019 mevrouw Kerstine VanderPutte over deze onjuistheid gemailld. Het viel ons destijds op dat Koen Geerts, minister van Justitie (CD&V) daags ervoor in België bij radio 1 het volgende meldde: 'Het is het IACSSO zelf die in Nederland informatie is gaan halen en heeft vastgesteld dat van die 286 Nederlandse klachten er drie Belgische waren'. Iets soortgelijks werd op tv gezegd, bij Van Gils & gasten. Wij hebben in de Nederlandse media steeds alleen gecommuniceerd over de Nederlandse situatie. Aantallen die genoemd zijn betreffen alleen (vermeende) slachtoffers van misbruik in Nederland.

HRWF note: Kerstine Vanderput is the director of the CIAOSN. Van Gils & Gasten is a Flemish TV program.

(1) *Sigmund Neumann Institute for the Research on Freedom, Liberty and Democracy* (Germany) in cooperation with the *Center for Regional and Borderlands Studies/Institute of Sociology of the University of Wrocław* (Poland).

(2) Official title: "Signalement sur le traitement des abus sexuels sur mineurs au sein de l'organisation des témoins de Jehovah" du 30 novembre 2018. As of the end of February, the report was still not available on the website of the CIAOSN. HRWF got it from another researcher working on this issue. It is said by the Belgian Federal Parliament to be an intermediary report (See <https://www.ciaosn.be/54K3713001.pdf>).

(3) This report comprises of four parts:

Part 1: The organization of Jehovah's Witnesses (pp 1-4)

Part 2: State of play in 13 countries about initiatives denouncing internal procedures of Jehovah's Witnesses in cases of sexual abuse on minors (pp 6-10)

Part 3: State of play in Belgium (pp 12-14)

Part 4: Conclusions (pp 15-17)

Annexes (pp 18-28)

The section on Belgium only covers two pages of short descriptions of seven alleged cases or reports published in the Belgian media in 20 years' time, between 1996 and 2017.

(4) Excerpt from the email of Reclaimed Voices: "De informatie in het rapport van het IACSSO is incorrect. Wij hebben op 29 maart 2019 mevrouw Kerstine VanderPutte over deze onjuistheid gemaïld. Het viel ons destijds op dat Koen Geerts, minister van Justitie (CD&V) daags ervoor in België bij radio 1 het volgende meldde: 'Het is het IACSSO zelf die in Nederland informatie is gaan halen en heeft vastgesteld dat van die 286 Nederlandse klachten er drie Belgische waren'. Iets soortgelijks werd op tv gezegd, bij Van Gils & gasten. Wij hebben in de Nederlandse media steeds alleen gecommuniceerd over de Nederlandse situatie. Aantallen die genoemd zijn betreffen alleen (vermeende) slachtoffers van misbruik in Nederland.

Photo : *Photo: Palais de Justice in Brussels.* [Credits.](#)

Jehovah's Witnesses win important case in Belgium

A Belgian court finds "no grounds" to claim the organization fails to report allegations of child sexual abuse to police.

By Massimo Introvigne

Bitter Winter (25.10.2021) - <https://bit.ly/3GjeEfj> - An important decision has been rendered in Belgium on October 5, 2021, in favor of the Jehovah's Witnesses. The French-speaking Tribunal of First Instance of Brussels has dismissed accusations against the Belgian organization of the Jehovah's Witnesses and individual members of the organization, who had been accused of not reporting to the police allegations of child sexual abuse in their congregations they had become aware of, thus violating Articles 422 bis and 442 quarter of the Criminal Code of Belgium, which make reporting mandatory.

The background of the case starts with a series of articles published in 2017 by the Dutch newspaper *Trouw* ("Truth"), which is connected with the Reformed Churches in the Netherlands. Working together with an activist group called Reclaimed Voices, *Trouw* accused the Jehovah's Witnesses of covering up cases of sexual abuse. These unfounded accusations were repeated by anti-cult organizations and several media both in the Netherlands and in Belgium.

CIAOSN (Centre for information and advice on harmful cultic organizations) is a Belgian federal center keeping watch on "dangerous cults." It has been often compared to the French MIVILUDES, although in some instances, laudably, CIAOSN has been more open than MIVILUDES to discuss controversial issues with academic scholars of new religious movements who disagree with the anti-cult narrative.

However, to the best of my knowledge, this did not happen in 2018, when CIAOSN compiled a report on "how sexual abuses of minors are handled by the organization of the Jehovah's Witnesses," published on November 30. Additionally, at no point during the preparation of the CIAOSN Report was the national ecclesiastical office of Jehovah's Witnesses in Belgium contacted by the authors, which also seems both methodologically incorrect and unfair.

CIAOSN stated in the document that, "In June 2018, CIAOSN received a notification according to which three of the 286 testimonies received by the Foundation 'Reclaimed Voices' in the Netherlands concern facts which have allegedly taken place in Belgium." It would seem that this was one of the elements that caused the production of the CIAOSN report.

However, on March 9, 2021, the Brussels-based NGO [Human Rights Without Frontiers reported](#) that, "A Dutch-speaking member of the board of Human Rights Without Frontiers (HRWF) contacted Reclaimed Voices in The Netherlands to check the credibility of this information and get more details about the three alleged cases of sexual abuse in Belgium. In his answer, the head of Reclaimed Voices in the Netherlands denied such a news made public in Belgium, saying in a private correspondence dated 10 February 2021: 'The information in the report of the CIAOSN is not correct. On 29 March 2019, we sent an email to Ms. Kerstine Vanderput about this inaccuracy. At that time, it came to our attention that Koen Geens, Minister of Justice (CD&V), had said on Radio 1 in Belgium: 'It is the CIAOSN itself which has gone to the Netherlands to find this information and has stated that among the 286 Dutch complaints there were three Belgian ones'. Something similar was said on television at 'Van Gils & Guests.' In the Dutch media, we have only testified about the situation in the Netherlands. The figures that were mentioned are only alleged victims of abuse in the Netherlands."

How the data for the Netherlands were collected and compiled is highly questionable as well, but as far as Belgium is concerned the fact of the matter is that the three Belgian cases in the Reclaimed Voices list never existed.

Apart from the incorrect reference to three Belgian cases “found” in the Netherlands, CIAOSN mentioned that it had received other “direct or indirect” complaints, but most of its report did not deal with Belgium, there were no specific cases quoted, and most of the “information” offered came from press clippings.

Writing in *Bitter Winter*, American scholar [Holly Folk commented](#) that, “It is difficult to review the Belgian report, because there is truly little in terms of original research or data about Belgium. It is not enough to say that compared to what it promised, the document is a disappointment. The report fails to meet even basic standards for social science research.”

Nonetheless, the report was taken seriously by the Belgian Parliament, which [put together a “study group”](#) on the issue and interacted with CIAOSN. And it was taken seriously by the Belgian judiciary, which opened a criminal procedure against the Jehovah’s Witnesses following the charges brought by CIAOSN. On April 21, 2021, the Prosecuting Judge issued a warrant for a search at the national headquarters of the Belgian Jehovah’s Witnesses.

Neither the search nor the investigation produced any evidence that the Belgian Jehovah’s Witnesses had ever protected members accused of sexual abuse of minors by not reporting them to the police in violation of the Belgian rule of mandatory reporting. In fact, the policy of the Jehovah’s Witnesses is that, in countries where reporting is mandatory and, if there is reason to believe that a child is in danger of abuse, even in countries where there is no obligation to report, allegations of sexual abuse of minors [should be reported](#) to the appropriate secular authorities. I have personally examined several instances in which this has happened in Belgium.

The Court of Brussels has now concluded that “there is no evidence” that the Jehovah’s Witnesses in Belgium violated the reporting obligation. There are only “unilateral declarations” of the complainant (CIAOSN) and of certain witnesses, “not confirmed by any other element of the investigation,” including the search. Scholars of new religious movements have repeatedly warned that accusations by disgruntled former members should of course be examined, but cannot be considered like established facts, and their attitudes and motivations should also be considered.

On June 18, 2021, the Belgian Jehovah’s Witnesses sued the Belgian Ministry of Justice, considering it responsible for the CIAOSN, for defamation. A hearing on the defamation claim is scheduled for May 5, 2022.

Photo: Palais de Justice in Brussels. [Credits.](#)

Court declares as unfounded false accusations about Jehovah's Witnesses

See hereafter the press release of the Information Service of Jehovah's Witnesses in Belgium and the 5 October 2021 decision of the court [here](#)

Christian Congregation of JW/ Belgium (21.10.2021) - On 5 October 2021 the Court Chambers (*) of Brussels declared that there were "no grounds" for the criminal accusations brought against the non-profit "Christian Congregation of Jehovah's Witnesses" at the instigation of the Center of Information and Advice on Harmful Sectarian Organizations (CIAOSN). The decision of the Court Chambers, which is a final decision, was taken following the recommendation of the Federal Prosecutor.

The criminal investigation had been initiated based on false allegations disseminated in the media by CIAOSN that Jehovah's Witnesses do not report allegations of child sexual abuse to the police, contrary to Article 422 bis and 442 quarter of the Criminal Code of Belgium. In dismissing the criminal charges, the Court Chambers concluded that the "unilateral statements" [of CIAOSN] were "not supported" by any other evidence in the case.

In fact, for decades, it has been the practice of the Christian Congregation of Jehovah's Witnesses in Belgium to instruct religious ministers of Jehovah's Witnesses (congregation elders) to report allegations of child abuse to the police whenever it appears that any child may be in danger of abuse from an accused. That long-standing practice is confirmed by actual police reports showing that congregation elders have themselves reported such allegations to the police. It is also consistent with the worldwide child safeguarding policy document entitled "Jehovah's Witnesses' Scripturally Based Position on Child Protection", published on the official website of Jehovah's Witnesses, www.jw.org, which states (at paragraph 5) that Jehovah's Witnesses "ensure compliance with child abuse reporting laws" and, even in the absence of a mandatory reporting law, elders will be "instructed" to report an allegation whenever it appears that a minor is in danger of abuse from the accused.¹⁷

On June 18, 2021, a civil action for defamation was filed by the Congregation of Jehovah's Witnesses in Belgium against the Ministry of Justice of Belgium (responsible for the CIAOSN) for its false statements about the child protection policy of Jehovah's Witnesses. A hearing on that defamation claim is scheduled for May 5, 2022.

Commenting on the reports upon which CIAOSN's allegations were based, Holly Folk, an internationally renowned expert, Professor of Religious Studies at the Western Washington University, said, "The reports are based on sensational journalism, faulty social science data, and a misunderstanding of the nature of the Jehovah's Witnesses

¹⁷ <https://www.jw.org/fr/actualites/juridique/informations-juridiques/informations/dossier-ligne-de-conduite-biblique-tj-protection-enfants/>

organization.”—<https://bitterwinter.org/jehovahs-witnesses-and-sexual-abuse-2-belgium-and-the-netherlands/>

Jehovah’s Witnesses firmly adhere to the Bible, which condemns child sexual abuse as a crime. For more than 35 years, Jehovah’s Witnesses have provided material in *The Watchtower* and *Awake!* magazines and in religious books and videos that gives parents clear, timely and practical advice on protecting their children from the evil of child sexual abuse (for a sampling of that educative material, see page 12 of the May 2019 issue of *The Watchtower* and page 3 of the document “Jehovah’s Witnesses’ Scripturally Based Position on Child Protection”¹⁸ This material is widely available in hundreds of languages on www.jw.org.

Information service of the Christian Congregation of Jehovah's Witnesses.

(*) In French: « Chambre du Conseil.

These are magistrates at the level of the Tribunal Correctionnel who decide upon the release or the extension of a warrant.

HRWF Comment

The CIAOSN has neither published a press release about the court decision nor posted the articles of [Le Soir](#) and [La Capitale](#) (Sud-Presse) on its website although it had posted quite a number of articles by Belgian media outlets accusing JW in Belgium of failing to declare cases of sexual abuse. These stigmatizing articles have not been removed from the website of CIAOSN.

As of 25 October, only the two aforementioned media outlets have echoed the court decision.

¹⁸ <https://www.jw.org/fr/actualites/juridique/informations-juridiques/informations/dossier-ligne-de-conduite-biblique-tj-protection-enfants/>

<https://www.jw.org/fr/biblioth%C3%A8que/revues/tour-de-garde-etude-mai-2019/amour-justice-face-a-mechancete/>

Flemish government 'cleaning up' Islamic communities

Other state-recognized and state-financed religious communities in Flanders concerned about their future with the new Flemish decree

By Willy Fautré, Human Rights Without Frontiers

HRWF (14.06.2021) - After the deportation of a Turkish imam a few months ago, Minister of Domestic Affairs, Equal Opportunities and Integration of the Flemish government, Bart Somers (Open VLD), decided to put to an end the recognition and financing of a Pakistani mosque last week.

Pakistani mosque in Antwerp

On 8 June, Minister Somers decided last week to [cancel the recognition](#) of the Pakistani mosque in Antwerp named '[Antwerp Islamic Association](#)'. It had been recognized since 2007, which had made it eligible for financing by the Flemish government and the Belgian state.

Since 2016, the Islamic community has been embroiled in an internal conflict about the appointment of an imam.

The former imam recognized by the public powers had been dismissed by the Antwerp Islamic Association and replaced by a another one who is not approved by the Flemish government but who is approved by the Executive of the Muslims of Belgium (EMB), the official interlocutor of the Belgian State.

Minister Somers considered that the Pakistani Muslim community does not fulfill the recognition criterion of 'social relevance' any more which includes enduring relations with the local government and the local community (neighborhood) as well as social cohesion. The local police sometimes had to intervene in brawls opposing the followers of the two imams.

Deportation of a Turkish imam near Genk (Limburg)

On the 8 June meeting of the Commission on Domestic Affairs, Equal Opportunities and Integration of the Flemish Parliament, [Minister Bart Somers announced](#) that after consulting the Federal Ministry of Justice and other relevant Belgian institutions, he had ordered a Turkish imam on 4 February 2021 to leave the Belgian territory. He confirmed that the imam appointed by the [Diyagnet](#) in Turkey had gone back to his country on 5 April.

Noteworthy is that the Turkish directorate cannot appoint imams to work in recognized Muslim communities in Belgium without a working permit and the approval of the federal and regional authorities as the salaries and retirement pensions of clerics are paid by the State. Belgium also has its share of responsibility in this incident.

The imam was working for the mosque of Houthalen-Helchteren known as the [Green Mosque](#). He was deported after claiming on the Facebook page of the mosque that "homosexuality is a disease, causes decay and is banned by Islam". The imam also referred to an homophobic Friday sermon of Turkey's President of Religious Affairs Ali Erbaş who publicly declared that: "Islam curses homosexuality".

[Sammy Mahdi](#), Belgium's Federal Government's Minister in charge of Asylum and Migration, refused to extend the residence permit of the controversial imam who had been living in Belgium for three years.

"Those who come here to sow the seeds of hatred in our society do not have a place here," the Minister had commented.

Appointed by Turkey's Presidency of Religious Affairs to work in Belgium, the imam made an application to Belgium's Immigration Authority in October 2020 and requested the extension of his residence and work permits.

Mahdi also said, "We cannot tolerate this stigmatization of the homosexual community and spreading of such messages. If you have the right to work as an imam in Belgium, you have an exemplary duty. Everyone who does not want to hold our values will have to bear the consequences."

The board of directors of the mosque quickly removed the controversial imam and replaced him by another one when the issue became public.

Considering the swift reaction of the mosque, Minister Somers did not hold the mosque responsible for the incident and decided not to deprive it from its registration and its public financing but he said it is being put under [increased surveillance](#).

Some HRWF comments

In both incidents, the Flemish Decree was used by the Flemish Government to possibly cancel the recognition and financing of the said faith-based communities. The names of the controversial imams were not revealed anywhere and further research about the background of these actors is almost impossible.

Homophobia cannot be accepted in a democratic country and must be prosecuted. Consequently, it makes sense that public powers should not finance a faith-based community and/or its leader making homophobic statements.

The incident in the Turkish mosque shows that homophobic statements can be a reason to trigger the mechanism of removal of recognition and financing of a faith-based community by the Flemish Government on the basis of the current or future [Flemish Decree](#). It means the (alleged) violation of one single provision of it can be used for this purpose in the upcoming new decree which contains [72 articles](#) and will soon be proposed to the vote of the Flemish Parliament.

The residence permit of the Turkish Dyanet imam was not prolonged on the basis of the accusation of homophobia but he was never taken to and sentenced by a court in Belgium on this ground.

The text of the controversial statement of the Turkish imam is not quoted anywhere and his name was not revealed.

Because of the risk to lose its recognition, the mosque decided to quickly fire its imam. In the future this might lead to theological self-censorship of religious communities about teaching their century-old beliefs in their own premises while the Belgian constitution provides for the mutual autonomy of state and religions.

These remarks show that the relations between state and religions are now determined by new paradigms in an increasingly secularized Belgium.

Clerics of other faith-based communities, recognized and financed by the state, have shared their concerns with HRWF about what they perceive as judicial insecurity.

Concerns of other state-recognized religions

On the side of other recognized religions, there are serious concerns about the intrusion of state institutions in their beliefs, their teachings inside their premises and their freedom of expression in the public space. What they consider a sin might be prosecuted as hate speech or discrimination.

There is also some perplexity about the increased mistrust towards them as well and the creation of a control agency with a budget of 3 million Euro which will be able to control the implementation of the new decree by 95% of the communities per year.

The powers of that new agency are considered disproportionate and the legality of some provisions is questioned by some:

- Unexpected visits to a place of worship
- Full access to all its spaces
- Identity control of all persons present
- Interrogation of all persons present
- Access to all documents, incl. copies
- Police assistance, if so desired.

Lack of proportionality is also denounced by some as the failure to fulfill one single requirement of the decree can lead to the annulment of the recognition and/or the suspension or limitation of the subsidies.

The Roman Catholic Church is not immune either. Indeed, in a [case against Jehovah's Witnesses in Ghent](#), the court of first instance ruled in March that their Biblical teaching and practice about social distancing between their members and excommunicated members was equivalent to incitement to hatred and discrimination based on religion. The decision is being appealed.

Similar proceedings could be instituted against the Catholic Church in Belgium, and any other country, as their priests have recently been forbidden by the Pope from [blessing same-sex couples](#) and could hereby be accused of discriminating against homosexuals and homophobia.

Photo: © Klaas De Scheirder

Open Brief aan de leden van het Vlaams Parlement over het voorontwerp van het decreet betreffende de erkenning van lokale geloofsgemeenschappen (Deel II)

HRWF (11.06.2021) - Met de hulp van enkele Vlaamse en andere geleerden heeft Human Rights Without Frontiers een eerste analyse van Artikel 7 van het voorontwerp van decreet gemaakt op 10 juni. Hieronder volgt een tweede en laatste analyse van negen artikelen:

Lijst van artikelen:

Artikel 8, 1 – Denominatie

Artikel 10 – Wachtperiode

Artikel 15, § 1 – Beslissing over de erkenning

Artikel 18, § 2 – Controle van giften

Artikel 21 – Mogelijke huiszoekingen

Artikel 22 – Mogelijk politieoptreden

Artikel 24 § 1 – Controle: Toegang tot 'alle informatie' in het bezit van de geloofsgemeenschap

Artikel 25 – Gesprekspartners van de geloofsgemeenschap voor de controle

Artikel 28 § 1 en 2 – Verslag over de controle

Aanpassingen aan deze artikelen van het decreet zijn nodig. HRWF stelt er enkele voor.

Voorontwerp: Artikel 8, 1° - Denominatie

“Om erkend te kunnen worden, dient de lokale geloofsgemeenschap een aanvraag tot erkenning in bij het representatief orgaan. (...)”

Het representatief orgaan bezorgt de aanvraag tot erkenning aan de Vlaamse Regering. Deze aanvraag bevat al de volgende gegevens en documenten:

1°de identificatie van de lokale geloofsgemeenschap: de naam en de denominatie van de lokale geloofsgemeenschap;”

Zorgen betr. Artikel 8, 1°: Niet elke geloofsgemeenschap is aan een denominatie verbonden.

Voorgestelde wijziging: Artikel 8, 1°: de identificatie van de lokale geloofsgemeenschap: de naam en in voorkomend geval de denominatie van de lokale geloofsgemeenschap;

Voorontwerp: Artikel 10 - Wachtperiode

“Vanaf de bezorging van de aanvraag tot erkenning, vermeld in artikel 8, tweede lid, start een wachtperiode van vier jaar.”

Zorgen betr. Artikel 10: Een wachtperiode van vier jaar, waarin een geloofsgemeenschap geen subsidies ontvangt én in buitenlandse financiering wordt beperkt (Art 7, 4°, 10°) is buitenproportioneel.

Voorgestelde wijziging: Artikel 10: “Vanaf de bezorging van de aanvraag tot erkenning, vermeld in artikel 8, tweede lid, start een wachtperiode van vier twee jaar.”

Voorontwerp: Artikel 15, § 1 – Beslissing over de erkenning

“Uiterlijk zestig dagen na het einde van de wachtperiode, vermeld in paragraaf 3 en artikel 10, neemt de Vlaamse Regering een beslissing over de erkenning van de lokale geloofsgemeenschap en brengt ze het voorlopig bestuursorgaan, (...) op de hoogte van die beslissing.”

Zorgen betr. Artikel 10: De huidige formulering maakt geen directe link tussen het voldoen aan de verplichtingen en de beoogde erkenning. Het moet expliciet duidelijk zijn dat een lokale geloofsgemeenschap die aan de verplichtingen voldoet, ook daadwerkelijk de beoogde erkenning zal krijgen.

Voorgestelde wijziging: Artikel 15, § 1: Uiterlijk zestig dagen na het einde van de wachtperiode, vermeld in paragraaf 3 en artikel 10, neemt de Vlaamse Regering een beslissing over de erkenning van de lokale geloofsgemeenschap op basis van een beoordeling of de lokale geloofsgemeenschap al dan niet voldoet aan de verplichten, zoals vermeld in artikel 7 en of de aanvraag tot erkenning volledig is conform artikel 8, tweede lid. Ze brengt het voorlopig bestuursorgaan... op de hoogte.

Voorontwerp: Artikel 18, § 2 – Controle van giften

“Het bestuursorgaan houdt op de zetel van het bestuur van de eredienst een register bij van alle giften, in natura of in contanten, waarvan het bestuur van de eredienst, rechtstreeks of onrechtstreeks de begunstigde is en die een waarde hebben van 500 euro en meer. Als een schenker meerdere giften doet binnen eenzelfde boekjaar die in totaal de waarde van 500 euro overschrijden, worden die afzonderlijke giften geregistreerd.”

Zorgen betr. Artikel 18, § 2: Het doel van dit register is om risico in te schatten van afhankelijkheid van het buitenland, niet om inzicht te hebben in de vrijgevigheid van individuele leden of bevriende organisaties. De grens van 500 euro is te laag om als relevant te gelden in functie van het doel, en legt veel onnodig administratief werk neer bij het bestuur en betekent een onnodige inbreuk op de privacy van gevende leden.

Voorgestelde wijziging: Artikel 18, § 2: Het bestuursorgaan houdt op de zetel van het bestuur van de eredienst een register bij van alle giften, in natura of in contanten, waarvan het bestuur van de eredienst, rechtstreeks of onrechtstreeks de begunstigde is en die een waarde hebben van ~~500~~ 5000 euro en meer. Als een schenker meerdere giften doet binnen eenzelfde boekjaar die in totaal de waarde van ~~500~~ 5000 euro overschrijden, worden die afzonderlijke giften geregistreerd.

Voorontwerp: Artikel 21 – Mogelijke huiszoekingen

“De personeelsleden van de bevoegde instantie hebben zonder voorafgaande aankondiging toegang tot de gebouwen bestemd voor de uitoefening van de eredienst, de ruimtes en de infrastructuur die het bestuur van de eredienst gebruikt of die de lokale geloofsgemeenschap gebruikt tijdens de wachtperiode, met uitzondering van de gebouwen en ruimtes die exclusief bestemd zijn als private woning.”

Zorgen betr. Artikel 21: Verbonden met artikel 22 hieronder lijkt dit op een brutale huiszoeking door een ‘bevoegde instantie’ die te pas en te onpas, zelfs tijdens een eredienst zou kunnen plaatsvinden. Zo’n ‘bezoek’ zonder voorafgaande aankondiging

zou alleen bestemd zijn voor administratieve en financiële controle. Het is vanzelfsprekend dat de bevoegde instantie respect voor de uitoefening van de eredienst moet hebben en een eredienst niet zal onderbreken voor het uitoefenen van haar opdracht.

Voorgestelde wijziging: Artikel 21: De personeelsleden van de bevoegde instantie hebben, uitgezonderd tijdens de uitoefening van de eredienst, zonder voorafgaande aankondiging toegang tot de gebouwen bestemd voor de uitoefening van de eredienst, de ruimtes en de infrastructuur die het bestuur van de eredienst gebruikt of die de lokale geloofsgemeenschap gebruikt tijdens de wachtperiode, met uitzondering van de gebouwen en ruimtes die exclusief bestemd zijn als private woning. De opdracht van de bevoegde instantie zou moeten beperkt zijn tot administratieve en financiële controle.

Voorontwerp: Artikel 22 – Mogelijk politieoptreden

“De personeelsleden van de bevoegde instantie kunnen de volgende handelingen stellen:
1° de identiteit opnemen en de te identificeren personen daarvoor staande houden;
2° de voorlegging van officiële identiteitsdocumenten vorderen;
3° als de identiteit niet kan worden vastgesteld conform punt 1° of 2°, de identiteit achterhalen met de hulp van niet-officiële documenten die hen vrijwillig worden voorgelegd als de te identificeren personen geen officiële identificatiedocumenten kunnen voorleggen of als aan de authenticiteit ervan of aan de identiteit van die personen wordt getwijfeld. Met toepassing van artikel 26, kan getracht worden om de identiteit van die personen te achterhalen met beeldmateriaal, ongeacht de drager ervan.

De documenten, vermeld in het eerste lid, 2°, worden onmiddellijk na de verificatie van de identiteit teruggegeven aan de betrokkene.”

Zorgen betr. Artikel 22 in combinatie met art. 21 en art. 48 § 3: Indien nodig, kunnen de personeelsleden van de bevoegde instantie zich bijstand vorderen van de lokale en federale politie (zie art. 27 van het voorontwerp). Dit lijkt op een brutaal politieoptreden vooral als men naar art. 48 § 3 kijkt dat zegt:

“De instanties, vermeld in paragraaf 2, kunnen conform de bepalingen van dit decreet persoonsgegevens verwerken van:

- 1°de bedienaars van de eredienst en hun vervangers van een erkenningszoekende lokale geloofsgemeenschap en een bestuur van de eredienst;
- 2°de leden van het bestuursorgaan;
- 3°de toekomstige leden van het bestuursorgaan;
- 4°de leden van het voorlopig bestuursorgaan;
- 5°de schenkers van giften vanaf 500 euro;
- 6°de personen met titels op de gebouwen of andere infrastructuur;
- 7°de verbonden juridische structuren;
- 8°de leden van het tijdelijk voltallig bestuursorgaan vermeld in artikel 68, §2, 6°”

Voorgestelde wijziging: Artikel 22 en Artikel 48 § 3 : Schraping onder deze vorm en eventuele herziening daar de hele procedure alleen administratieve en financiële doeleinden beoogt (Zie art. 48 § 4).

Voorontwerp Artikel 24 § 1 – Controle: Toegang tot 'alle informatie' in het bezit van de geloofsgemeenschap

"De personeelsleden van de bevoegde instantie kunnen zonder voorafgaande waarschuwing de onmiddellijke voorlegging vorderen van alle informatie, documenten en informatiedragers in geschreven, digitale of analoge vorm."

Zorgen betr. Artikel 24 § 1: 'Alle informatie' is niet gedefinieerd. Gaat het om alle interne informatie van een eredienst: leden, werking, ledenlijsten, verslagen pastorale gesprekken, (klad)preken, persoonlijke informatie over haar bezoekers?

Voorgestelde wijziging: Artikel 24 § 1: De personeelsleden van de bevoegde instantie kunnen zonder voorafgaande waarschuwing de onmiddellijke voorlegging vorderen van alle administratieve en financiële informatie, documenten en informatiedragers in geschreven, digitale of analoge vorm die betrekking hebben op de aanvraag tot erkenning."

Voorontwerp Artikel 25 – Gesprekspartners van de geloofsgemeenschap voor de controle

"Binnen de termijn die de personeelsleden van de bevoegde instantie bepalen, verleent iedereen alle medewerking aan de personeelsleden van de bevoegde instantie die redelijkerwijze kan worden gevraagd."

Zorgen betr. Artikel 25: Niet 'iedereen' zou de bevoegde instantie moeten helpen, dan alleen de leden van het bestuur en de bedienaars. Dit is voldoende in functie van het doel van de controle (Zie art. 19).

Voorgestelde wijziging: Artikel 25: Binnen de termijn die de personeelsleden van de bevoegde instantie bepalen, verlenen de leden van het bestuur en de bedienaars van de eredienst alle medewerking aan de personeelsleden van de bevoegde instantie die redelijkerwijze kan worden gevraagd.

Voorontwerp Artikel 28 § 1 en 2 – Verslag over de controle

" §1. De personeelsleden van de bevoegde instantie kunnen bij de uitoefening van hun opdracht een verslag van vaststelling opstellen als tekortkomingen op de verplichtingen, vermeld in dit decreet of in het decreet van 7 mei 2004, worden vastgesteld. Het verslag van vaststelling heeft bewijswaarde tot het bewijs van het tegendeel.

§2. De personeelsleden van de bevoegde instantie kunnen alle raadgevingen geven aan de erkenningszoekende lokale geloofsgemeenschap en het bestuur van de eredienst die zij nuttig achten om dreigende tekortkomingen aan de verplichtingen, vermeld in dit decreet of in het in het decreet van 7 mei 2004, te voorkomen."

Zorgen betr. Artikel 28 § 1 en 2: Een optioneel verslag is niet voldoende. Een verplicht verslag vergroot rechtszekerheid van de betrokken geloofsgemeenschappen.

Voorgestelde wijziging: Artikel 28 § 1 en 2:

§1. De personeelsleden van de bevoegde instantie dienen bij de uitoefening van hun opdracht een verslag van vaststelling op te stellen als tekortkomingen op de verplichtingen, zoals vermeld in dit decreet, alsook in het decreet van 7 mei 2004. Het verslag van vaststelling heeft bewijswaarde tot het bewijs van het tegendeel.

§2. De personeelsleden van de bevoegde instantie dienen alle raadgevingen te geven aan de erkenningszoekende lokale geloofsgemeenschap en het bestuur van de eredienst die zij nuttig achten om dreigende tekortkomingen aan de verplichtingen, vermeld in dit decreet of in het in het decreet van 7 mei 2004, te voorkomen."

Het hele decreet betreft alle erkende erediensten.

Open Brief aan de leden van het Vlaams Parlement over het voorontwerp van decreet betreffende de erkenning van lokale geloofsgemeenschappen (Deel I)

HRWF (10.06.2021) - Met de hulp van enkele Vlaamse en andere geleerden start Human Rights Without Frontiers een reeks analyses van enkele artikelen van het [voorontwerp van decreet](#) dat binnenkort door het Vlaams Parlement zal worden behandeld. Aanpassingen aan dit decreet zijn nodig. HRWF stelt er enkele voor.

Artikel 7: Analyse en wijzigingsvoorstellen

Het 28 pagina's tellende Vlaamse voorontwerp van decreet, met zijn 72 artikelen, heeft betrekking op de lokale geloofsgemeenschappen die zijn aangesloten bij de zes door de Belgische staat erkende erediensten, t.w. de Rooms-Katholieke kerk, Protestants-Evangelische kerken, het Anglicanisme, het Judaïsme, de Islam en Orthodxie.

De inhoud van artikel 7 van het voorontwerp van decreet geeft aanleiding tot bezorgdheid over een aantal problematische bepalingen die door passende wijzigingen zouden kunnen worden rechtgezet. Vier paragrafen zijn specifiek onder de loep genomen. Zij moeten worden begrepen in het licht van artikel 10, dat de verzoekende geloofsgemeenschappen een wachttijd van vier jaar oplegt vooraleer zij van het Vlaamse Gewest antwoord krijgen over mogelijke erkenning.

Art. 7. Een lokale geloofsgemeenschap kan worden erkend als ze voldoet aan al de volgende criteria:

Voorontwerp: Artikel 7, 4° - Buitenlandse financiering

“ze ontvangt noch rechtstreeks, noch onrechtstreeks buitenlandse financiering of ondersteuning als die financiering of ondersteuning afbreuk doet aan haar onafhankelijkheid. Ze ontvangt geen financiering of ondersteuning die rechtstreeks of onrechtstreeks verband houdt met terrorisme, extremisme, spionage of clandestiene inmenging;”

Zorgen betr. Artikel 7, 4°

Het bepalen of financiering al dan niet afbreuk doet aan onafhankelijkheid is erg moeilijk te beargumenteren en leidt tot rechtsonzekerheid.

Een algemeen verbod op buitenlandse financiering of ondersteuning is in strijd met het vrij financieel verkeer binnen de EU. Het verbieden van het overschrijven van financiële middelen tussen een EU-lidstaat en Vlaanderen zou een schending zijn van het EU Handvest van de Grondrechten. Daarenboven kan Artikel 7, 4° de doorvoer van

financiële middelen vanuit een niet-Europese staat door een ander land dan België niet beletten.

Tijdens de lange wachtperiode van vier jaar alvorens een antwoord op een aanvraag tot erkenning van de Vlaamse Regio te krijgen wordt van de geloofsgemeenschap verwacht dat ze haar afhankelijkheid van buitenlandse financiering of ondersteuning afbouwt zonder enige waarborg dat zij wordt erkend en gefinancierd door de Regio.

Voorgestelde wijziging: Artikel 7, 4°

~~4° ze ontvangt noch rechtstreeks, noch onrechtstreeks buitenlandse financiering of ondersteuning als die financiering of ondersteuning afbreuk doet aan haar onafhankelijkheid.~~ Ze ontvangt geen financiering of ondersteuning die rechtstreeks of onrechtstreeks verband houdt met terrorisme, extremisme, spionage of clandestiene inmenging;

Voorontwerp: Artikel 7, 5° a) – Minimum aantal leden

“ze toont de maatschappelijke relevantie aan van de lokale geloofsgemeenschap aan de hand van:

a) de bevestiging door het representatief orgaan dat de lokale geloofsgemeenschap minstens tweehonderd leden telt binnen de gebiedsomschrijving;”

Zorgen betr. Artikel 7, 5° a)

Het aantal van 200 leden dat aan aanvragende geloofsgemeenschappen wordt opgelegd, kan nu al door een groot aantal reeds erkende gemeenschappen onmogelijk worden gehaald. Bovendien bestaat het risico dat deze bepaling door een andere politieke coalitie in een toekomstig Vlaams Parlement wordt opgelegd aan alle geloofsgemeenschappen, en niet slechts aan nieuwe. Bovendien is de eis van het tellen van het aantal leden een vaag concept dat verschilt van geloofsovertuiging tot geloofsovertuiging; en aangezien er geen voorafbepaald mechanisme bestaat om dit vast te stellen, zou deze eis de betrekkingen tussen de overheid en de religieuze autoriteiten negatief kunnen beïnvloeden. Veel nieuwe kandidaat-gemeenschappen zullen wellicht nooit aan deze voorwaarde kunnen voldoen.

Voorgestelde wijziging: Artikel 7, 5° a)

Dit artikel moet zodanig worden herzien dat het criterium van twijfelachtig lidmaatschap wordt vervangen door een meer passend criterium.

Voorontwerp: Artikel 7, 5° e) – Goed nabuurschap en het onderhouden van duurzame contacten met de lokale gemeenschap

“het respecteren van het principe van goed nabuurschap en het onderhouden van duurzame contacten met de lokale gemeenschap waar de gebouwen bestemd voor de uitoefening van de eredienst gelegen zijn.”

Zorgen betr. Artikel 7, 5° e)

Het onderhoud van duurzame contacten is enkel mogelijk als de twee partijen hiermee instemmen. Van de lokale overheid kan dit worden verwacht. Maar hoe kan een geloofsgemeenschap eenzijdig een ‘duurzaam contact’ opbouwen met een lokale

gemeenschap? Stel, bijvoorbeeld, dat die gemeenschap geen moskee, synagoge of kerk wil aanvaarden.

Voorgestelde wijziging: Artikel 7, 5° e)

Het respecteren van het principe van goed nabuurschap ~~en het onderhouden van duurzame contacten met~~ binnen de lokale gemeenschap waar de gebouwen bestemd voor de uitoefening van de eredienst gelegen zijn.

Enkele conclusies

Het 28 pagina's tellende ontwerpdecreet, dat 72 artikelen telt, is een zeer bureaucratisch opgesteld stuk wetgeving dat het administratief beheer van de geloofsgemeenschappen onnodig zal belasten.

Daarnaast geeft dit decreet geen mogelijkheid aan tot heroverweging van het besluit van het Vlaamse Gewest indien het negatief zou zijn.

Artikel 7 vertoont enkele zwakke punten die kunnen worden gecorrigeerd. Maar het belangrijkste punt van zorg is de titel, waarin staat dat aan ALLE criteria moet worden voldaan om in aanmerking te komen voor erkenning en financiering. Ook hier zou een aanpassing kunnen voorkomen dat mogelijke toekomstige politiek gemotiveerde negatieve beslissingen worden genomen, door 100% vereiste te schrappen, bijvoorbeeld als volgt:

Art. 7. Een lokale geloofsgemeenschap kan worden erkend op basis van een globale evaluatie van het naleven van de volgende criteria.

Voor meer informatie en een interview in het Nederlands kunt u contact opnemen met een Vlaamse deskundige zoals **Jelle Creemers**, Instituut voor de Studie van de Vrijheid van Godsdienst of Levensovertuiging (ISFORB): ([ISFORB](mailto:jelle.creemers@etf.edu)): jelle.creemers@etf.edu

Flemish law on religion : dangerous for religious freedom

On 4 June, after receiving the opinion of the Council of State, the Flemish government gave its final approval to the controversial decree.

By Willy Fautré*

Bitter Winter (08.06.2021) - <https://bit.ly/3cnnoU8> - In the Federal State of Belgium, which comprises of three Regions, a draft decree about the recognition, financing and material management of local faith communities in Flanders has just been approved by the Flemish Government and will be examined by the Flemish Parliament.

In the course of the legislative process, the opinions of several institutions and stakeholders were collected: the Council of State, the Association of Flemish Cities and Communes, the Association of Flemish Provinces, the Flemish Control Commission, and the members of the Flemish Interreligious Dialogue.

The decree is meant to regulate the recognition and control by the Flemish Region of local religious communities which are affiliated to one of the six religions recognized by the Belgian State in the 19th and 20th centuries: Catholicism, Protestantism, Judaism, Anglicanism, Islam, and Orthodoxy. *Laïcité*, a non-religious philosophical worldview, was officially recognized in the 21st century.

Noteworthy, there would not be any reason to table such a decree, obviously inspired by exacerbated distrust and suspicion towards Islam. Indeed, the implementation of the double recognition mechanism leading to the public financing of local faith communities in Belgium had not recently posed any major security problem. However, in the general climate of increased fear towards Islamic radicalism, political authorities in more and more European democracies have decided to pass [laws supposed to prevent this violent development among some Muslims](#). Belgium is no exception to this phenomenon but as policies targeting one specific religion would infringe upon the international standards on freedom of religion or belief, new pieces of legislation pertaining to *all* religions and restricting their freedoms are now being adopted. This is a serious “collateral damage,” and a threat to religious freedom in the country.

Jelle Creemers, associate professor at the [Evangelische Theologische Faculteit, Leuven](#) (Belgium), scrutinized the controversial draft decree which will negatively impact the rights and freedoms of Protestant and Evangelical churches in Flanders as well as other state-recognized religions. On 3 June 2021, he published an article on this issue titled [“The Flemish draft law on religious communities: A critical analysis”](#) in *Bitter Winter* which he had presented at the FORB Roundtable Brussels-EU a day before.

The Flemish draft decree is intrinsically linked to the public financing system of state-recognized religions which was introduced in the constitution after the Kingdom of Belgium, first ruled by a German Protestant King, was created in 1830.

In fact, the principle of state financing of religions pre-dated the existence of Belgium as a political and territorial entity.

When in 1792 the French troops entered the Southern Provinces of the Netherlands (approx. present-day Belgium), which were then under Austrian rule, they started to impose the French rule and its religious legislation inherited from the 1789 revolution: in particular, the deprivation of the fundamental freedoms, privileges, and property rights of the Catholic Church.

However, in 1801, Napoleon unilaterally imposed a humiliating concordat on Pope Pius VII, partly restored the rights of the Church but firmly put it under its rule. On 8 April 1802, a law administering public worship of Catholicism and Protestantism was promulgated. It included provisions regarding the state financing of their clergy. Under Napoleon, the Jews were emancipated and in 1807, he designated Judaism as one of the official religions of France, along with Roman Catholicism and Protestantism in its diversity.

After the Battle of Waterloo and the defeat of Napoleon, the “Belgian lands” fell under the Dutch rule and a Protestant prince for 15 years (1815–1830). The legislation providing for the financing of religions put in place by Napoleon remained unchanged.

In 1831, the Belgian constitution based on the Napoleonic Code confirmed the State’s payment of the salaries and retirement pensions of the state-recognized religions (then Art. 117) but the concordat with the Catholic Church was abolished.

In 1836, the new legislation on municipalities and provinces provided that they had to provide housing to the clergy and to pay down the financial deficit of the legal entities (called *fabriques d’églises* in the Belgian administrative language) managing the budgets of the local faith communities of the state-recognized religions.

In the second half of the 19th century, the financing of religions and the lack of control of the expenses were a bone of contention between the Liberal Party and the Catholic Party. This led to the promulgation of the 4 March 1870 Law regulating the control by public powers of the financial management of the *fabriques d’églises* of the then state recognized religions: Catholicism, Protestantism, Anglicanism and Judaism.

At the end of the 20th century (1994), Belgium became a Federal State with three regions (Flanders, Wallonia and Brussels Capital). This triggered a mechanism of slow but steady devolution of powers.

The Federal State retained the competence to recognize religions and to pay the salaries and retirement pensions of their clergy.

The three Regions, which have their own parliament and government, were in charge of the recognition—or not—of local faith communities to be financed.

The 10 Provinces remained in charge of the financial assistance to the *fabriques d’églises* of the Catholic Cathedrals but also of other religions and worldviews which had been state-recognized in the meantime: Islam (1974), Orthodoxy (1985) represented by the Patriarchate of Constantinople and later on, last but not least, the non-religious philosophical entity known as *Organized Laïcité* (2002).

The Municipalities remained in charge of the local *fabriques d’églises* of the Catholic, Protestant-Evangelical, Anglican, and Israelite (Jewish) communities.

All state-recognized religions and *Laïcité*, but not Islam, managed to set up a representative platform that was easily accepted by the state as an official interlocutor. Islam has indeed no clergy or hierarchy and its communities in Belgium are closely linked to immigration as well as to the countries of origin (Morocco, Turkey, Iran, Pakistan, and so on).

Despite internal elections in 1998 and 2005 (under pressure of the State), the representative platform named *Executive of the Muslims of Belgium* (EMB) was torn up by financial scandals and internal strife (mainly between Moroccan and Turkish representatives) in which it lost its legitimacy. As a result, it is only after over 30 years (2007) that a few local Muslim communities were entitled to receive some public funding.

In 2014, the election process was replaced by a mechanism providing for the representation of Muslim communities linked to their own mosques. The EMB priorities were then the recognition of new local communities (mosques), the training of teachers of the Islamic religion in public schools and imams to be recognized and financed by the State. The free access to radio and TV programs, already granted to other religions and worldviews, was also on their agenda.

During those decades of hectic relations between the Belgian State and its Muslim communities, the global geo-political environment was deeply transformed by a number of dramatic events and developments: the 9/11 attack in the US, wars in the Middle East and Afghanistan, international terrorism, jihadism, the emergence of a political Islam, and the radicalization of some Muslims. On 22 March 2016, Belgium was dramatically hit by three coordinated suicide bombings perpetrated by young Belgian Muslims in which 33 people lost their lives and over 300 were injured. Belgian jihadists went to Syria and other battlefields; radicalized Muslims (male and female) were arrested, and some radical imams could be deported.

This is the tumultuous context which caused a lot of suspicion and concerns from the Belgian authorities at the level of the parliaments and governments of the Federal State and its Regions.

This explains the security measures that the State and the Flemish Region intend to take but this does not justify the mistrust of the public powers towards *all* religions, the disproportionate control of their activities, and the planned restrictions to their religious freedom under the pretext of combating terrorism based on ultra-fundamentalist Islam, which is not shared by an overwhelming majority of Muslims in Belgium.

In an article published in [Bitter Winter](#) on 4 June, Massimo Introvigne, former "Representative on combating racism, xenophobia and discrimination, with a special focus on discrimination against Christians and members of other religions" of the [Organization for Security and Co-operation in Europe](#) (OSCE),

declared that the first political reaction against "Islamic fundamentalism" is to pass a new law but he downplays the effectiveness of such initiatives. At the end of his analysis, he concluded that "This is rarely effective, because the ultra-fundamentalist organizations responsible for terrorism such as al-Qa'ida and the Islamic State operate underground. A law banning 'extremist' organizations would not affect them. They are already banned everywhere as criminal groups.

There is no evidence that banning other conservative Islamic groups would help combating terrorism."

The Flemish Parliament would be wise to adopt a more appropriate legislation about the recognition, financing and material management of all local faith communities, which would not complicate and restrict their exercise of religious freedom. It will be up to the Flemish Parliament to take this responsibility and to be receptive to amendments going in this direction.

Photo : A map of Flanders in 1609 ([credits](#)).

*An introductory paper at the Special Meeting of the FoRB Roundtable Brussels-EU "The New Flemish Legislation on Religion: A Cause of Concern," June 2, 2021. Third in a series of three. Read the [first](#) and the [second](#) article.

The Flemish draft Law on religious communities: A critical analysis

The proposed decree feeds into the growing distrust of religion and raises serious religious freedom concerns.

By Jelle Creemers*

*An introductory paper at the Special Meeting of the Freedom of Religion or Belief Roundtable Belgium "The New Flemish Legislation on Religion: A Cause for Concern," June 2, 2021.

Bitter Winter (03.06.2021) - <https://bit.ly/34GCcsM> - In Flanders, a new Decree concerning the Recognition of Local Faith Communities is close to finalization (public information [here](#)). This article shortly introduces the context and the main elements of the proposed legislation, on the way listing some critical remarks and questions. It concludes that the proposed legislation feeds into an already polarized societal debate on religion and contains serious concerns from a FORB (freedom of religion or belief) perspective, not only for the (to be) recognized communities themselves, but also for religious communities which do not have or aim for official recognition.

As the Belgian system of public support for worldviews is quite complex and unequal, three introductory remarks are in place in view of understanding the proper place of the legislation under consideration. (1) The proposed regulations under consideration concern the (second-degree) *recognition of a local community*. This recognition allows a local religious community (a mosque, a church or a synagogue) to have a religious minister paid by the state and gives her the possibility to ask for financial assistance for some related costs, including the building and renovation of their place of worship. It will replace [current Flemish legislation](#) from 2004/2005. (2) The upcoming legislation will only apply to recognized *religious* communities. While currently seven worldviews are officially recognized in Belgium, it pertains only to local communities of the six recognized 'religions' (Anglican, Catholic, Islamic, Israelite, Orthodox and Protestant-Evangelical). The seventh fully recognized worldview is not a religion but a (humanistic/laic) non-confessional philosophy (recognition of Buddhism is upcoming). Their local operations will not fall under the proposed strict regime. (3) While recognition is a *possibility* for communities of these seven recognized worldviews, there exists a great imbalance in view of such local recognitions. Currently all Roman Catholic parishes have this recognition and are subsidized. In contrast, only a small minority of mosques and Evangelical communities have gained this local recognition in the past fifteen years.

The legislation under consideration aims at three things according to the [explanatory memorandum](#): (a) to *adapt the existing regulations* for recognition in view of "better separating the wheat from the chaff", (b) to *strengthen control* of the recognized religious communities and (c) to be able to *sanction* recognized religious communities. In what follows, we will discuss (A) the recognition requirements themselves (i.e., esp. Art.

7), and (B) the proposed new agency for the control and sanctioning of recognized communities (i.e., esp. Art. 21-28), called the "Information and Screening Service." We will end with (C) some conclusions.

A. The Recognition Requirements (see esp. Art. 7)

The proposed decree includes an elaborate list of recognition requirements, which will not all feature here. But the key recognition requirements are summarized under three headings.

A1. Requirements regarding Structures and Finances.

Under the new regulations, a recognized religious community needs to have (a) a certain juridical structure and (b) its recognition must have the explicit approval of the religion's representative organ. This implies that each religion is hierarchically structured, which does not fit some religions. Further, structures further need to be clear and fully transparent, which includes that information must be given on (c) all juridical structures which are related to a religious community, such as an educational or social welfare organization, and (d) their internal financial streams. To gain recognition and get subsidies, a religious community also needs to (e) demonstrate for four years that it is financially independent (art. 7 par 3 and 12). Thus, a religious community needs to demonstrate it doesn't need state support to be eligible for it. In addition, art. 7 par 4 states explicitly that (f) the community cannot receive foreign funding which would jeopardize its independence. Hence, it should be able to function with money provided by the religious community members. Note, however, that such giving to the religious community is not without consequence. (g) Of every individual or organization contributing more than 500 euro per year to the community—which is 42 euro on a monthly basis—, personal data must be kept in a logbook, including name, address, nationality and place and date of birth of the giver (art. 18 §2). All related authorities can ask for this logbook at any time and thus get full insight in the giving habits of the community's members.

A2. Requirements regarding the Recognized Religious Community and Society

For recognized communities, there is (a) the obligation for each foreign religious minister to successfully follow a civic integration course, and (b) the expectation that the Flemish language decrees are followed by the community. Also, (c) the religious community needs to explicitly demonstrate its societal value and a lack can result in loss of recognition. *In concreto*, so art. 7 par 5 says, for recognition a religious community (1) must have at least 200 members, (2) must maintain enduring relations with the local governments and (3) must maintain enduring relations with the local community (neighborhood). What the latter means exactly and what to do if the neighborhood is not willing to uphold enduring relations with a mosque, church or synagogue, is not clear. What is clear, is that it may be a reason for losing or not getting recognition.

A3. Requirements regarding the Recognized Religious Community and the Law

Concerning the rule of law, the decree explicates in art. 7 par 6 that all responsible persons of a faith community must "undertake that no one can, on the grounds of religious or philosophical motives, evade the applicable rules of law, the European Convention on Human Rights and the Constitution, or restrict the rights and obligations of others." This seems to be either a contradiction in terms or at best a null statement,

as the ECHR explicitly stipulates freedom of religion or belief, which allows for implications on rules, rights and obligations on the grounds of religious or philosophical motives. As such, this requirement endangers religious freedom for recognized religious communities. Second, it also potentially undermines a religious community's prophetic capital, as it expects a religious community not to critically question reigning values, laws, rights and obligations.

B. The Information and Screening Service

The second element which requires attention is the Information and Screening service, which is erected in service of this decree. This control agency will, so the responsible minister assured the Flemish Parliament, become "one of the most performant inspection services of our Flemish administration." It aims at a capacity of 19 fulltime equivalents and an annual budget of 3 million euro. This should enable the agency to control 95% of the religious communities every year. And the control officers will have far reaching powers. (a) They can come unexpectedly to a place of worship and (b) then must be given full access to all its spaces. They can (c) do identity controls of all present individuals—leaders, members, and guests. They can (d) immediately interrogate each individual present. They can (e) demand access to all documents in the building and demand copies they may find useful, or take them if they deem that necessary. They can (f) ask police assistance in their task. And if they find any breaches in the recognition requirements, they can sanction the religious community by (a) limiting or suspending their subsidies, (b) suspending their recognition for a certain period or (c) by annulling their recognition.

C. Conclusions

This short article does not allow for a nuanced discussion of each article of the proposed legislation, which also has its strengths in comparison with the existing regulations. But I hope the examples give sufficient ground for four critical conclusions from a FORB perspective:

1. The polarized language in which the Flemish government has written and worked out this new policy suggests a distrust of religious communities. In the binary of chaff and wheat, there is no space for "good" communities which simply choose to keep a distance from the state. This is certainly in the disadvantage of non-recognized communities, particularly outside of the recognized religions, such as Bahá'ís, Sikh, or Jehovah's Witnesses.
2. The recognition policy aims at monitoring and sanctioning rather than supporting or assisting religious communities. This is particularly in the disadvantage of the recognized minority religions, which often have a weak hierarchy, are diversified, have limited experience in administrative affairs and limited social and financial capital. Getting and keeping their faith communities recognized is impeded rather than supported.
3. The proposed legislation does not respect proportionality in its investments, in its control system and in the invasion of privacy. In the absence of a security threat, it aims at annual controls, gives far-reaching authorizations to a controlling agency and collects data on citizens and their personal finances. This disproportionately limits privacy and individual and communal freedoms.
4. Quite some elements in the legislation are unclear and bring legal uncertainty. Demonstrating societal relevance is difficult, as is demonstrating that foreign financial support is not limiting independence. Moreover, the test period requires a community seeking recognition to live according to the rules for four years without

receiving anything in return and without certainty that the recognition will be awarded upon successful completion.

In short, in its current formulation the proposed legislation willingly or unwillingly feeds into a growing distrust of religion. Religious communities are requested to denude themselves and put on a straitjacket to get or keep recognition—and refusing to do that is the more reason for suspicion. As such, the proposed legislation may well strengthen rather than alleviate already polarized views on religion in society and seriously undermine the freedoms and societal positions of both recognized and non-recognized religious communities.

Photo : The Flemish Parliament, Brussels ([credits](#)).

Jelle Creemers coordinates the Institute for the Study of Freedom of Religion or Belief (ISFORB) at the Evangelische Theologische Faculteit, Leuven (Belgium) and is an Associate Professor and Department Chair of Religious Studies & Missiology in the same Faculty.

The Ghent Jehovah's Witness decision: Anomaly or a new reality?

In an unprecedented ruling, judges turned the long-standing interpretation of articles 9, 10, 11 of the European Convention on Human Rights on its head.

by James T. Richardson*

* A paper presented at the Webinar "Jehovah's Witnesses, Shunning, and Religious Liberty: The Ghent Court Decision," April 9, 2021 [see video of the Webinar].

Bitter Winter (21.04.2021) - <https://bit.ly/3aquWV8> - In 2007, the Belgian government approved a new very substantial anti-discrimination law in response to a directive from the European Union to establish laws against discrimination comporting with EU values. The law, which was meant to establish the primacy of anti-discrimination values over other concerns, contains both criminal and civil elements, so cases can involve both. Belgium's Constitutional Court has ruled, however, that the law has limitations, and that some exemptions are to be allowed in its application, including the internal affairs of religious groups.

In 2015, a case was brought by the public prosecutor of Ghent on behalf of some former members against a local congregation of Jehovah's Witnesses for violating the anti-discrimination law because of their practice of shunning those who had left or been expelled from the congregation. Both criminal and civil elements of the law were invoked in the legal action. The legal action seemed very coordinated, and a result of an organized effort to attack the Jehovah's Witnesses. Claims were made by plaintiffs and a number of witnesses that the congregation had "incited discrimination or segregation against a person" and had "incited hatred or violence against a person," in violation of the criminal elements of the anti-discrimination law.

The defendant congregation through its legal counsel explained to the Court in some detail the theological basis for the practice of shunning. The congregation also initially claimed a violation of Article 6 (1) of the ECHR (right to a fair and impartial hearing), but

the claim was disallowed, as was a claim that the statute of limitations should bar the action. Other defenses included citing Article 19 of the Belgian Constitution guaranteeing “freedom to worship, its free exercise, as well as the freedom to express one’s opinion in any field” and Article 21 which states, “The State has no right to interfere in the internal affairs of a religion.” The congregation also cited articles 9, 10, and 11 of the European Convention, which guarantee freedom of religion, association, and expression, claiming that if charges were considered proven by the Court, this would violate the duty of neutrality and impartiality as required by those articles, as well as the very substance of those articles.

All these ECHR claims were rejected by the Court, stating that they were not absolute, citing articles 9.2, 10.2, and 11.2. The Court also ignored voluminous defendant’s witness statements and other evidence, and did not discuss them at all in the judgment.

Table of Contents

- [The Court’s astounding logic](#)
- [The Court’s quite stunning conclusions](#)
- [The Court’s unprecedented ruling](#)
- [Potential implications of the ruling](#)

The Court’s astounding logic

Article 9.2 ECHR provides: “Freedom to manifest one’s religion or beliefs shall be subject to such limitations as are prescribed by law and are necessary in a democratic society for public order, health or morality or the protection of the rights and freedoms of others.” Concerning 9.2, the Court said: “A state may well interfere with the autonomy of religious communities when such interference responds to a compelling social need, where there must be a reasonable relationship of proportionality between the legal objective pursued on the one hand and the restriction on those freedoms on the other.”

Concerning Article 10.2, the Court said: “The expression of an opinion is punishable if it knowingly and intentionally publicly incites discrimination, hatred or violence towards one or more persons on account of one of the criteria listed in the law. Incitement to hatred, segregation, discrimination or violence on the basis of one of the criteria listed in the General Discrimination Act can be made punishable by law, without violating the freedom of expression.” It also stated: “Article 10.2 ECHR provides that the exercise of freedom of expression may be subject to certain formalities, conditions, restrictions or sanctions, if they are provided for by law, and are necessary in a democratic society, including for the protection of the good name or rights of others.”

Concerning Article 11.2, the Court said: “Article 11.2 ECHR provides that the exercise of the freedom of assembly and association may be tested against legal restrictions and those that are necessary in a democratic society in the interest of, inter alia, the protection of public order and the prevention of criminal offences or the protection of the rights and freedoms of others... (I)n light of these restrictions... this court can indeed interfere and has the power to rule on the crimes charged to the defendant.”

The Court’s quite stunning conclusions

“By teaching the faithful that they should ignore, shun, and socially isolate this category of persons with the aim of bringing about repentance on the part of these ex-believers so

that they re-join the Jehovah's Witnesses, the freedoms of belief and to change belief guaranteed by Article 9 of the ECHR and Article 19 of the Belgian Constitution are inadmissibly restricted on the part of this category of persons."

"By the way the defendant propagates the exclusion policy and teaches it to the local religious communities, an impermissible restriction is committed on the right to respect for private and family life of the (former) members of Jehovah's Witnesses, as guaranteed by Article 8 ECHR and Article 22 of the Constitution." "The defendant impermissibly curtailed several rights guaranteed by the ECHR including the right to respect for private and family life (Article 8 ECHR), freedom of thought, conscience and religion (Article 9 ECHR), the right to freedom of expression (Article 10 ECHR) and finally the prohibition of discrimination (Article 14 ECHR)."

"By covering this criminal special intention under the cloak of the guaranteed rights of freedom of religion and other rights they cited, the defendants themselves flagrantly violate the right to respect for private and family life guaranteed by the ECHR (Article 8 ECHR), freedom of religion and freedom to change religion (Article 9), freedom of association (Article 11 ECHR) on behalf of those who have been excluded and have withdrawn from the religious community and the prohibition of discrimination (Article 14 ECHR)."

"The discussion of whether or not the exclusionary policy is based on the interpretation of verses from the Bible or other scriptures is irrelevant" (emphasis mine).

"The conduct of the accused is irresponsible and reprehensible. Incitement to discrimination and incitement to commit moral violence and hatred because of a different religious belief cannot be tolerated under any circumstances in our pluralistic society. The legislature has made such behaviour punishable by law. It is therefore the task of the judiciary to put a stop to the acts committed by the accused. The accused must realize that as members of our democratic society they must respect its core values, which are also protected by criminal law, at all times."

"It is also the task of the judiciary to ensure that freedom of religion and expression are not abused to commit crimes and irreparably harm people morally. In our rule of law, the primacy of the law applies. Religious rules are not above the law in our society."

"The court hopes that this criminal case will make the defendants aware of the seriousness of the acts they have committed for years, and that this criminal case will prompt them to adjust their exclusion policy without delay so that they will refrain from committing new crimes in the future."

The Court's unprecedented ruling

On March 16, 2021, a judgment was rendered against the congregation for violating this criminal law, and fines of 96,000 Euros were rendered against the group (plus costs of the proceedings). Possible civil penalties were deferred until later (after appeals are exhausted).

This decision is a quite dramatic outlier. The decision also ignored explicit statements which allow exemptions for religious organizations in the European Union's directive that led to the 2007 law. And note that the judgment completely ignored the voluminous evidence offered by the defendant in the case, as well as case law precedents in Belgium,

and around the world, which heretofore have ruled in favour of Jehovah's Witnesses congregations managing their own internal affairs.

Potential implications of the ruling

The use of articles 9.2, 10.2, and 11.2 *against* the JWs represents a dramatic shift in how articles 9, 10, and 11 have usually been interpreted in cases involving minority faiths. Those articles have been very important for protecting minority faiths in the past, but in the Ghent decision they have been turned on their head and used against a minority faith, raising a number of questions.

Could this be the beginning of a major shift within judicial systems in how the ECHR and religious freedom provisions of national constitutions are interpreted in cases involving minority religions?

Could this decision, if upheld, possibly raise questions about the way JW cases have been treated within the European Court of Human Rights (ECtHR)? (They have won over 60 ECtHR cases since 1993).

If not overturned on appeal in Belgium's judicial system or won at the ECtHR, does this mean that courts would henceforth be attempting to manage the internal affairs of religious groups?

And finally, how would the Jehovah's Witnesses handle such matters in the future if courts did seek to interfere in the internal affairs of the organization?

(*) James T. Richardson is professor of sociology and judicial studies at University of Nevada, Reno. He received his Ph D from Washington State University in 1968 and his J.D. from the Old College Nevada School of Law in 1986. He has been teaching at the University of Nevada, Reno, since 1968. He directs the master's and doctoral judicial studies program for trial judges as well as the justice management master's program for others who work in the justice system. He is the author of ten books and hundreds of articles in the fields of sociology of religion, new religious movements, religion and the law.

"The right to shun: Ghent's misguided Jehovah's Witness decision"

By Matthew P. Cavedon (*)

Canopy Forum (19.04.2021) - <https://bit.ly/3tzXT8B> - In March, the criminal court of Ghent, Belgium [fined](#) the congregation of Jehovah's Witnesses (JW) for "inciting discrimination and hatred or violence against former members." The case centered on the JW practice of "disfellowshipping." While the court's sensitivity to the individual impact of shunning is laudable, its decision regrettably assaults the freedoms of religion and association.

First, some background on JW beliefs and disfellowshipping. JW was [founded](#) in the United States over a century ago and is headquartered in New York state. This Christian

movement proclaims that the end times began in 1914. Given the impending end of the world, JW [teaches](#) followers to hold themselves apart from churches and politics, instead ordering their lives pursuant to JW biblical interpretations. JW disciplines its [eight million](#) members accordingly. The congregation [shuns](#), or disfellowships, those deemed insufficiently obedient. Once this happens, “no one is allowed to talk to you, not even your own family. They declare that this person must be avoided because they have a mental illness that is contagious.” JWs “physically turn away” from the shunned.

While the court’s sensitivity to the individual impact of shunning is laudable, its decision regrettably assaults the freedoms of religion and association.

This practice seriously impacts those subjected to it. One advocate for disfellowshipped former JWs [told the BBC](#) that she never met a shunned believer “who has not experienced depression, alcoholism, suicidal feelings or self-harm.” One such man, a Belgian named Patrick Haeck, responded to his pain by [turning](#) to a secular criminal court. Mr. Haeck had been a JW for 35 years and served as an elder. He was disfellowshipped after exposing sexual abuse. Following his judicial complaint, the court conducted a five-year investigation. The inquiry gathered other former JWs and brought criminal charges against the entire JW congregation for inciting discrimination, hatred, and violence.

The court found the case persuasive. It [determined](#) that JW fostered “an exclusion policy among its local faith communities and thereby jeopardizes many pillars of our fundamental rights.” The court took the congregation to task for not considering “the very adverse consequences for the victims.” It held that its own duty was “to stop such practices. Religious doctrine is not above the law in our society.”

Just what effect the court’s ruling will have on JW is an open question. The tribunal imposed a fine. It did not mandate a certain number of social interactions between current and disfellowshipped JWs or implement family reunification programs. This, despite the complainants [raising](#) the example of “a man whose wife is still a member, and he is ignored in his own home.” For their part, JWs are [defiant](#). Said their attorney: “It’s not up to the court to hand down a decision about interpersonal relationships. Our internal practices are based on what the bible says. So it is surprising to hear that the courts now say that it’s illegal to follow biblical principles.”

Besides, even if Belgian JWs wanted to find middle ground, they are bound by the decisions made by central JW leadership in New York, where American constitutional freedoms would all but certainly protect disfellowship. Indeed, JW in this country has a lengthy history of legally defending its more radical beliefs. One court finds a whopping [59](#) U.S. Supreme Court rulings concerning JW practices. “Perhaps no religious sect has had a greater impact relative to its size on expanding the First Amendment free exercise of religion,” in Jane Rainey’s [opinion](#). These effects have reached jurisprudence on everything from blood transfusions to standing for the Pledge of Allegiance, door-to-door canvassing to [calling a police officer](#) “a God damned racketeer” and “damned Fascist.”

JW would be able to rely on more than just its general legal savvy against American sanctioning of disfellowship. The U.S. Supreme Court has found a specific First Amendment right to [freedom of association](#). In a case involving the Boy Scouts’ previous refusal of membership to gays and lesbians, the Court held: “The forced inclusion of an unwanted person in a group infringes the group’s freedom of expressive association if the presence of that person affects in a significant way the group’s ability to advocate public or private viewpoints.” While the liberty in question does depend on how public/commercial an association is and the degree to which a person’s inclusion affects

its messaging, JW is a non-commercial, private organization, and the mere presence of the disfellowshipped would significantly impact its ability to advocate its purist beliefs.

Moreover, the Court is loath to interfere with questions of religious discipline. In a 1975 [opinion](#) concerning how internal disputes affect church property, the Court "limited itself to the 'narrowest kind of review,' to what Justice Frankfurter referred to as 'one aspect of the duty of courts to enforce the rights of members in an association, temporal or religious, according to the laws of that association.'" This proclaimed commitment to reinforcing private religious obligations directly contrasts with the attitude of the Ghent court, which said it was obligated to stop anti-social practices because religion is subject to secular laws. American jurisprudence has only tacked more in this deferential direction in the years since, with [recent cases](#) extending it to employment decisions by religious organizations.

The human toll of government intrusion into such affairs is self-evident. Of course, the toll may fall heaviest of all on the freedom of religion.

Which approach is better? The Ghent style affords significant respect to the individual dimension of discrimination. It prioritizes the needs of those suffering lifelong emotional harm from harsh practices. It is an understandable response to very real pain.

But it also radically curtails personal freedom. At its essence, it criminalizes the decision of who to talk to. Who to treat respectfully. Who to welcome into the home. Who to consider a fellow believer in the most important matters. Who to greet within the fold of those deemed pure. The human toll of government intrusion into such affairs is self-evident.

Of course, the toll may fall heaviest of all on the freedom of religion. Mr. Haeck's case "is the [first time](#) an entire congregation has ever been charged with a crime" in Belgium. JW met such consequences for teaching that God wants believers to withdraw from dissenters. JW may take this attitude to an unhealthy extreme. But Massimo Introvigne [notes](#) that it is hardly unique. Religions regularly draw lines between who is in and who is out in order to maintain their coherence and instill a spirit of collective discipline. Famously, the early modern philosopher Baruch Spinoza was shunned by Amsterdam's Jews, to the degree that the observant were not to come within four cubits of him. Some Ultra-Orthodox Jewish communities retain shunning to this day. Introvigne also canvasses a Christian history of capital punishment and social discrimination against apostates.

Life together in human society is fraught with controversies. One of the tragedies of our worldly existence is that we sometimes disagree on even the most intimate matters, and these sad occasions can lead to alienation.

None of this comes without a cost, one with which Mr. Introvigne is personally familiar: "I am a Roman Catholic, and one who is divorced and remarried. . . Some of [my friends] are conservative Catholics and, no matter what the Popes might have said [about merciful inclusion], have decided to cease any association with me." Despite this, he believes liberty in structuring personal relationships and communal commitments to be important. "The end of these friendships was certainly painful. Yet, I respected their free decision not to associate with me any longer, and certainly did not ask a court of law to compel them to continue our friendship, nor did I sue the conservative theologians who support this behavior asking for damages or fines. This was not generosity. It was simply common sense . . ." Common sense, that is, borne of a healthy appreciation for freedom. Life together in human society is fraught with controversies. One of the tragedies of our worldly existence is that we sometimes disagree on even the most intimate matters, and

these sad occasions can lead to alienation. Nearly nothing is more painful. From my own Catholic perspective, JW introduces far more severe ruptures than God wills for His children. Nevertheless, their freedom to disfellowship and my right to withhold fellowship with them are one and the same. The Ghent tribunal erred by swallowing the liberty of each in attempting to provide harmony for all. ♦

(*) Matthew P. Cavedon is a criminal defense attorney in Gainesville, GA. He graduated from Emory University in 2015 with a law degree and masters of theological studies.

Jehovah's Witnesses: disfellowshipping, shunning, and the Ghent ruling

Many do not understand how shunning exactly works. Erroneous representations of the practice may have influenced the Ghent judges.

*by George D. Chryssides**

*A paper presented at the Webinar "[Jehovah's Witnesses, Shunning, and Religious Liberty: The Ghent Court Decision](#)," April 9, 2021 [see video of the Webinar].



Why Disfellowshipping Is a Loving Provision

From the Watchtower, April 15, 2015.

The subject of disfellowshipping among the Jehovah's Witnesses is seriously misunderstood. One "renowned expert on cults" asserts that one can be disfellowshipped for sending someone a birthday card! This of course is absurd. Disfellowshipping is only for serious offences, for which there must either be two witnesses or a confession from the wrongdoer, and for which the offender is unrepentant.

The Society's sanction of shunning applies to baptized members (adults and minors), and those who have dissociated themselves—that is to say, those who have formally expressed in writing a desire to be no longer part of the Watch Tower organization, or whose actions plainly demonstrate a desire to leave, such as regularly attending a mainstream church, joining the army, or voluntarily accepting a blood transfusion.

The elders' manual "*Shepherd the Flock of God*" lists 18 types of offence which are potential grounds for disfellowshipping. The most common is sexual immorality, but the sanction also applies to celebrating other religious festivals, spreading false teachings, drunkenness, fraud, and theft. The elders appoint a committee of three men, who will listen to the witnesses and the offender, and then decide the outcome.

When someone is disfellowshipped or disassociates, a simple announcement is made at the midweek congregational meeting, which takes the form, "X is no longer one of Jehovah's Witnesses." It is only made once at a single location, and the grounds are not publicly mentioned. Disfellowshipping is a congregational matter: one cannot be expelled by the branch office or the Governing Body, and any reinstatement must be also done at congregational level. If a member believes that the judicial committee's decision was unjust, he or she may appeal in writing within seven days, following which the Circuit Overseer will appoint an appeal committee, normally from a different congregation.

Disfellowshipped members are encouraged to continue to take part in public worship, including congregational meetings and conventions. They no longer have to sit at the back. Their "privileges" are withdrawn. Privileges are assigned tasks such as house-to-house witnessing, greeting attendees at the door, organizing the literature stand, giving talks, or taking part in on-stage role-plays. They are so-called because it is considered a privilege to serve Jehovah.

There are three main reasons for shunning. It is reckoned to be in accordance with scripture (e.g., 2 John 10); it is intended to keep the congregation free of "bad associations" (1 Corinthians 15:33); and it aims to give the offender a jolt, providing an incentive to repent.

Members may not associate with the disfellowshipped or disassociated individual. It is also worth noting that reinstatement is possible, and indeed encouraged: the elders will attempt to visit the disfellowshipped member at least once a year to offer counsel and to determine whether the ex-member might be persuaded to return.

One hears stories about a disfellowshipped Jehovah's Witness being ordered out of the family home, with only a few belongings such an old van and no money for petrol, and having to sleep under a bridge as a consequence. It is hard to adjudicate on the veracity of individual stories, but it is certainly unlikely that this would be the norm in a Kingdom Hall today.

However, it is disingenuous to believe that family ties remain intact, and that only spiritual fellowship is withdrawn. *Bitter Winter* quoted the statement: "Since [...] being disfellowshipped does not sever the family ties, normal day-to-day family activities and dealings may continue. Yet, by his course, the individual has chosen to break the spiritual bond between him and his believing family..." ("*Keep Yourselves in God's Love*" [2008, 2014]: 208).

This might seem to suggest that family relationships remain the same, but that the disfellowshipped member may not participate in the weekly Family Worship Evening. The situation is not quite so simple. So long as the household remains together, normal family activities take place. If the father of the household has been disfellowshipped, he will still be permitted to eat with the others, watch television, go on family outings, and have normal relationships with his wife, including sexual relations. He is still the head of the household, to whom his wife should be subject, unless his demands are contrary to Jehovah's law. If some other member of the family is disfellowshipped, normal familial relationships are intact, but they will be excluded from the Family Worship Evening. Instead, the father is encouraged to give them one-to-one spiritual counselling. What the offender may not do, however is to speak to non-family Witnesses who call.

The offender is not normally required to leave home—certainly not if he or she is a minor. However, one Watch Tower publication states that it may be necessary for a householder to ask a disfellowshipped member to leave. This would be considered appropriate if they continued to engage in unacceptable practices, for instance if they repeatedly came home drunk, or persistently stayed out late with a non-believing partner. Once the offender leaves the home, then social interaction discontinues. Two Watch Tower videos depict parents refusing to open a text message from disfellowshipped children, since they are no longer allowed to have social contact.

A disfellowshipped member may need to come into contact with Jehovah's Witnesses at work. Where this occurs, conversation would be confined to work matters, and no exchange would take place either socially, or concerning religion. There have been situations where a disfellowshipped member has been part of a small firm run by a Witness, for example a company of window cleaners. Disfellowshipped employees would not be sacked, since a practicing Witness should not want them to lose their means of livelihood. Dismissal may also be illegal. Discussion might take therefore place as to how relationships might continue in the course of employment.

The Ghent ruling suggested that plaintiffs suffered loss of business. There is certainly no instruction to rank and file members to boycott businesses of disfellowshipped people, and entering a shopkeeper's premises would not be construed as a violation of shunning. Members of the congregation may find such contact embarrassing, but it is a personal decision.

Disfellowshipping is not meant to foster callousness. One Watch Tower publication cites the example of a disfellowshipped woman whose car is in the Kingdom Hall car park with a flat tyre. The article recommends that members of the congregation to offer help, although it implies that congregations had been taking shunning too far.

As Massimo Introvigne argues, belonging voluntarily to an organization involves accepting its rules, and in order to undergo baptism Jehovah's Witnesses receive detailed instructions which includes acquaintance with the organization's disciplinary procedures. Anyone who voluntarily disassociates ought to be aware of the consequences and consider whether it might be better simply to fade from the congregation. One qualification should perhaps be mentioned: although most candidates for baptism are adults, it is possible to be baptized at quite a young age, and arguably, even though they can satisfy the elders on their acquaintance with Christian beliefs and living, perhaps the full impact of the responsibilities of belonging has not yet dawned. In one of two JW videos dealing with disfellowshipping, the girl who gets baptized looks very young, perhaps only about ten years old.

George D. Chryssides is Visiting Research Fello at York St John University (UK) and Honorary Research Fellow in Contemporary Religion at the University of Birmingham after being Head of Religious Studies at the University of Wolverhampton (UK) from 2001 to 2008. From the 1980s, George Chryssides' main interest has been in new religious movements on which he has authored numerous books and scholarly articles, several of them devoted to Jehovah's Witnesses.



The Ghent case against Jehovah's Witnesses: a chronology

A paper presented at the Webinar "[Jehovah's Witnesses, Shunning, and Religious Liberty: The Ghent Court Decision](https://www.youtube.com/watch?v=sMoMpgLXLiU)," April 9, 2021. See webinar at <https://www.youtube.com/watch?v=sMoMpgLXLiU>

by Willy Fautré, Human Rights Without Frontiers

Table of Contents

- [A timeline](#)
- **The trial**
- **Who are the claimants?**
- **The statements of the claimants**
- **The position of the CCJW**
- **The verdict and its consequences**

Bitter Winter International (12.04.2021) - The criminal investigation targeting the Christian Congregation of Jehovah's Witnesses in Belgium which got into the spotlight earlier this year did in fact start in 2015.

A timeline

On 19 March 2015, a former Jehovah's Witness who had freely chosen to recant his faith, filed a criminal complaint against the CCJW.

On 5 January 2016, Substitute Public Prosecutor Isabel de Tandt transmitted the criminal file to the Federal Judicial Police. She stated in her cover letter that this is "a file against the Jehovah's Witnesses regarding defamation and, more specifically, regarding their defamation policy."

On 29 January 2016, the Federal Judicial Police issued a Pro-Justitia listing the CCJW and its Board of Directors as the subject of the criminal investigation.

On 10 April 2018, after over two years of silence, the Public Prosecutor officially notified the CCJW of an investigation that had been ongoing since January 2016. Three CCJW board members were then invited for a hearing.

On 15 May 2018, the CCJW responded to that invitation by a letter to the Federal Judicial Police of East Flanders in which it requested a number of details about the criminal investigation: the grounds of the accusation and the author thereof. In its letter, the CCJW specifically addressed the issue of disfellowshipping and stressed that courts in Liège, Mons and Brussels had confirmed this practice is protected under Article 9 of the European Convention on Human Rights.

In that letter, the CCJW indicated its objections to the investigation (due to the little information provided by the police) and asked the Public Prosecutor to dismiss this investigation but indicated "Of course, we are fully prepared to work with you to clarify this issue". There was no response whatsoever to this offer.

On 13 May 2020, after two more years of silence by the judicial authorities, the CCJW received a copy of the 11 May 2020 summons charging it with crimes under Article 22 of the Anti-Discrimination Act.

The main issue raised by the criminal case is the questionable assimilation of the CCJW's shunning policy with a form of discrimination and incitement to hatred.

However, Courts in Belgium had already ruled on similar complaints of alleged discrimination.

On 10 January 2012, the Court of Appeal of Mons rejected J.L.'s discrimination claim.

On 5 November 2018, the Court of Appeal of Brussels confirmed the decision of the Court of Appeal of Mons and rejected J.L.'s discrimination claim.

Last but not least, on 7 February 2019, the Court of Cassation rejected J.L.'s appeal against the judgment of the Court of Appeal of Brussels.

The trial

On 16 February 2021, the trial started against the Christian Congregation of Jehovah's Witnesses (CCJW) at the criminal court of Ghent (East Flanders) on the alleged grounds of discrimination and incitement to hatred with a particular focus on their shunning (ostracization) practice in cases of disfellowshipping (excommunication) and disassociation (voluntary resignation).

Four lawyers pleaded for the main plaintiff and over a dozen more former or inactive Jehovah's Witnesses who had joined him in the proceedings. They took two hours and a half for presenting their arguments and the situation of their clients about their alleged family ostracization. Their plea was supported by the lawyer of UNIA, an inter-federal independent public institution financed by public money that fights discrimination and racism and promotes equal opportunities. Finally, the public prosecutor formally asked that CCJW would be convicted for the alleged crime.

The CCJW was defended by two lawyers, who pleaded for about an hour and a half. They stressed to the judge that the claimants were in fact asking to have the Bible condemned, as it is the basis for the religious beliefs and practices adopted by Jehovah's Witnesses. This would be the first time since the 16th century that a court in Western Europe would find the Bible criminally guilty, they said.

Half a dozen journalists were present to cover this unusual trial.

Who are the claimants?

The main plaintiff had not been excluded from Jehovah's Witnesses but had left of his own will. His wife and their children were not excluded and did not resign, although they too joined the case as claimants.

Only two former Jehovah's Witnesses had been excluded, one of them becoming a civil party on the very day of the trial.

Six had freely decided to recant their faith.

Five had neither left nor been excluded. They are still considered Jehovah's Witnesses, though inactive.

The statements of the claimants

In statements relying more on emotions than on facts, the claimants made various allegations concerning alleged inhuman ostracization actions by their family members who are still Jehovah's Witnesses.

However, in a number of cases, the claimants' assertions concerning the alleged moral misbehavior of their family members were contradicted by the latter's written and signed testimonies. This was for example the case of the brother-in-law of the main claimant.

The claimants also relied on statements of three more persons making various allegations about how their friends and family members who are Jehovah's Witnesses have allegedly treated them unfairly. However, strange though it may be, these persons too were never excluded or resigned of his/her own will, which made their testimonies rather irrelevant.

The position of the CCJW

In balance, the CCJW provided the Court with nine statements of individuals who had been excluded and who had since been reinstated as Jehovah's Witnesses. These testimonies shed quite a different light on the matter. They explain how they had been fairly treated by congregation elders, family, and others in the congregation when they were disfellowshipped.

The cases raised at the Court in Ghent are obviously and exclusively family matters. It would be reductive to restrict the explanation for perturbed family relationships to the official policy of the CCJW. So many different situations may that explain difference of views and values within a family as many of the protagonists have experienced in their own circumstances.

The CCJW considers it is not legally responsible for the intra-familial relations between its members and former members, as it is an individual decision.

All organized religions have exclusion or excommunication procedures in their statutes and Jehovah's Witnesses are not an exception. Such procedures, rooted in the teachings of the Bible, have been determined by their Governing Body in the United States, the highest theological level of their Church. They are applied in all the countries of the world where they are active, including in Belgium.

In the Belgian case, the decisions of disfellowshipping and of social distancing from excommunicated and disassociated members raised in the court were taken at the level of the local congregations, not by the CCJW.

In their conclusions provided to the Court before the trial, the CCJW says that they do not segregate excluded or resigning members as these can always attend their religious services. They also point out that baptized Jehovah's Witnesses who no longer actively associate with fellow believers, are *not* shunned.

Clarifying the relations between Jehovah's Witnesses and disfellowshipped or disassociated family members, they also say: "In the immediate household, although the 'religious ties' the expelled or disassociated person had with his family change, ... blood ties remain. The marriage relationship and normal family affections and dealings continue." In other words, normal family affection and association continues.

The Verdict and its Consequences

The court totally disregarded the arguments of the CCJW and on 16 March 2021 condemned the legal entity to the payment of a fine estimated at 96,000 EUR on the grounds of discrimination and incitement to hatred. The CCJW has appealed the court decision.

What the whole case in Ghent is all about is an attempt to oblige the Witnesses to change their Bible-based religious practices. This is a dangerous verdict as it breaches the autonomy of religions as guaranteed by the Belgian Constitution and the European Court of Human Rights.

If this decision happened not to be overturned, its consequences would be incalculable in Belgium and abroad. It would have repercussions on other religious communities where conversion, apostasy and exclusion are followed by family and social ostracization or worse.

It would open the door to the prosecution of the Catholic Church in Belgium and any other country as their priests are forbidden from blessing same-sex couples and could be accused of discriminating against homosexuals.

The Ghent Jehovah's Witness decision: dangerous for all religions

Suggesting that current members do not associate with "apostate" ex-members has been historically common in many religions.

By Massimo Introvigne

Bitter Winter (19.03.2021) - <https://bit.ly/3ltfEU2> - The decision rendered on March 16, 2021 by the Court of Ghent in Belgium, which states that suggesting that current members of a religious organization do not associate with ex-members who have been disfellowshipped or have left the organization amounts to discrimination and incitement to hatred, is not dangerous for the religious liberty of Jehovah's Witnesses only. It represents a danger for all religions, not only because of the intrusion into the sphere of autonomy of a religious body (discussed in the second article of this series), but also because the practice of "shunning" so-called "apostate" ex-members (a technical term used by sociologists without any negative implication) is hardly unique to the Jehovah's Witnesses.

Several new religious movements have similar policies. I would not insist on them, because of the possible objection that "ostracism" is in fact typical of "cults," although not many would use the word "cult" for the Amish, whose shunning practices are the subject of several novels and movies.

But "shunning" the "apostates" is also part of mainline religions. In Medieval and early modern Judaism, the community, including the close relatives, regarded the apostate as morally dead. The apostate was mentioned by using the language usually reserved for the deceased persons, a very effective kind of "shunning." Talmudic Judaism had the notions of *niddui*, a less severe form of social isolation, and *herem*, which was more radical. The apostate, as well any other subject to *herem* had to live in confinement with his family only, no outsider being allowed to come near him, eat and drink with him, greet him. After his death, his coffin would be stoned, if only symbolically by placing a single stone on it. It was a sort of civil death; and indeed, it was said that "a Jew on whom a *herem* lies can be regarded as dead." This practice survives to this very day in some ultra-Orthodox Jewish communities.

There is a large literature about apostasy in Islam. Although the relevant texts of the *Quran* may be subject to different interpretation, and today there are liberals insisting that execution is not mandatory, the opinion that apostates from Islam should be killed is still widespread. Several Islamic states maintain laws considering apostasy from Islam a crime to be punished by the death penalty. Authoritative theologians consider killing an apostate a virtuous deed. Some liberals, and the dissident Ahmadi Muslims (who are themselves regarded as apostates and persecuted by mainline Muslims in Pakistan and elsewhere), try to argue that death penalty for the apostates was never really taught by Islam. As historian David Cook noted, their efforts are politically "laudable" and may even save some lives, but are historically untenable. Cook states that "it is really amazing (...) to note the ease with which they ignore the weight of the entire Muslim legal tradition." "The accepted punishment for apostasy from early stages of Islam was death." It is true that the penalty was not applied with the same regularity in different times and regions. However, "This attitude has been strengthened immensely over the centuries to the point where even when modern Arab or Muslim states abolish the death penalty for apostasy, it is usually enforced by the enraged populace" (Cook, "Apostasy from Islam: A Historical Perspective." *Jerusalem Studies in Arabic and Islam* 31:248-88).

When Constantinian Christianity went from persecuted minority to state religion, it quickly obtained from the Roman Emperors laws mandating the execution of those Christians who would apostatize and return to the pagan rites (*Codex Justinianus* I,11:1 and 7). Those who would induce Christians to apostatize should also be executed (*Codex Justinianus* I,7:5). If arrests and executions would be carried out timely, there should be

no risk that Christians would put their faith at danger by associating with apostates. However, to be on the safer side, the *Codex Justinianus* (I,7:3) also mandated that apostates “shall be separated from association with all other persons.”

In more recent centuries, apostates from Christianity managed to escape execution, but still they were harassed in several different ways. Apostates who had been priests were particularly singled out. As late as 1929, in its Concordat with Italy, the Catholic Church obtained from the government that “apostate” ex-priests would be prevented from teachings in all kind of state schools or “be hired or maintain any employment or job placing them in direct contact with the public” (Concordat of February 11, 1929, art. 5). This was Fascist Italy, but the provision remained in the democratic Italian Republic, was successfully defended (if through a technicality) against a challenge before the Constitutional Court in 1962, and was finally abolished only in 1984.

The Orthodox practice was very similar to its Catholic counterpart, which is not surprising, given the common roots in the post-Constantinian legal tradition of Rome and Byzantium. The authoritative Russian *Orthodox Encyclopedia* (Moscow: Church Research Center “Orthodox Encyclopedia”, vol. 2, pp. 274–79), discussing the practice of *anathema*, compares it to *herem* in Judaism, and reminds its readers that *anathema* is different from excommunication. While the excommunicated person is excluded from certain rituals but is still regarded as a member of the Church and is not shunned, those anathematized are completely cast off from the Church and should be “avoided” by all believers. It is by no means a practice of the past. The *Orthodox Encyclopedia* mentions the recent cases of dissident priest and human rights activist Gleb Yakunin (1936–2014) and of Patriarch Filaret of Kiev (b. 1929), very much in the news recently as the founder of an autocephalous Ukrainian Orthodox Church separated from the Patriarchate of Moscow, and of those associating with “cults and sects,” including Theosophy and Spiritualism. All these persons should be shunned.

Similar practices exist or existed among several Hindus and Buddhist communities. Clearly, all or most faiths find in their scriptures and theologies reasons suggesting that their members should not associate with apostate ex-members.

Nor is this limited to apostates. I would like to conclude this series with a personal note. I am a Roman Catholic, and one who is divorced and remarried. Although not only the present Pope Francis, but also his predecessor Pope Benedict XVI, told divorced and remarried Catholics that they should feel part of their local Catholic communities, and be treated as such, I have among my friends people of all religious persuasions. Some of them are conservative Catholics and, no matter what the Popes might have said, have decided to cease any association with me after my divorce. Some were friends I knew from my college years. The end of these friendships was certainly painful. Yet, I respected their free decision not to associate with me any longer, and certainly did not ask a court of law to compel them to continue our friendship, nor did I sue the conservative theologians who support this behavior asking for damages or fines. This was not generosity. It was simply common sense, and it should apply to the Jehovah’s Witnesses—and to anybody else.

The Ghent Jehovah's Witnesses decision: dangers for Religious Liberty

Contrary to other courts in several countries, the Belgian judges dangerously intruded into the internal organization of a religious group.

By Massimo Introvigne

Bitter Winter (18.03.2021) - <https://bit.ly/3r17SBO> - In a precedent article, I discussed the decision of the Court of Ghent, Belgium, which fined the Jehovah's Witnesses because they suggest that their members do not associate with those who have been disfellowshipped or have left the congregation. I noted that, contrary to accusations by opponents, an exception is made for the immediate family members.

In this second article, I examine some precedents that have established, in my opinion correctly, that the so-called "ostracism" as practiced by the Jehovah's Witnesses is protected by their right to religious liberty.

The first substantial discussion of the practice is included in the 1987 decision of the United States Court of Appeal for the Ninth Circuit *Paul v. Watchtower Bible and Tract Society of New York, Inc.*, which is quoted in all subsequent American cases. The court acknowledged that the plaintiff has experienced some unpleasant incidents in being "shunned" by close friends who were Jehovah's Witnesses after she was disfellowshipped. Nonetheless, the court maintained that, "Shunning is a practice engaged in by Jehovah's Witnesses pursuant to their interpretation of canonical text, and we are not free to reinterpret that text. Under both the United States and Washington Constitutions, the defendants are entitled to the free exercise of their religious beliefs... the imposition of tort damages on the Jehovah's Witnesses for engaging in the religious practice of shunning would constitute a direct burden on religion... In sum, a state tort law prohibition against shunning would directly restrict the free exercise of the Jehovah's Witnesses' religious faith."

The plaintiff argued that shunning had caused to her emotional distress. This may well be true, the court answered, but the harm was "clearly not of the type that would justify the imposition of tort liability for religious conduct. No physical assault or battery occurred. Intangible or emotional harms cannot ordinarily serve as a basis for maintaining a tort cause of action against a church for its practices—or against its members. [...] Offense to someone's sensibilities resulting from religious conduct is simply not actionable in tort. [...] Without society's tolerance of offenses to sensibility, the protection of religious differences mandated by the first amendment would be meaningless."

In this old decision, we find already a convincing criticism of the anti-cult claims based on "emotional harm." While "physical assault or battery" are clearly not justified by an appeal to freedom of religion, if courts were allowed to sanction religious groups for inflicting "emotional harm," that would be the end of religious liberty as we know it. And perhaps of other liberties, too. One can imagine a student suing a professor for the "emotional harm" suffered after failing an exam. The court correctly concluded that, "The members of the Church [Ms.] 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 Witnesses' practice of shunning is protected under the first amendment of the United States Constitution."

In 2007, the Court of Appeals of Tennessee observed that, "The doctrines of the Jehovah's Witnesses and their reading of scripture require that their members ostracize individuals who have been disfellowshipped. While there is no question that this practice has resulted in a painful experience for the Andersons [the plaintiffs in the case], the law does not provide a remedy for such harm. For example, in other contexts, family members sometimes become estranged from each other for various reasons on their own volition, and the law does not recognize a basis for suit for the pain caused by such estrangement. Courts are not empowered to force any individual to associate with anyone else." "Shunning, the court said, is a part of the Jehovah's Witnesses belief system. Individuals who choose to join the Church voluntarily accept the governance of the Church and subject themselves to being shunned if they are disfellowshipped."

In 2010, the Administrative Court of Berlin examined a complaint by a disfellowshipped Jehovah's Witness against the public announcement in congregational meetings of the measure against him, since "members of the association should have no social contact with disfellowshipped persons," and it would become impossible for him to "to have a picnic, celebrate, do sports, go shopping, go to the theatre, have a meal at home or in a restaurant" with friends who remained in the Jehovah's Witnesses. The court denied the request, commenting that the Jehovah's Witnesses' policy on these matters "is not subject to state authority" and is protected by "freedom of religion, the separation of Church and state, and the right of religious associations to self-determination." How the Jehovah's Witnesses decide to "exercise their constitutionally guaranteed right to self-determination" is something the state should not interfere with. Disfellowshipping policies and the so called "ostracism" are "internal church measures."

The Italian Supreme Court (Cassazione) in 2017 ruled that the so called "ostracism" is also protected by the principle of non-interference. The decision observed that in this case "ostracism" is "a refusal to associate" with the disfellowshipped ex-member, and "no law requires a person to behave in the opposite manner." As a conclusion, "no discrimination took place." Even if one would argue that refusing to associate with disfellowshipped members violate "good manners and civilized behavior," this would not "constitute a justiciable crime or civil tort." Individuals, and even a whole "category," have a right to decide to "break off or interrupt personal relations," and courts have no business in telling them otherwise.

On March 17, 2020, in *Otuo v. Morley and Watch Tower Bible and Tract Society of Britain*, the Court of Appeal in London, Queen's Bench Division, upheld a High Court decision of 2019, which found that, "In accordance with Matthew 18:15-17 (the procedural compliance with which is not itself justiciable) it is to be expected that a [Christian] 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 body but also, unless removed, may have an undesirable influence on the faithful." Protecting the faithful from such an "undesirable influence" is thus not a violation of the disfellowshipped member's human rights, but a right of the congregation.

In Belgium itself, the Court of Appeal of Mons on 10 January 2012 dismissed the charge of discrimination, ruling that Jehovah's Witnesses have a right to determine their own internal rules. On 5 November 2018, the Brussels Court of Appeals confirmed that a religious congregation is free to suggest its own standards of behavior to its members, and that individual congregants have the right to decide to restrict their association with a former congregant. On February 7, 2019, the Court of Cassation confirmed the decision.

In the case of *Jehovah's Witnesses of Moscow v. Russia* (2010), the European Court of Human Rights confirmed that Jehovah's Witnesses are a "known religion" and stated that "it is a common feature of many religions that they determine doctrinal standards of behavior by which their followers must abide in their private lives."

In fact, everything that needed to be said was already said in 1987 in the *Paul* decision. Yes, as the Court of Ghent observed, the right of religious bodies to self-organize themselves is not absolute. "Physical assault or battery" certainly justify the intervention of secular courts of law. But "emotional harm" does not. When old friends decide to no longer associate with us—because we divorced their beloved sister, voted for a presidential candidate they found disgusting, or changed our religion—we all suffer "emotional harm." But compelling these ex-friends to continue our association with us or punishing organizations that suggest that what they do is morally appropriate, would be a gross violation of individual and corporate liberty.

Photo : The United States Courthouse (later renamed after William K. Nakamura) in Seattle, where the landmark decision Paul was rendered in 1987 (credits)

Jehovah's Witnesses fined in Ghent for their "ostracism": a wrong decision

Contrary to rumors spread by opponents, the Witnesses do not suggest that immediate family members shun relatives who left the faith.

By Massimo Introvigne

Bitter Winter (17.03.2021) - <https://bit.ly/3lrweU2> - *Bitter Winter* has followed the case at the Criminal Court of Ghent, in Belgium, where the Christian Congregation of the Jehovah's Witness was on trial for the practice of "shunning" disfellowshipped ex-members. Some of them had complained that the practice amounts to discrimination and incitation to hatred. Now, the Court of Ghent has sided with the complainants, and sentenced the Jehovah's Witnesses to the payment of a fine.

It is a first-degree decision subject to appeal, but we believe it is extremely dangerous for religious liberty, and indicative of a trend where courts of law intrude into the internal organization of religious congregations, which is forbidden by the European Convention of Human Rights. As the European Court of Human Rights explained in its decision *Sindicatul* (2013), "Article 9 of the [European Human Rights] Convention [which protects freedom of religion and belief] must be interpreted in the light of Article 11, which safeguards associations against unjustified State interference."

There are two problems with the decision by the Court of Ghent. The first is a problem of fact, the second is a legal problem. We discuss in this first article the question of fact, while a second article will be devoted to the legal issues.

Factually, while it is true that the Jehovah's Witnesses believe that the Bible suggests that members do not associate with disfellowshipped ex-members or those who have left

the congregation, an exception is made for members of the immediate family, as illustrated in numerous official texts.

In [FAQ published in 2020](#), we read: "What of a man who is disfellowshipped but whose wife and children are still Jehovah's Witnesses? The religious ties he had with his family change, but blood ties remain." In the 2008 book *"Keep Yourselves in God's Love"* we read (p. 208): "Since [...] being disfellowshipped does not sever the family ties, normal day-to-day family activities and dealings may continue. Yet, by his course, the individual has chosen to break the spiritual bond between him and his believing family. So loyal family members can no longer have spiritual fellowship with him. For example, if the disfellowshipped one is present, he would not participate when the family gets together for family worship."

On April 15, 1991 (p. 22), *The Watchtower* stated that, "If in a Christian's household there is a disfellowshipped relative, that one would still be part of the normal, day-to-day household dealings and activities."

This is not a new development. On August 1, 1974, *The Watchtower* (p. 470) had already explained that, "Since blood and marital relationships are not dissolved by a congregational disfellowshipping [sic] action, the situation within the family circle requires special consideration. A woman whose husband is disfellowshipped [sic] is not released from the Scriptural requirement to respect his husbandly headship over her; only death or Scriptural divorce from a husband results in such release. (Rom. 7:1-3; Mark 10:11, 12) A husband likewise is not released from loving his wife as "one flesh" with him even though she should be disfellowshipped [sic] (Matt. 19:5, 6; Eph. 5:28-31)."

On September 15, 1981, *The Watchtower* reiterated (p. 28) that, "if a relative, such as a parent, son or daughter, is disfellowshipped [sic] or has disassociated himself, blood and family ties remain," while "spiritual fellowship" ceases."

On April 15, 1988, the same *Watchtower* (p. 28) stated again that, "A man who is disfellowshipped or who disassociates himself may still live at home with his Christian wife and faithful children. Respect for God's judgments and the congregation's action will move the wife and children to recognize that by his course, he altered the spiritual bond that existed between them. Yet, since his being disfellowshipped does not end their blood ties or marriage relationship, normal family affections and dealings can continue."

In theory, one can discuss whether a religious body should be free to suggest that even blood relatives should shun a family member who has turned against their religion. After all, ex-spouses and children often refuse to see the other ex-spouse after a divorce, and no law compels them to behave otherwise. But, whatever the theoretical answer to this question, before discussing the practice of the so-called "ostracism" among the Jehovah's Witnesses, it is important to note that, contrary to inaccurate information disseminated by the opponents, immediate relatives are not part of it.

Photo : A congregation of the Jehovah's Witnesses. jw.org

The decision of the Court of Ghent against Jehovah's Witnesses is dangerous for the Catholic Church

Willy Fautré, director of *Human Rights Without Frontiers*

HRWF (17.03.2021) - Catholic priests in Belgium and all other countries are forbidden from blessing same-sex couples and are at risk of being prosecuted for discriminating against homosexuals, as a consequence of a judgment issued yesterday by the Court of Ghent against Jehovah's Witnesses.

On 16 March, the First Instance Court of Ghent condemned the Christian Congregation of Jehovah's Witnesses (CCJW) to a fine of 96,000 EUR on the ground that their teachings about the social distancing of their members from excluded members and other ex-members amount to discrimination and incitement to hatred.

The Catholic Church and the ban on the blessing of homosexual couples

In the last few days, in a message approved by Pope Francis, the Roman Catholic Church announced it cannot bless same-sex marriages regardless of how stable or positive the couples' relationship may be. That statement came in response to recent questions whether the church should reflect the increasing social and notably legal acceptance of same-sex unions.

"Does the Church have the power to give the blessing to unions of persons of the same sex?" the question asked, to which the response was "Negative." The Vatican added that that marriage should be limited to a union between a man and a woman, and that same-sex marriage is not part of God's plan for family and raising children.

Explaining this decision in a lengthy note, the Holy See referred to same-sex unions as a "choice" and described them as sinful.

"The blessing of homosexual unions cannot be considered licit," the Congregation for the Doctrine of the Faith, wrote in the statement.

God "does not and cannot bless sin," the statement added.

This doctrine stated and to be strictly implemented by the clergy was fixed by the Catholic Church in Rome on the basis of its interpretation of the Bible.

Catholic priests in Belgium and all other countries are therefore forbidden from blessing same-sex couples and are at risk of being prosecuted for discrimination against homosexuals and incitement to hatred.

The Jehovah's Witnesses' case

On 16 February, a trial started against the Christian Congregation of Jehovah's Witnesses (CCJW) at the criminal court of Ghent (East Flanders) on the alleged grounds of discrimination and incitement to hatred with a particular focus on their shunning (ostracization) practice in cases of disfellowshipping (exclusion) and disassociation (voluntary resignation).

A former Jehovah's Witness who had voluntarily left the movement in 2011, filed a criminal complaint against the CCJW in 2015, and managed to have it supported by over a dozen more former Jehovah's Witnesses.

According to the internal religious practice of Jehovah's Witnesses, when the elders of a local congregation exclude a member or are notified about a voluntary resignation, they make a short neutral public announcement which states: "[Name of person] is no longer one of Jehovah's Witnesses". The CCJW is not involved in the making of that neutral announcement but is notified about the decision.

In their conclusions provided to the Court before the trial, they said that they do not segregate excluded or resigning members as these can always attend their religious services. They also point out that baptized Jehovah's Witnesses who no longer actively associate with fellow believers, are *not* shunned.

Clarifying the relations between Jehovah's Witnesses and disfellowshipped or disassociated family members, they say: "In the immediate household, although the 'religious ties' the expelled or disassociated person had with his family change, ... blood ties remain. The marriage relationship and normal family affections and dealings continue." In other words, normal family affection and association continues.

In addition, the CCJW had provided the Court with nine statements of individuals who had been excluded and who had since been reinstated as Jehovah's Witnesses. In their testimonies, they explained how they had been fairly treated by congregation elders, family, and others in the congregation when they were excluded.

The social distancing doctrine stated and practiced by Jehovah's Witnesses in Belgium and all other countries was fixed by their Central College in the United States on the basis of their interpretation of the Bible.

The CCJW considers it is not legally responsible for the intra-familial relations between its members and former members, as it is an individual choice.

Conclusion

Are we on the way to put in the dock the Bible, the interpretation and the implementation of its doctrines fixed by the highest religious authorities and powers in the name of interpretations and implementation of human rights fixed by national judicial powers? If so, this would be a Pandora's box that would affect other religions and other holy scriptures.

La décision du tribunal de Gand contre les témoins de Jéhovah est dangereuse pour l'Église catholique

Communiqué de presse

Willy Fautré, directeur de *Human Rights Without Frontiers*

HRWF (17.03.2021) – Les prêtres catholiques en Belgique et dans tous les autres pays ne sont pas autorisés à bénir des couples de même sexe et risquent d'être poursuivis pour discrimination à l'égard d'homosexuels, suite à un jugement rendu hier par le tribunal correctionnel de Gand contre les témoins de Jéhovah.

Le 16 mars, le tribunal de 1^e instance de Gand a condamné la Congrégation Chrétienne des Témoins de Jéhovah (CCTJ) à une amende de 12 000 EUR au motif que leur doctrine sur la distanciation sociale de leurs membres à l'égard des exclus et autres ex-membres constitue une forme de discrimination et d'incitation à la haine.

L'Eglise catholique et l'interdiction de bénir des couples homosexuels

Ces derniers jours, dans un message approuvé par le Pape François, l'Eglise catholique romaine a annoncé qu'elle ne peut bénir des unions homosexuelles quelque stables ou positives que puissent être les relations de ces couples. Cette déclaration est venue en réponse à des questions récentes, à savoir si l'Eglise ne devait pas refléter l'acceptation sociale croissante et notamment la légalisation des unions de même sexe.

La question était "L'Eglise a-t-elle le pouvoir de bénir des unions de personnes de même sexe?" et la réponse a été "Négative". Le Vatican a ajouté que le mariage devrait être limité à une union entre un homme et une femme et que le mariage homosexuel ne fait pas partie du plan de Dieu pour la famille et l'éducation des enfants.

Expliquant cette décision dans une longue note, le Saint Siège a considéré les unions de même sexe comme un "choix" et les a qualifiés de péché.

"La bénédiction d'unions homosexuelles ne peut être considérée comme licite," a déclaré la Congrégation de la Doctrine de la Foi dans un [document officiel](#).

Dieu "ne bénit pas et ne peut pas bénir le péché," ajoutait cette déclaration.

Cette doctrine affirmée et mise en pratique avec fermeté est fondée par l'Eglise catholique romaine sur son interprétation de la Bible.

Le prêtres catholiques en Belgique et dans tous les autres pays ne sont donc pas autorisés à bénir des couples de même sexe et risquent d'être poursuivis pour discrimination à l'égard des homosexuels et incitation à la haine.

L'affaire des témoins de Jéhovah

Le 16 février, un procès contre la Congrégation Chrétienne des Témoins de Jéhovah (CCTJ) s'est ouvert au tribunal correctionnel de Gand (Flandre orientale) sur base d'allégations de discrimination et d'incitation à la haine, en particulier en raison de leur politique de rejet des personnes excommuniées ou décidant de sortir de la communauté.

Un ancien témoin de Jéhovah qui avait choisi de quitter le mouvement en 2011 a porté plainte au pénal contre la CCTJ en 2015 et s'est assuré du soutien d'une douzaine d'autres anciens témoins de Jéhovah.

D'après les habitudes religieuses internes des témoins de Jéhovah, quand les anciens d'une congrégation locale excluent un membre ou bien sont informés d'un départ volontaire, ils font une brève annonce publique neutre disant: "[Nom de la personne] n'est plus témoin de Jéhovah".

Dans leurs conclusions déposées au tribunal avant le procès, ils disaient qu'ils ne font pas de ségrégation à l'égard des membres exclus ou démissionnaires puisqu'ils peuvent toujours participer à leurs services religieux. Ils indiquaient également que les témoins de Jéhovah baptisés qui ne sont plus actifs avec leurs coreligionnaires ne sont pas rejetés.

En guise de clarification des relations entre les témoins de Jéhovah et les membres de leurs familles exclus ou démissionnaires, ils déclarent: "Dans l'entourage immédiat, bien que les 'liens religieux' que les exclus et les démissionnaires avaient avec leur famille changent, ... les liens du sang perdurent." En d'autres termes, ils continuent de mener une vie de famille normale et de se témoigner de l'affection.

Par ailleurs, la CCTJ avait déposé au tribunal des déclarations de neuf personnes exclues qui ont depuis lors été réintégrées par les témoins de Jéhovah. Elles expliquent comment elles ont été bien traitées par les anciens de la congrégation, leurs familles et d'autres membres de la communauté après avoir été excommuniées.

La doctrine de distanciation sociale affirmée et appliquée par les témoins de Jéhovah en Belgique et dans tous les autres pays a été établie par leur Collège central aux Etats-Unis sur base de leur interprétation de la Bible.

La CCTJ considère qu'elle n'est pas légalement responsable des relations intra-familiales entre ses membres et d'anciens membres vu qu'il s'agit de choix personnels.

Conclusion

Va-t-on vers une mise au banc des accusés de la Bible, de l'interprétation et de l'application de ses doctrines par leurs dirigeants et organes religieux suprêmes au nom d'interprétations et d'application des droits de l'homme par des pouvoirs judiciaires nationaux? Si oui, ce serait alors une boîte de pandore qui affecterait d'autres religions et d'autres écritures saintes.

Les témoins de Jéhovah et les abus sexuels en Belgique

L'ancien ministre de la Justice Koen Geens mal informé

HRWF (12.03.2021) - Lors d'une conférence en ligne sur les « Limitations de la liberté religieuse en Europe » organisée du 4 au 6 mars par deux universités européennes [1], le panéliste belge représentant Human Rights Without Frontiers (HRWF) a déclaré que l'ancien ministre de la Justice Koen Geens avait été mal informé au sujet du rapport du CIAOSN à propos des abus sexuels et des Témoins de Jéhovah.

Le 30 novembre 2018, le CIAOSN a clôturé un rapport de 28 pages [2] sur la gestion des abus sexuels sur des mineurs au sein de l'organisation des Témoins de Jéhovah et l'a transmis au Parlement fédéral avec la recommandation de créer une commission d'enquête parlementaire sur cette question.

Dans son rapport [3], le CIAOSN a justifié le bien-fondé de sa décision comme suit :

« En juin 2018, le CIAOSN a reçu une notification selon laquelle trois des 286 témoignages reçus par la Fondation " Reclaimed Voices " aux Pays-Bas concernent des faits qui auraient eu lieu en Belgique. A partir de juin 2018, le CIAOSN a reçu plusieurs témoignages directs et indirects de personnes affirmant avoir subi des violences sexuelles au sein de l'organisation des Témoins de Jéhovah en Belgique lorsqu'elles étaient enfants. Ces témoignages suggèrent que la gestion des abus sexuels en Belgique est similaire à celle d'autres pays. »

Un membre du conseil d'administration de Human Rights Without Frontiers (HRWF) parlant le néerlandais a contacté Reclaimed Voices aux Pays-Bas pour vérifier la crédibilité de ces informations et obtenir plus de détails sur les trois cas présumés d'abus sexuels en Belgique.

Dans sa réponse, le responsable de Reclaimed Voices aux Pays-Bas a démenti une telle information rendue publique en Belgique, déclarant dans une correspondance privée datée du 10 février 2021 :

« Les informations contenues dans le rapport du CIAOSN ne sont pas correctes. Le 29 mars 2019, nous avons envoyé un courriel à Mme Kerstine Vanderput au sujet de cette inexactitude. À ce moment-là, il a été porté à notre connaissance que Koen Geens, ministre de la Justice (CD&V), avait déclaré sur Radio 1 en Belgique : 'C'est le CIAOSN lui-même qui s'est rendu aux Pays-Bas pour trouver ces informations et qui a déclaré que parmi les 286 plaintes néerlandaises, il y avait trois plaintes belges'. Des propos similaires ont été tenus à la télévision dans l'émission 'Van Gils & Guests'. Dans les médias néerlandais, nous avons seulement témoigné de la situation aux Pays-Bas. Les chiffres qui ont été mentionnés sont uniquement des victimes présumées d'abus aux Pays-Bas [4]. »

De plus, Aswin Suierveld, membre fondateur de l'association néerlandaise, a déclaré dans une interview datée du 30 août 2020 et disponible sur YouTube [5] qu'en fait ce n'était pas environ 300 plaintes mais seulement 70 à 90 témoignages, bien qu'elle ne les ait pas vraiment comptés. Les 200 restantes émanaient de personnes qui avaient entendu parler d'une histoire qui s'était produite dans leur congrégation, dans leur famille ou parmi leurs proches.

Le deuxième argument avancé par le CIAOSN pour justifier la création d'une commission d'enquête parlementaire est qu'il a reçu d'autres témoignages « directs ou indirects ».

Aucun détail supplémentaire n'est disponible dans leur rapport, tel que le nombre de témoignages « directs et indirects » reçus par le CIAOSN, le traitement méthodologique et statistique des données, le type de sources (témoignages de première ou de seconde main), la nature des abus sexuels, le contexte des faits allégués (abus dans les familles ou dans un cadre institutionnel), la période de temps des infractions présumées (les cinq ans, les dix ans, les vingt dernières années ou plus).

Les membres du Parlement fédéral devraient être mis au courant de ces détails avant de prendre une décision et l'opinion publique se doit également d'être informée en toute transparence.

Notes

[1] *Sigmund Neumann Institute for the Research on Freedom, Liberty and Democracy* (Allemagne) en coopération avec le *Center for Regional and Borderlands Studies/Institut de sociologie de l'Université de Wrocław* (Pologne).

[2] Titre Officiel : "Signalement sur le traitement des abus sexuels sur mineurs au sein de l'organisation des témoins de Jehovah" du 30 novembre 2018. A la fin du mois de février, le rapport n'était toujours pas disponible sur le site Internet du CIAOSN. HRWF l'a obtenu d'un autre chercheur travaillant sur cette question. Selon le Parlement fédéral belge, il s'agit d'un rapport intermédiaire. (voir <https://www.ciaosn.be/54K3713001.pdf>).

3] Ce rapport se compose de quatre parties :

Partie 1 : L'organisation des Témoins de Jehovah (pp 1-4)

Partie 2 : Etat des lieux dans 13 pays sur les initiatives dénonçant les procédures internes des Témoins de Jehovah dans les cas d'abus sexuels sur mineurs (pp 6-10)

Partie 3 : Etat des lieux en Belgique (pp 12-14)

Partie 4 : Conclusions (pp 15-17)

Annexes (pp 18-28)

La partie consacrée à la Belgique ne comporte que deux pages de brèves descriptions de sept cas ou rapports présumés, publiés dans les médias belges en 20 ans, entre 1996 et 2017.

[4] Extrait du mail de "Reclaimed Voices": "De informatie in het rapport van het IACSSO is incorrect. Wij hebben op 29 maart 2019 mevrouw Kerstine VanderPutte over deze onjuistheid gemaild. Het viel ons destijds op dat Koen Geerts, minister van Justitie (CD&V) daags ervoor in België bij radio 1 het volgende meldde: 'Het is het IACSSO zelf die in Nederland informatie is gaan halen en heeft vastgesteld dat van die 286 Nederlandse klachten er drie Belgische waren'. Iets soortgelijks werd op tv gezegd, bij Van Gils & gasten. Wij hebben in de Nederlandse media steeds alleen gecommuniceerd over de Nederlandse situatie. Aantallen die genoemd zijn betreffen alleen (vermeende) slachtoffers van misbruik in Nederland."

HRWF note: Kerstine Vanderput est la Directrice du CIAOSN. Van Gils & Gasten est un programme de la télévision flamande.

[5] See <https://www.youtube.com/watch?v=7ayJU4BtcC4>

Traduction du communiqué de presse d'origine publié en anglais : CAPLC

Jehovah's Witnesses and sexual abuse

Former Minister of Justice Koen Geens misinformed

HRWF (09.03.2021) - At an online conference on "Limitations of Religious Freedom in Europe" organized on 4-6 March by two European universities¹⁹, the Belgian panelist representing *Human Rights Without Frontiers* (HRWF) declared that former Minister of Justice Koen Geens had been misinformed about the CIAOSN's report on sexual abuse and Jehovah's Witnesses.

On 30 November 2018, the CIAOSN closed a 28-page report²⁰ about the management of sexual abuse on minors inside the organization of Jehovah's Witnesses and transmitted it to the Federal Parliament with a recommendation to set up a parliamentary inquiry commission on this issue.

In its report²¹, the CIAOSN justified the rationale of its decision as follows:

¹⁹ *Sigmund Neumann Institute for the Research on Freedom, Liberty and Democracy* (Germany) in cooperation with the *Center for Regional and Borderlands Studies/Institute of Sociology of the University of Wrocław* (Poland).

²⁰ Official title: "Signalement sur le traitement des abus sexuels sur mineurs au sein de l'organisation des témoins de Jehovah" du 30 novembre 2018. As of the end of February, the report was still not available on the website of the CIAOSN. HRWF got it from another researcher working on this issue. It is said by the Belgian Federal Parliament to be an intermediary report (See <https://www.ciaosn.be/54K3713001.pdf>).

²¹ This report comprises of four parts:

Part 1: The organization of Jehovah's Witnesses (pp 1-4)

Part 2: State of play in 13 countries about initiatives denouncing internal procedures of Jehovah's Witnesses in cases of sexual abuse on minors (pp 6-10)

Part 3: State of play in Belgium (pp 12-14)

Part 4: Conclusions (pp 15-17)

Annexes (pp 18-28)

The section on Belgium only covers two pages of short descriptions of seven alleged cases or reports published in the Belgian media in 20 years' time, between 1996 and 2017.

"In June 2018, the CIAOSN received the notification according to which three of the 286 testimonies received by the Foundation "Reclaimed Voices" in the Netherlands concern facts which have allegedly taken place in Belgium. From June 2018 on, the CIAOSN received several direct and indirect testimonies from individuals claiming to have suffered from sexual violence in the midst of the organization of Jehovah's Witnesses in Belgium when they were children. These testimonies suggest that the management of sexual abuse in Belgium is similar to other countries."

A Dutch-speaking member of the board *Human Rights Without Frontiers* (HRWF) contacted *Reclaimed Voices* in The Netherlands to check the credibility of this information and get more details about the three alleged cases of sexual abuse in Belgium.

In his answer, the head of *Reclaimed Voices* in The Netherlands denied such a news made public in Belgium, saying in a private correspondence dated 10 February 2021:

"The information in the report of the CIAOSN is not correct. On 29 March 2019, we sent an email to Ms Kerstine Vanderput about this inaccuracy. At that time, it came to our attention that Koen Geens, Minister of Justice (CD&V) had said on Radio 1 in Belgium: 'It is the CIAOSN itself which has gone to the Netherlands to find this information and has stated that among the 286 Dutch complaints there were three Belgian ones'. Something similar was said on television at 'Van Gils & Guests'. In the Dutch media, we have only testified about the situation in the Netherlands. The figures that were mentioned are only alleged victims of abuse in the Netherlands.²²

Moreover, Aswin Suierveld, a founding member of the Dutch association, declared in an interview dated 30 August 2020 and available on YouTube²³ that in fact there were not around 300 complaints but only 70 to 90 testimonies, although she had not really counted them. The 200 remaining ones were from people who had heard about a story that had happened in their congregation, in their family or among their relatives.

The second argument of the CIAOSN for setting up a parliamentary inquiry commission was that they had received other testimonies 'directly or indirectly'.

No further details are available in their report, such as the number of 'direct and indirect' testimonies received by the CIAOSN, the methodological and statistical treatment of the data, the type of sources (first-hand or second-hand testimonies), the nature of sexual

²² Excerpt from the email of Reclaimed Voices: "De informatie in het rapport van het IACSSO is incorrect. Wij hebben op 29 maart 2019 mevrouw Kerstine VanderPutte over deze onjuistheid gemaild. Het viel ons destijds op dat Koen Geerts, minister van Justitie (CD&V) daags ervoor in België bij radio 1 het volgende meldde: 'Het is het IACSSO zelf die in Nederland informatie is gaan halen en heeft vastgesteld dat van die 286 Nederlandse klachten er drie Belgische waren'. Iets soortgelijks werd op tv gezegd, bij Van Gils & gasten. Wij hebben in de Nederlandse media steeds alleen gecommuniceerd over de Nederlandse situatie. Aantallen die genoemd zijn betreffen alleen (vermeende) slachtoffers van misbruik in Nederland.

HRWF note: Kerstine Vanderput is the director of the CIAOSN. Van Gils & Gasten is a Flemish TV program.

²³ See <https://www.youtube.com/watch?v=7ayJU4BtcC4>

abuse, the context of the alleged facts (abuse in families or in an institutional setting), the time period of the allegedly committed offences (the last five years, ten years, twenty years or more).

The members of the federal parliament need to get such details before taking a decision and public opinion also needs to be informed with full transparency.

Photo: The Palais de Justice, where Ghent courts seat. Source: Belgian Administration of public buildings.

Jehovah's Witnesses and sexual abuse: Former Minister of Justice Koen Geens misinformed

HRWF (09.03.2021) - At an online conference on "Limitations of Religious Freedom in Europe" organized on 4-6 March by two European universities²⁴, the Belgian panelist representing *Human Rights Without Frontiers* (HRWF) declared that former Minister of Justice Koen Geens had been misinformed about the CIAOSN's report on sexual abuse and Jehovah's Witnesses.

On 30 November 2018, the CIAOSN closed a 28-page report²⁵ about the management of sexual abuse on minors inside the organization of Jehovah's Witnesses and transmitted it to the Federal Parliament with a recommendation to set up a parliamentary inquiry commission on this issue.

In its report²⁶, the CIAOSN justified the rationale of its decision as follows:

"In June 2018, the CIAOSN received the notification according to which three of the 286 testimonies received by the Foundation "Reclaimed Voices" in the Netherlands concern facts which have allegedly taken place in Belgium. From June 2018 on, the CIAOSN received several direct and indirect testimonies from individuals claiming to have suffered from sexual violence in the midst of the organization of Jehovah's Witnesses in Belgium when they were children. These testimonies suggest that the management of sexual abuse in Belgium is similar to other countries."

²⁴ *Sigmund Neumann Institute for the Research on Freedom, Liberty and Democracy* (Germany) in cooperation with the *Center for Regional and Borderlands Studies/Institute of Sociology of the University of Wrocław* (Poland).

²⁵ Official title: "Signalement sur le traitement des abus sexuels sur mineurs au sein de l'organisation des témoins de Jehovah" du 30 novembre 2018. As of the end of February, the report was still not available on the website of the CIAOSN. HRWF got it from another researcher working on this issue. It is said by the Belgian Federal Parliament to be an intermediary report (See <https://www.ciaosn.be/54K3713001.pdf>).

²⁶ This report comprises of four parts:

Part 1: The organization of Jehovah's Witnesses (pp 1-4)

Part 2: State of play in 13 countries about initiatives denouncing internal procedures of Jehovah's Witnesses in cases of sexual abuse on minors (pp 6-10)

Part 3: State of play in Belgium (pp 12-14)

Part 4: Conclusions (pp 15-17)

Annexes (pp 18-28)

The section on Belgium only covers two pages of short descriptions of seven alleged cases or reports published in the Belgian media in 20 years' time, between 1996 and 2017.

A Dutch-speaking member of the board *Human Rights Without Frontiers* (HRWF) contacted *Reclaimed Voices* in The Netherlands to check the credibility of this information and get more details about the three alleged cases of sexual abuse in Belgium.

In his answer, the head of *Reclaimed Voices* in The Netherlands denied such a news made public in Belgium, saying in a private correspondence dated 10 February 2021:

"The information in the report of the CIAOSN is not correct. On 29 March 2019, we sent an email to Ms Kerstine Vanderput about this inaccuracy. At that time, it came to our attention that Koen Geens, Minister of Justice (CD&V) had said on Radio 1 in Belgium: 'It is the CIAOSN itself which has gone to the Netherlands to find this information and has stated that among the 286 Dutch complaints there were three Belgian ones'. Something similar was said on television at 'Van Gils & Guests'. In the Dutch media, we have only testified about the situation in the Netherlands. The figures that were mentioned are only alleged victims of abuse in the Netherlands.²⁷

The second argument of the CIAOSN for setting up a parliamentary inquiry commission was that they had received other testimonies 'directly or indirectly'.

No further details are available in their report, such as the number of direct and indirect testimonies received by the CIAOSN, the methodological and statistical treatment of the data, the type of sources, the nature of sexual abuse, the context of the alleged facts (abuse in families or in an institutional setting), the time period of the allegedly committed offences (the last five years, ten years, twenty years or more).

The members of the federal parliament need to get such details before taking a decision and public opinion also needs to be informed with full transparency.

The Belgian Case Against the Jehovah's Witnesses: The Bible in the Dock?

A criminal court in Ghent is called to examine how the Jehovah's Witnesses deal with some of their ex-members. They maintain they just follow the Scripture.

by Willy Fautré, director of Human Rights Without Frontiers

²⁷ Excerpt from the email of Reclaimed Voices: "De informatie in het rapport van het IACSSO is incorrect. Wij hebben op 29 maart 2019 mevrouw Kerstine VanderPutte over deze onjuistheid gemaïld. Het viel ons destijds op dat Koen Geerts, minister van Justitie (CD&V) daags ervoor in België bij radio 1 het volgende meldde: 'Het is het IACSSO zelf die in Nederland informatie is gaan halen en heeft vastgesteld dat van die 286 Nederlandse klachten er drie Belgische waren'. Iets soortgelijks werd op tv gezegd, bij Van Gils & gasten. Wij hebben in de Nederlandse media steeds alleen gecommuniceerd over de Nederlandse situatie. Aantallen die genoemd zijn betreffen alleen (vermeende) slachtoffers van misbruik in Nederland.

HRWF note: Kerstine Vanderput is the director of the CIAOSN. Van Gils & Gasten is a Flemish TV program.



The Palais de Justice, where Ghent courts seat. Source: Belgian Administration of public buildings.

Bitter Winter (26.02.2021) - <https://bit.ly/2PbKHrf> - On 16 February, a trial started against the Christian Congregation of Jehovah's Witnesses (CCJW) at the criminal court of Ghent (East Flanders) on the alleged grounds of discrimination and incitement to hatred with a particular focus on their shunning (ostracization) practice in cases of disfellowshipping (exclusion) and disassociation (voluntary resignation).

A former Jehovah's Witness who had voluntarily left the movement in 2011, filed a criminal complaint against the CCJW in 2015, and managed to have it supported by over a dozen more former Jehovah's Witnesses. Four lawyers pleaded for the claimants when the first instance court opened the hearing. Their counsel took two hours and a half for presenting their arguments and the situation of their clients about their alleged family ostracization. Their plea was supported by the lawyer of UNIA, an inter-federal independent public institution financed by public money that fights discrimination and racism and promotes equal opportunities.

The CCJW was defended by two lawyers, who pleaded for about an hour and a half. They stressed to the judge that the claimants were in fact asking to have the Bible condemned, as it is the basis for the religious beliefs and practices adopted by Jehovah's Witnesses. This would be the first time since the 16th century that a court in Western Europe would find the Bible criminally guilty, they said.

Half a dozen journalists were present to cover this unusual trial.

Who are the claimants?

The main plaintiff had not been excluded from Jehovah's Witnesses but had left of his own will. His wife and their children were not excluded and did not resign, although they too joined the case as claimants.

Only two former Jehovah's Witnesses had been excluded, one of them becoming a civil party on the very day of the trial.

Six had freely decided to recant their faith.

Five had neither left nor been excluded. They are still considered Jehovah's Witnesses, though inactive.

The statements of the claimants

In statements relying more on emotions than on facts, the claimants made various allegations concerning alleged inhuman ostracization actions by their family members who are still Jehovah's Witnesses.

However, in a number of cases, the claimants' assertions concerning the alleged moral misbehavior of their family members were contradicted by the latter's written and signed testimonies.

For instance, the brother-in-law of the main claimant said: "My brother-in-law (...) decided at a certain point in his life to disassociate himself as one of Jehovah's Witness. I respected this and never had any feelings of hatred towards him. The contacts we have with each other are kept to a minimum; this is my personal decision which is based on the way he treats me, my family and my fellow believers (...) I sometimes meet his wife (and my sister-in-law) and their children, when I visit my parents-in-law. Although these contacts are not as warm as they used to be, they still take place in a friendly atmosphere. My wife also has contact with her sister and her children. These interactions usually take place at their parents' place and are always cordial."

The claimants also relied on statements of eight persons making various allegations about how their friends and family members who are Jehovah's Witnesses have allegedly treated them unfairly. However, strange though it may be, none of those eight persons was excluded or resigned of his/her own will, which made their testimonies rather irrelevant.

In balance, the CCJW provided the Court with nine statements of individuals who had been excluded and who had since been reinstated as Jehovah's Witnesses. These testimonies shed quite a different light on the matter. They explain how they had been fairly treated by congregation elders, family, and others in the congregation when they were disfellowshipped. Here are some excerpts from statements filed with the Court by two of them, whose names have been changed by the author:

Ivona:

"I was disfellowshipped as one of Jehovah's Witnesses when I was 37 years old for a course of life that I knew was contrary to the Bible's standards. I supported the decision of the elders to disfellowship me, knowing it was based on the Bible. The elders who met with me lovingly told me that my exclusion did not have to be permanent and that I could be restored and that this could happen quickly. Unfortunately, I made other poor choices in my life and I wandered even further astray (...) Although I was disfellowshipped, I would from time to time attend religious services of Jehovah's Witnesses at their place of worship called a Kingdom Hall. The elders made me feel

comfortable at those religious services, such as by providing me with religious literature so I could follow along with the discussions at those services (...) About three years ago, however, in 2017, I came in contact with a dear friend who is one of Jehovah's Witnesses. I told her I wanted to return to the congregation. (...)."

Liliane:

"Were Jehovah's Witnesses rude and disrespectful toward me? Never. I myself have never been hostile and disrespectful to them. Did my mother, who is one of Jehovah's Witnesses, help me when I got sick? Yes. Could I still see my grandchildren? Yes. Could I attend congregation religious services if I wanted to? Yes. Did they still love me? Yes they did. Everyone was on the lookout for me. Did my family and friends adhere to what God desired of them, which included limiting their association with me? Yes, with difficulty and sadness but with faithfulness to God. Not because they were forced to by an organization."

The cases raised at the Court in Ghent are obviously and exclusively family matters. It would be reductive to restrict the explanation for perturbed family relationships to religious beliefs or official policies. So many different situations may factor in that explain difference of views and values within a family as many of the protagonists have experienced in their own circumstances.

The CCJW considers it is not legally responsible for the intra-familial relations between its members and former members, as it is an individual decision.

All organized religions have exclusion or excommunication procedures in their statutes and Jehovah's Witnesses are not an exception. As they state on their website "if 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." For them, this is a fundamental religious belief required by the Bible. In this regard, they often quote a number of verses from the New Testament, such as 1 Corinthians 5:6, 11-13 and 2 John 1, 9-11.

According to the internal religious practice of Jehovah's Witnesses, when the elders of a local congregation exclude a member or are notified about a voluntary resignation, they make a short neutral public announcement which states: "[Name of person] is no longer one of Jehovah's Witnesses". The CCJW is not involved in the making of that neutral announcement but is notified about the decision.

In their conclusions provided to the Court before the trial, they say that they do not segregate excluded or resigning members as these can always attend their religious services. They also point out that baptized Jehovah's Witnesses who no longer actively associate with fellow believers, are *not* shunned.

Clarifying the relations between Jehovah's Witnesses and disfellowshipped or disassociated family members, they say: "In the immediate household, although the 'religious ties' the expelled or disassociated person had with his family change, ... blood ties remain. The marriage relationship and normal family affections and dealings continue." In other words, normal family affection and association continues.

In reality, what the whole case in Ghent is all about is an attempt to oblige the Witnesses to change their Bible-based religious practices.

In this regard, a number of scholars have examined disfellowshipping and shunning as practiced by Jehovah's Witnesses. One such scholar, Dr. Massimo Introvigne, founder and managing director of the Center for Studies on New Religions (CESNUR), wrote: "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 Journal of CESNUR*, Vol. 5, No. 1, January–February 2021, pp. 54-81.

Verdict on 16 March

The Court will announce its verdict on 16 March. It would be difficult to understand that the CCJW could be held responsible for discrimination and incitement to hatred in cases of deteriorated intra-familial relations due to an exclusion or resignation procedure in a local congregation, as there is no ostracization policy towards former members.

However, if the court of first instance were to issue such a verdict, it would certainly be appealed and could go as far as the European Court of Human Rights. This would also have repercussions on other religious communities where conversion, apostasy and exclusion are followed by family and social ostracization or worse.

Plainte au pénal contre les Témoins de Jéhovah: la Bible au banc des accusés?

Un tribunal à Gand est amené à examiner au pénal comment les témoins de Jéhovah traitent certains de leurs membres. Ils soutiennent qu'ils ne font que suivre les Ecritures.

Willy Fautré, directeur de *Human Rights Without Frontiers*

HRWF (27.02.2021) - Le 16 février, un procès contre la Congrégation Chrétienne des Témoins de Jéhovah (CCTJ) s'est ouvert au tribunal correctionnel de Gand (Flandre orientale) sur base d'allégations de discrimination et d'incitation à la haine, en particulier en raison de leur politique de rejet des personnes excommuniées ou décidant de sortir de la communauté.

Un ancien témoin de Jéhovah qui avait choisi de quitter le mouvement en 2011 a porté plainte au pénal contre la CCTJ en 2015 et s'est assuré du soutien d'une douzaine d'autres anciens témoins de Jéhovah. Les plaignants ont été défendus par quatre avocats lors de l'audience du tribunal de première instance. Pendant deux heures et demie, ils ont exposé leurs arguments et leurs clients ont fait état d'allégations d'ostracisme familial. Leurs doléances ont bénéficié de l'appui de UNIA, une institution publique interfédérale indépendante financée par de l'argent public qui lutte contre la discrimination et le racisme et fait la promotion de l'égalité des chances.

La CCTJ était défendue par deux avocats qui ont plaidé pendant environ une heure et demie. Ils ont attiré l'attention du juge sur le fait que les plaignants demandaient en fait de condamner la Bible puisque c'est le fondement des croyances religieuses et des pratiques adoptées par les témoins de Jéhovah. Ce serait une première depuis le 16^e siècle si un tribunal en Europe occidentale condamnait la Bible au pénal, ont-ils déclaré.

Une demi-douzaine de journalistes étaient présents pour couvrir ce procès inhabituel.

Qui sont les plaignants?

Le plaignant principal n'a pas été exclu des témoins de Jéhovah mais il en est parti de son propre chef. Son épouse et ses enfants n'ont pas été exclus et n'en sont pas partis bien qu'ils se soient joints aux plaignants.

Seuls deux anciens témoins de Jéhovah étaient des exclus, l'un d'eux s'étant porté partie civile le jour même du procès.

Six avaient librement décidé de renoncer à leur foi.

Cinq n'avaient ni quitté le mouvement ni n'en avaient été exclus. Ils sont toujours considérés comme des membres des témoins de Jéhovah, bien qu'ils soient inactifs.

Les déclarations des plaignants

Dans des déclarations reposant davantage sur l'émotionnel que sur des faits, les plaignants ont avancé diverses allégations concernant des actions inhumaines d'ostracisme de la part de membres de leurs familles qui sont encore témoins de Jéhovah.

Toutefois, dans un certain nombre de cas, les affirmations des plaignants concernant le comportement moral soi-disant discutable de membres de leurs familles ont été contredites par des déclarations écrites et signées par ces derniers.

Par exemple, le beau-frère du plaignant principal a dit:

Mon beau-frère (...) a décidé à un certain moment de sa vie de quitter les témoins de Jéhovah. J'ai respecté ceci et je n'ai jamais eu aucun sentiment de haine à son égard. Les contacts que nous avons l'un avec l'autre sont tenus au minimum; ceci est ma décision personnelle, laquelle se fonde sur la façon dont il me traite ainsi que ma famille et mes co-religionnaires (...). Parfois, je rencontre son épouse (et ma belle-soeur) et leurs enfants quand je rends visite à mes beaux-parents. Bien que ces contacts ne soient pas aussi chaleureux qu'auparavant, ils se déroulent toujours dans une atmosphère amicale. Mon épouse a aussi des contacts avec sa soeur et ses enfants. Ces interactions ont habituellement lieu chez leurs parents et sont toujours cordiales.

Les plaignants se sont également fondés sur les déclarations de huit personnes ayant avancé diverses allégations sur la façon dont leurs amis et des membres de leurs familles qui sont témoins de Jéhovah les ont prétendument injustement traités. Toutefois, aussi bizarre que cela puisse paraître, aucune de ces huit personnes n'a été exclue ni n'a choisi de quitter le mouvement, ce qui rend leurs témoignages non pertinents.

Par ailleurs, la CCTJ a déposé au tribunal les déclarations de neuf personnes exclues qui ont depuis lors été réintégrées par les témoins de Jéhovah. Ces témoignages jettent une lumière bien différente sur cette affaire. Elles expliquent comment elles ont été bien traitées par les anciens de la congrégation, leurs familles et d'autres membres de la communauté après avoir été excommuniées. Voici quelques extraits de déclarations déposées au tribunal par deux d'entre elles dont les noms ont été changés par l'auteur:

Ivona:

"J'ai été excommuniée comme témoin de Jéhovah quand j'avais 37 ans pour un genre de vie que je savais être contraire aux normes de la Bible. J'ai accepté cette décision des anciens de m'excommunier, sachant qu'elle était basée sur la Bible. Les anciens que j'ai

rencontrés m'ont dit avec amour que mon exclusion n'avait rien de permanent, que je pouvais toujours revenir et que cela pourrait se faire rapidement. Malheureusement, j'ai fait d'autres mauvais choix dans la vie et je me suis de plus en plus éloignée (...). Bien que j'aie été excommuniée, j'ai parfois assisté à des services religieux des témoins de Jéhovah dans leur lieu de culte qu'on appelle Salle du Royaume. Les anciens m'ont fait sentir chez moi à ces services religieux, et m'ont donné de la littérature religieuse pour que je puisse suivre les discussions pendant ces services (...). Il y a environ trois ans, en 2017, je suis entrée en contact avec une amie chère qui est témoin de Jéhovah. Je lui ai dit que je souhaitais réintégrer la congrégation. (...)"

Liliane:

"Les témoins de Jéhovah ont-ils été durs et irrespectueux avec moi? Jamais. Moi-même, je n'ai jamais été hostile et irrespectueux avec eux. Ma mère, qui est témoin de Jéhovah, m'a-t-elle aidée quand je suis tombée malade? Oui. Est-ce que je pouvais continuer à voir mes petits-enfants. Oui. Est-ce que je pouvais assister aux services religieux de la congrégation si je le souhaitais? Oui. Est-ce qu'ils continuaient à m'aimer? Oui. Tout le monde s'occupait de moi. Est-ce que ma famille et mes amis étaient d'accord avec ce que Dieu attendait d'eux, ce qui impliquait des contacts limités avec moi? Oui, avec difficulté et tristesse mais dans la fidélité à Dieu. Pas parce qu'ils étaient forcés par une organisation."

Les cas soulevés au tribunal de Gand sont clairement et exclusivement des affaires de famille. Il serait réducteur de ramener l'explication de relations familiales perturbées à des croyances religieuses ou des politiques officielles des témoins de Jéhovah. Il y a tant de facteurs différents qui expliquent les points de vue et les valeurs des uns et des autres à l'intérieur d'une famille tels que de nombreux protagonistes en ont fait l'expérience dans leur propre situation.

La CCTJ considère qu'elle n'est pas légalement responsable des relations intra-familiales entre ses membres et d'anciens membres vu qu'il s'agit de décisions personnelles.

Toutes les religions organisées ont des procédures d'exclusion et d'excommunication dans leurs statuts et les témoins de Jéhovah ne font pas exception. Comme ils l'indiquent sur leur [site internet](#), "si un Témoin prend l'habitude d'enfreindre les lois morales de la Bible et qu'il ne se repente pas, il sera excommunié." Pour eux, il s'agit d'une croyance religieuse fondamentale imposée par la Bible. A ce sujet, ils citent souvent certains versets du Nouveau Testament, tels que 1 Corinthiens 5:6, 11-13 et 2 Jean 1, 9-11.

D'après les habitudes religieuses internes des témoins de Jéhovah, quand les anciens d'une congrégation locale excluent un membre ou sont informés d'un départ volontaire, ils font une brève annonce publique neutre disant: "[Nom de la personne] n'est plus témoin de Jéhovah".

Dans leur conclusions déposées au tribunal avant le procès, ils disent qu'ils ne font pas de ségrégation à l'égard des membres exclus ou démissionnaires puisqu'ils peuvent toujours participer à leurs services religieux. Ils indiquent également que les témoins de Jéhovah baptisés qui ne sont plus actifs avec leurs coreligionnaires ne sont pas rejetés.

En guise de clarification des relations entre les témoins de Jéhovah et les membres de leurs familles exclus ou démissionnaires, ils déclarent: "Dans l'entourage immédiat, bien que les 'liens religieux' que les exclus et les démissionnaires avaient avec leur famille changent, ... les liens du sang perdurent." En d'autres termes, ils continuent de mener une vie de famille normale et de se témoigner de l'affection.

En réalité, toute cette affaire à Gand est une tentative d'obliger les témoins de Jéhovah à changer leurs pratiques religieuses ancrées dans la Bible.

A ce sujet, un certain nombre d'experts en matière religieuse ont examiné la politique d'excommunication et de rejet telle que pratiquée par les témoins de Jéhovah. L'un d'eux, le Dr. Massimo Introvigne, fondateur et directeur exécutif du Centre pour les Etudes des Nouveaux Mouvements Religieux (CESNUR), a écrit: "En défendant les droits de leurs comités de discipline religieuse à se prémunir de toute ingérence de l'état quand ils décident de l'excommunication d'un membre ou d'autre chose, et leur droit à interpréter la Bible dans le sens où elle ordonnerait le rejet de ceux qui avaient été excommuniés, les témoins de Jéhovah défendent une fois de plus la liberté religieuse de tous, précisément dans un domaine où elle est actuellement particulièrement assiégée." — [The Journal of CESNUR](#), Vol. 5, No. 1, January–February 2021, pp. 54-81.

Verdict le 16 mars

Le tribunal va annoncer son verdict le 16 mars. Il serait difficile de comprendre que la CCTJ puisse être tenue responsable de discrimination et d'incitation à la haine dans des cas de détérioration de relations intra-familiales, suite à une procédure d'excommunication ou de démission dans une congrégation locale, vu qu'il n'y a pas de politique d'ostracisme à l'égard d'anciens membres. Toutefois, si le tribunal de première instance devait rendre un tel verdict, il ferait très certainement l'objet d'un appel et cela pourrait même aller jusqu'à la Cour européenne des droits de l'homme. Ceci aurait également des répercussions sur d'autres communautés religieuses où la conversion, l'apostasie et l'exclusion sont suivies d'ostracisme familial et social, ou pire.

(*) Article initialement publié par Bitter Winter le 26 février 2021 sous le titre "The Belgian Case Against Jehovah's Witnesses: The Bible In The Dock?" Voir <https://bit.ly/2PbKHrf>

Slaughtering Religious Freedom at the Court of Justice of the European Union

The New Age of Rights

By Andrea Pin and John Witte, Jr.

Canopy Forum (16.02.2021) - <https://bit.ly/3k1QrPR> - In the 1990s, the European Union (EU) seemed to be done. The Old Continent was pacified. Soviet imperialism had melted away. European dictatorships — from Portugal to Spain, from Greece to Romania — had ended. European citizens could travel from Italy to the Netherlands, from Portugal to Germany, without border crossings or passport checks. The EU seemed to be a victim of its own success: having reunited a European economy, society, and culture so badly broken after two world wars.

The EU sought to repurpose itself by taking on the language of rights. The Charter of Fundamental Rights of the European Union was thus born in 2000 and ratified in 2010. It aimed to strengthen the legal integration of Europe, to ground it more fundamentally in familiar political terms, and to provide member-states and their citizens with new responsibilities and freedoms. The Charter included protection for religious freedom (Article 10), prohibitions on religious discrimination (Article 21), and protection of religious diversity (Article 22). These and other fundamental rights provisions were still focused by the EU's principal economic mandates — with labour law, economic

regulation, data protection, and business competition the most familiar setting for fundamental rights litigation. But expectations for a new season of EU rights were high.

EU law is enforced by the Court of Justice of the European Union (CJEU). Its judgments are binding law in all 27 EU member states. Domestic judges from any member state can halt their local proceedings to ask the Court to deliver a “preliminary ruling” on EU law matters that are relevant to their local case. The Court’s ruling will be binding on them and all other states. Such a quick, effective, and reasonably cheap judicial forum soon attracted many controversies concerning fundamental rights.

It is no surprise, then, that since 2017, the Court’s religious freedom case law has grown exponentially, spanning labour law issues, tax exemptions, religious divorces, refugees, privacy, proselytism, and ritual slaughtering.

Higher Disappointments

Most of these cases have had decidedly mixed results for religious freedom. But in a trio of recent religious slaughtering cases, the Court of Justice has demonstrated an especially narrow, weak, and troubling understanding of religious freedom. In all three cases, the Court rejected the religious freedom and equality arguments against local regulations that limited *halal* and *kosher* ritual slaughtering. All three cases feature rather blunt dismissal of the claims of discrete religious minorities whose central religious practices were targeted and subordinated to state concerns for animal welfare.

EU laws require that animals be slaughtered only after stunning them as a way of mitigating the animal’s stress, suffering, and pain. However, since *halal* and *kosher* religious rules require that the animal be awake during slaughtering, EU law carves out an exception, allowing such religious ritual slaughtering so long as it is performed in licensed slaughterhouses. In all three cases local authorities put further limits on these EU slaughtering laws that triggered religious freedom challenges. None succeeded.

Liga van Moskeeën en Islamitische Organisaties Provincie Antwerpen VZW and Others (2018) started in Belgian Flanders. On the few days of the Feast of the Sacrifice, a major Islamic holiday, Islamic ritual slaughtering normally peaks. Until 2015, the Flemish authorities accommodated the extra demand for *halal* meat in preparation for the festival by licensing local temporary Islamic slaughterhouses. In 2015 they suspended this accommodation on the ground that such licenses violated EU rules on the structural and hygiene requirements for all slaughterhouses.

Flemish Muslim communities sued, arguing that the only way to meet the peak demand for *halal* meat and comply with the new rule would be to build a series of permanent slaughterhouses that would be of no use for the rest of the year. The local judge requested a preliminary ruling from the CJEU as to whether the EU regulation on ritual slaughtering, as implemented by national legislation, violated the EU Charter’s protection of religious freedom and its prohibition of religious discrimination, as well as Article 9 of the European Convention on Human Rights that also protects religious freedom.

The CJEU’s opinions (first by its Advocate General and then the full court) acknowledged that slaughtering an animal without stunning was “indeed a religious precept that benefits from the protection of religious freedom.” The EU’s general law on slaughtering, however, was “perfectly *neutral* and applies to any party that organises slaughtering.” It did not target religious practices discriminatorily. To the contrary, EU laws had already carved out a religious freedom exception to accommodate religious ritual slaughtering. By requiring that religious slaughtering be performed in proper slaughterhouses, the Court said, EU law had done enough “to ensure effective observance of the freedom of

religion, in particular of practicing Muslims during the Feast of Sacrifice.” The EU’s general slaughtering laws, and the Flemish application of them, thus did not violate any rights under the 2010 EU or the 1950 European Convention on Human Rights. The real challenge, the Court noted, was not to religious freedom but to the financial cost for a local Islamic community in Belgium that might have to set up permanent slaughterhouses for only a few days of use.

The 2019 case of *Œuvre d’assistance aux bêtes d’abattoirs* also involved *halal* slaughtering practices. EU law reserved the “organic” label for food that had been produced in accordance with high animal welfare standards. The issue was whether *halal* meat could be labeled “organic,” since such ritual slaughtering was performed without previous stunning, thus causing pain to the animals. The Court ruled that *halal* slaughtering practices and organic food labeling were irreconcilable. Albeit permitted under EU law to protect the religious freedom of Muslims, *halal* slaughtering was “insufficient to remove all of the animal’s pain.” It thus did not meet the high requirements of animal welfare that were among the core goals of organic food production. *Halal* meat could not be labelled “organic” meat in the EU.

It was the 2020 case of *Centraal Israëlitisch Consistorie van België and Others* that struck the fatal blow to the right to religious slaughtering. This case involved a new Flemish regulation that required Jewish and Muslim butchers to stun animals before butchering them according to their rituals. A consortium of Jewish and Muslim litigants challenged the new law — a joint venture that tells a lot of the gravity of the matter, given the exalating tensions within and among these religious groups in Belgium. They argued that it specially burdened their core religious practices; introduced a secular requirement that violated ancient religious laws; obstructed religious butchers from practicing their traditional faith; deprived religious consumers from proper food in the niche market of *kosher* and *halal* meat; and discriminatorily targeted the small communities of Jews and Muslims while leaving hunters, fishers, and other sportsmen to kill their captured animals without prior stunning. If this regulation targeting the heart of a religion’s core ritual life could pass muster under EU laws and the EU Charter, the claimants further argued, even firmer measures against minority religious practices would likely follow in Belgium and other EU lands.

Upon request for a preliminary ruling on EU law from the Belgian constitutional court, the Grand Chamber of the CJEU upheld the Flemish regulation. The Court found leverage in the EU provision that empowered Belgian authorities to issue “additional rules designed to ensure greater protection for animals.” The Court recognized that the added rule about stunning did impose “a limitation on the exercise of the right of Jewish and Muslim believers to the freedom to manifest their religion.” But this limitation was “permissible,” the Court argued. It was properly “prescribed by law,” not arbitrarily imposed. It required use of the “most up-to-date method of killing” animals humanely. It had a “legitimate objective of general interest . . . to avoid all avoidable animal suffering.” This new rule, moreover, was “appropriate and necessary,” prescribing “the least onerous” way of harmonizing state interests in protecting animal welfare and the butchers’ interest in protecting their religious freedom.

Invoking religious freedom cases of the European Court of Human Rights, the Luxembourg Court now said that Belgium “deserved a wide margin of appreciation in deciding whether, and to what extent, a limitation of the right to manifest religion or beliefs is ‘necessary.’” Similarly, the Court cited EU law that called for “a ‘certain flexibility’ and ‘a certain degree of subsidiarity’ to Member States” in how to balance EU laws and local standards of health, morality, and culture.

The CJEU also dismissed quickly the Jewish and Muslim litigants’ arguments that this new rule was both religiously discriminatory and disrespected religious diversity in open

violation of Articles 21 and 22 of the EU Charter. The comparison with sport activities was ill-founded, the Court continued, as this regulation focused on licensed slaughtering houses, and not on hunting, fishing, or licensed sports activities which are subject to their own relevant EU and local laws. Moreover, hunting and fishing are recreational; they are not primarily about producing meats, hides, and other animal products that are sold to consumers. Even if they were, it would be “meaningless” to require hunters and fishers to pursue only animals that were previously stunned.

The Fate of Religious Freedom

These three cases, particularly *Liga van Moskeeën* and *Centraal Israëltisch Consistorie*, while narrow in their immediate reach, signal trouble for religious freedom in the EU. The *Liga van Moskeeën* Court stated clearly that, in principle, neutral laws do not infringe upon religious freedom, whatever their impact on religious practices. In its words, “the obligation to use an approved slaughterhouse . . . applies in a general and neutral manner to any party that organises slaughtering of animals and applies irrespective of any connection with a particular religion and thereby concerns in a non-discriminatory manner all producers of meat in the European Union.” But in application, neutral laws like this can and do impose a substantial burden on religious practices, particularly those of minority or disfavored religions who sometimes need exceptions and exemptions from neutral laws in order to practice their faith.

Centraal Israëltisch Consistorie is even more worrisome. It upholds a non-neutral local law that specifically and discriminatorily targets a central religious practice of ritual slaughtering that EU law had earlier accommodated on grounds of religious freedom. The new Flemish law is not neutral: Jews and Muslims cannot butcher animals for consumption according to their faith, but sportsmen who kill downed animals or landed fish, or private farmers who kill their animals for food or when they are injured, need not stun those animals first. Religious freedom, religious equality, and religious diversity are all fundamental rights explicitly protected by the EU Charter. Animal rights and animal welfare are only mentioned in the earlier Annex to the European Community Treaty (1997); they are not part of the EU Charter. But here animal rights have trumped religious freedom.

Make No Mistake

These three cases are not just about small Jewish or (not so) small Islamic minorities living in Flanders. And they are not just about the right to religious slaughtering, which is an important feature of religious freedom for these religious communities but not for many other faiths (including that of the authors). These cases are part of a larger seachange in EU case law that subordinates religious freedom to other rights and interests. This is surprising, as EU law has developed a quite sophisticated culture against direct and indirect discrimination alike. The devil is in the details, as usual. Borrowing from the European Court of Human Rights’ lexicon, *Centraal Israëltisch Consistorie* stated that the EU Charter of Fundamental Rights was a “living instrument,” which had to be understood in light of the changing circumstances and social priorities. Because the new Flemish provision resonated with the wider sensitivity for animal welfare, it deserved stronger EU protection. The Court has thus signalled that religious freedom is not so much the hot new concern of EU law but more a relic of the past and a refuge of the eccentric that must be subordinated — if not sacrificed — to new priorities.

American First Amendment scholars know well the dangers of reducing religious freedom to a mere guarantee of neutrality, and leaving religious freedom protections in the hands of local legislatures. The United States Supreme Court adopted this local neutrality approach in the 1990 free exercise case of *Employment Division v. Smith*. The case held that a “neutral and generally applicable law” is not a violation of the right to free exercise

of religion, no matter how great a burden that law casts on a particular religion or religious practice. The *Smith* case itself deprived a Native American Indian from receiving an unemployment benefit that other religious minorities had received in four prior Supreme Court cases. The *Smith* Court's neutrality approach soon led local legislatures to turn on religious minorities, targeting their ritual slaughtering and other religious practices deemed eccentric. Congress and many states responded by passing religious freedom restoration acts that provided stronger statutory protections and remedies for religious minorities. And in *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah* (1993), the Supreme Court stepped in and struck down a new local slaughtering law similarly pitched as a neutral law protecting safety, hygiene, and animal welfare, but in reality targeted a core religious ritual of a minority community of Santerians. The *Smith* Court had made clear that laws that are not neutral and/or not generally applicable can be justified only if they serve a compelling state interest and follow the least restrictive alternative of achieving that interest. That provides a judicial safety net for religious freedom against bald prejudice, just as statutes have provided a stronger legislative safety net for religious minorities against "the tyranny of the legislative majority." It can only be hoped that both Luxembourg Court and the European Parliament will take lessons from this American experience. Among the European integration's early promises was peace for the Continent, not a cemetery for freedoms.

A criminal case against Jehovah's Witnesses

Human Rights Without Frontiers will follow this trial starting on 16 February

By Willy Fautré, Human Rights Without Frontiers (*)

HRWF (16.02.2021) - On 16 February, a trial will start against the Christian Congregation of Jehovah's Witnesses (CCJW) at the criminal court of Ghent (East Flanders) on the alleged grounds of discrimination and incitement to hatred with a particular focus on their disfellowshipping (exclusion) procedure.

A timeline

2015 (19 March): The criminal investigation began with the filing of a criminal complaint by Patrick Haeck, a former Jehovah' Witness who had freely chosen to recant his faith.

2016 (5 January): Substitute Public Prosecutor Isabel de Tandt transmitted the criminal file to the Federal Judicial Police. She stated in her cover letter that this is "a file against the Jehovah's Witnesses regarding defamation and, more specifically, regarding their defamation policy."

2016 (29 February): In a Pro-Justicia, the Federal Judicial Police listed the CCJW and its Board of Directors as the subject of the criminal investigation.

2018 (10 April): The Public Prosecutor officially notified the CCJW of the investigation that had been ongoing since January 2016. Three CCJW board members were then invited for a hearing.

2018 (15 May): The CCJW responded to that invitation by a letter to the Federal Judicial Police of East Flanders in which it requested a number of details about the criminal investigation: the grounds of the accusation and the author thereof. In its letter, the CCJW specifically addressed the issue of disfellowshipping and stressed that courts in

Liège, Mons and Brussels have confirmed this practice is protected under Article 9 of the European Convention on Human Rights.

In that letter, the CCJW indicated its objections to the investigation (due to the little information provided by the police) and asked the Public Prosecutor to dismiss this investigation but indicated "Of course, we are fully prepared to work with you to clarify this issue". There was no response whatsoever to this offer.

2020 (13 May): After two years of silence by the judicial authorities, the CCJW received a copy of the 11 May 2020 summons charging it with crimes under Article 22 of the Anti-Discrimination Act.

In total, the criminal investigation lasted 4 years and 4 months, from 5 January 2016 until 11 May 2020. However, no investigation measures whatsoever took place between 15 May 2018 and 11 May 2020, a period of nearly two years.

This case is thus similar to *Rouille v. France*, no. 50268/99, § 29, 6 January 2004, where the ECtHR held that "an investigation lasting five years and two months" exceeded the reasonable time requirement and thus violated Article 6(1) of the Convention.

The main issue is however the questionable assimilation of the internal disfellowshipping procedure to some form of incitement to hatred and discrimination.

All organized religions have exclusion or excommunication procedures in their statutes and Jehovah's Witnesses are not an exception. For them, this is a fundamental religious belief required by the Bible. In this regard, they often quote a number of verses from the New Testament, such as

1 Corinthians 5:6, 11-13: "Do you not know that a little leaven ferments the whole batch of dough? ... But now I am writing you to **stop keeping company with anyone called a brother who is sexually immoral or a greedy person or an idolater or a reviler or a drunkard or an extortioner, not even eating with such a man.** For what do I have to do with judging those outside? Do you not judge those inside, while God judges those outside? **Remove the wicked person from among yourselves."**

2 John 1:9-11: "Everyone who pushes ahead and does not remain in the teaching of the Christ does not have God. The one who does remain in this teaching is the one who has both the Father and the Son. If anyone comes to you and does not bring this teaching, **do not receive him into your homes or say a greeting to him.** For the one who says a greeting to him is a sharer in his wicked works." (Emphasis added)

Courts in Belgium have already ruled on similar complaints of alleged discrimination.

On 10 January 2012, the Court of Appeal of Mons rejected J.L.'s discrimination claim, concluding that

"The fact that a religious movement lays down for its members and publishes in its periodicals **rules of conduct to be adopted vis-a-vis former members who have been properly excluded** (the propriety of the said exclusion is not under discussion here), which are limited to the prohibition on associating with them, speaking to them or even greeting them, **is not sufficient to lead to the presumption that any discrimination exists.**

"Provided the limits of legality are not exceeded, **any person is free to follow or otherwise the precepts of the religion of his choice, including with regard to the members of his own family.** (Emphasis added)

On 5 November 2018, the Court of Appeal of Brussels rejected J.L.'s remaining civil claims, concluding:

"Of course, moral pressures may be exerted on followers so that they distance themselves from "excommunicated" persons. However, as emphasized by the Court of Appeal of Mons in its aforementioned ruling, **all individuals are free to decide whether or not to follow the precepts of the religion of their choice, including with regard to their own family.**

...

There is no exhibit that reveals that any members of his family or friends refused to see him after his excommunication **because of the instructions of the [religious community]**. Nor is there any evidence that he lost customers for that reason." (Emphasis added)

Last but not least, on 7 February 2019, the Court of Cassation rejected J.L.'s appeal against the judgment of the Court of Appeal of Brussels.

(*) The original article was published by Bitter Winter on 15 February 2021 under the title "Jehovah's Witnesses Disfellowshipping Practices on Trial in Belgium"

Freedom of religion or belief in Belgium: Some religions are more equal than others

By Jelle Creemers

ICLRS (05.01.2021) – <https://bit.ly/3ntnhcr> – So-called "Western" nations are not the usual suspects of intrusions into religious liberty. The reason seems obvious: legislation and policies which protect freedom of religion or belief (FoRB) are typically well embedded in and very compatible with strongly secularized contexts with a high appreciation of individual freedom and human rights—typical character traits of said "Western" nations.

While severe intrusions of FoRB involving state-sanctioned use of force are infrequent, there is sufficient reason to also keep a close eye on these nations.

First, following Saba Mahmood's lead, the "obvious" connection between secularity and religious freedom needs critical scrutiny. Secularity as it is being presented in and promoted by Western nations often includes strict but unspoken definitions of religiosity, including a focus on its private and cerebral (faith) aspects. Expressions of religiosity which do not easily fit the mold and which are "foreign" to the local setting are much less easily accepted and appreciated. While ample space is typically given to individual religiosity and while on paper equal rights may be offered to a variety of convictions, the translations of these rights into policies directed at different convictions often demonstrate underlying rationalities and conditionalities.

Second, in a Western context, a comparative perspective is very instrumental in uncovering cases of religious discrimination. Last year, I co-edited a volume on religion-state relations in Europe, giving attention to both theoretical considerations and case studies from European countries [1]. It features my article giving attention to the small Evangelical Protestant and Islamic minorities in Belgium, which may function as an interesting exemplary study of the above-mentioned statements.

Like most European countries, Belgium, since its independence in 1830, has developed a relationship of “mutual dependence” of organized religion and the state [2]. It started modestly as an attempt to combine liberal and Catholic political agendas in the newly established democratic nation and to avoid returning church property confiscated by Napoleon. In almost two centuries, the system has grown into a complex amalgam of rights and policies involving the different levels of the federal Belgian state system and pertaining to seven recognized “worldviews.” Two key elements of this support system are discussed below. The seven recognized worldviews are the Anglican, Catholic, Islamic, “Israelite,” Orthodox, and Protestant religions and non-confessional humanist philosophy. These are said to make up over 95% of the religious/philosophical self-identification of Belgian citizens. Still, religious discrimination can be found in the fact that some worldviews have no place in this system. Buddhism is currently working towards recognition and receives a small annual subsidy because of its internal organization [3].

In the Belgian system, two key elements are constitutionally fixed: (a) the possibility of state salaries for religious ministers and moral counselors (art. 181 of the Constitution) and (b) the possibility for children to have classes in the religion of their (parents’) choice throughout their compulsory school career, the teachers being salaried by the state (art. 24.1). Also, there are various forms of financial and other support for religious communities and their community life. The system is understood by some today as a guarantee for the exercise of the citizens’ right to religious freedom. As such, it is discursively embedded in a liberal secular framework that involves competing human rights and liberal values such as democracy, separation of church and state, and good citizenship. Participating in the system is, however, not without consequence. The remainder of this article will offer examples from three policies to demonstrate ways in which state policies are set up to socialize religious minorities and integrate secular values in (a) their institutional organization, (b) their religious activities, and (c) their official communications. Comparisons with the historically majoritarian Roman Catholic religion will demonstrate the hidden discriminations which are also present.

First, participation in the Belgian religion-state relations has necessitated the very diverse and autonomous Evangelical churches and Islamic communities to set up a representative body with democratically elected officers who act as their spokesperson towards the state. Such a structure and hierarchization of religious authority directly contradicts the theological and organizational self-understanding of these faith communities. An alternative arrangement, which would allow local faith communities to directly communicate with the state, is very possible and even has historical precedents [4]. But the state was adamant that for Islam and Protestantism the establishment of such an overarching structure is an essential requirement for full participation in the Belgian public management of religion. Pluralistically organized religions with much inner diversity and variety are thus required to adapt to the structural preferences of the majority religion, the Roman Catholic Church, which has functioned as the model. Moreover, this system involves another interesting form of discrimination vis-à-vis minority religions. While their representative bodies are expected to have been democratically elected, the Roman Catholic equivalent—the bishop—is appointed by a foreign sovereign, the Pope. It is hard to imagine that this would be accepted for the representative body of, let’s say, Islam in Belgium.

Second, participation in the Belgian religion-state relations has come to involve (particularly in Flanders) monitoring of religious activities. Since the renewed Flemish legislation of 2005, religious communities that seek recognition and support need to meet several requirements. Of highest importance is the need to annually demonstrate their “societal relevance.” This requirement implies that the faith communities are not primarily valued because they enable their members to exercise their religious freedom

rights. The religious community is first and foremost evaluated based on its relation/service to non-members, i.e., to the wider society. Most problematic is the fact that these and more requirements for recognition, which may also lead to exclusion of a faith community from state support, only exist for communities recognized since 2006. This means that all 1600+ Roman Catholic parishes can remain certain of their continued recognition and state support without these requirements. Only a small portion of the currently recognized faith communities, including all (minority) Evangelical and Islamic recognized places of worship, fall under the new regulations. The burden of "demonstrating one's societal relevance" and the possibility of losing recognition and support is thus in practice reserved exclusively to minority religious communities, in particular those with a strong migrant constituency. Interestingly, a key way in which one must demonstrate societal relevance is by speaking Dutch in internal and external relations.

A third policy domain in which recognized religious minorities are confronted with problematic demands from the state concerns the public role expected to be played by their representative organs. We already mentioned that for pluralistic religions without hierarchical structures, the setting up of these organs runs counter to their theological self-understanding. But Evangelical churches, as well as mosques, have accepted their establishment as administrative organs with the sole purpose to mediate in the function of religion-state arrangements. In recent years, however, public authorities increasingly expect these administrators to publicly speak out in response to societal events. After the terrorist attacks in Paris (2015) and Brussels (2016), all "heads" of the religions were summoned by the federal government to jointly voice their concerns over religiously motivated violence and to harmoniously defend the "fundamental values" of Western civilization. Although the administrative bodies have no spiritual authority within their communities, they are also made publicly accountable for theological positions and spiritual activities within the communities they serve. Here, again, they are expected to follow the lead of the majoritarian religion. The Roman Catholic bishops, however, do indeed carry spiritual and practical responsibility for the churches in their dioceses and also have the authority to interfere in their community life.

In conclusion, the religion-state arrangements in Belgium and their effects on the recognized minority religions demonstrates two things. First, state actors increasingly utilize these policies to socialize religious communities into integrating and promoting secular liberal values. Such instrumentalization of FoRB legislation must be criticized, independent of how one appreciates these values in general. Second, a comparative approach demonstrates that minority religions are factually disadvantaged as they are regulated more strictly than the historically majoritarian Roman Catholic church and are expected to adapt themselves to its organizational and authoritative model (be it in a democratic manner). While past injustices can often be forgiven when giving attention to historical contingencies, it is problematic that in the past decades the inequality in the treatment of different recognized religious communities in Belgium has not diminished, but rather increased. At this very moment, new Flemish legislation on recognition and support of religious communities is being prepared. It is clear that also in this "Western" context ongoing attention because of protection and promotion of freedom of religion or belief is essential.

References:

[1] Jelle Creemers and Hans Geybels, eds., *Religion and State in Secular Europe Today. Theoretical Perspectives and Case Studies*, *Annua Nuntia Lovaniensia* 79 (Leuven: Peeters, 2019).

[2] For an overview, see Stéphanie Wattier, *Le financement public des cultes et des organisations philosophiques non confessionnelles. Analyse de constitutionnalité et de conventionnalité* (Brussels: Bruylant, 2016).

[3] Louis-Léon Christians and Stéphanie Wattier, "Funding of Religious and Non-Confessional Organizations: The Case of Belgium," in *Public Funding of Religions in Europe*, ed. Francis Messner (London: Routledge, 2016), 51–73.

[4] Adriaan Overbeeke, "(Eenheids-)vertegenwoordiging van erkende religies in het Belgische erediensrecht: Pleidooi voor een gedifferentieerde benadering," *Recht, Religie en Samenleving* 2013, no. 2 (2013): 5–43.
