

## Table of Contents

- [Sikhism's quest for recognition](#)
- [Kassasjonsdomstolen stadfester Jehovas vitners rett til å ekskludere medlemmer](#)
- [The Ghent saga ends: Cassation Court confirms shunning is legal](#)

---

## Sikhism's quest for recognition

***Request for Sikhism to be officially recognized as a religion in Belgium is set to be discussed in parliament before the current legislative session ends in June.***

[La Croix International](#) (15.04.2024) - In early April, Belgium's Justice Minister Paul Van Tigchelt revealed that Sikhs had sought official recognition of their religion, and comes at a time when a similar plea for Buddhism is under consideration. Belgium officially recognizes six religious denominations Catholicism, Judaism, Anglicanism, Protestant-Evangelicalism, Islam, Orthodoxy -- along with one philosophical belief -- liberal-humanism. Currently, there are more than 10,000 Sikhs in Belgium, and Sikhs have played a role in Belgian history for years, fighting as part of the British troops in Belgium during [World War I](#).

Sikhism, established in the 15th century in the Punjab region of northwest India, bordering Pakistan, is a religion followed by Sikhs, meaning "disciple" in Punjabi. Sikhs believe in an eternal, creator God, who is both immanent and transcendent. The faith promotes an honest life, eschewing the consumption of meat, alcohol, and tobacco. Sikhism was founded by Guru Nanak (1469-1539), followed by nine other Gurus. Following the death of the tenth Guru in 1708, the Sikh holy scripture, the Guru Granth Sahib, was designated as the eternal Guru.

### ***Fifth-largest religion in the world***

As the fifth-largest religion globally, Sikhism boasts 30 million followers, primarily in Punjab, where it surpasses Buddhism, Christianity, Hinduism and Islam. Sikhs assert their faith's distinctiveness from Hinduism, although some Western scholars view it as an offshoot of Hinduism with potential Islamic influences through historical interactions with the Mughal Empire that dominated India in the 16th century.

A significant evolution of Sikhism occurred under the sixth Guru, Guru Hargobind, who added a temporal authority to his spiritual leadership, challenging the Mughal Empire. This political endeavor eventually led to the foundation of an independent state in 1799, later annexed by the colonial British in 1894. Guru Gobind Singh, the tenth and final Guru, established the Khalsa, a warrior order, selecting its first members from disciples willing to sacrifice themselves.

### ***The "Five Ks"***

Contemporary Sikhs, by joining the Khalsa, adhere to distinctive practices and the markers of Sikh identity, known as the "Five Ks," including **uncut hair (kesh)** covered by a specific type of turban, and a beard; a **wooden comb (kangha)** for the hair; a **bracelet (kara)**; an **undergarment (kachera)**, and a **small curved sword or**

**knife (kirpan).** Many Sikh men adopt the name "Singh," meaning "lion," as seen in former Indian Prime Minister Manmohan Singh, while women often carry the name "Kaur," meaning "princess," like Canadian poet Rupi Kaur.

Since the 1970s, a faction of Sikhs in India has been pushing for the establishment of a theocratic state. This culminated in the tragic 1984 event where hundreds were killed in the Golden Temple by the Indian army, which then led to the retaliatory assassination of Prime Minister Indira Gandhi by two of her Sikh bodyguards.

---

## **Kassasjonsdomstolen stadfester Jehovas vitners rett til å ekskludere medlemmer**

*En endelig avgjørelse som i stor grad er blitt ignorert av belgiske medier*

### [English version](#)

HRWF (05.01.2023) – Den 19. desember 2023 avgjorde den belgiske kassasjonsdomstolen at Jehovas vitners religiøse tro og praksis i forbindelse med eksklusjon, inkludert å begrense kontakten med tidligere medlemmer som er ekskludert, er helt lovlig og er en del av forsamlingsfriheten, så vel som religionsfriheten.

### ***En kort oppsummering av saken***

I 2015 oppsøkte et tidligere Jehovas vitne statsadvokatens kontor og hevdet at medlemmene som forlot samfunnet, ble utfrysnet og fullstendig sosialt isolert etter ordre fra organisasjonen.

Statsadvokatens kontor i Gent stevnet Jehovas vitner på fire punkter: oppfordring til diskriminering av en person og mot en gruppe på religiøst grunnlag og oppfordring til hat eller vold mot en person og mot en gruppe.

I 2020 tok påtalemyndigheten ut tiltale mot Jehovas vitner for angivelig å ha brutt Belgias diskrimineringslov, paragraf 22. Saken fikk utstrakt mediedekning i mars 2021, da dommeren avsa en kontroversiell kjennelse i favør av aktor og hver av saksøkerne. Rettsavgjørelsen ble i stor grad kritisert av internasjonale juridiske eksperter. Den belgiske foreningen av Jehovas vitner anket avgjørelsen.

Den 7. juni 2022 omgjorde ankesdomstolen i Gent dommen som ble avsagt i førsteinstansdomstolen, ved å anvende Den europeiske menneskerettsdomstolens omfattende rettspraksis, og frikjente Den belgiske foreningen av Jehovas vitner uforbeholdent for alle anklager om diskriminering og oppfordring til hat. Ankesdomstolen i Gent bekreftet dermed at Jehovas vitners bibelske praksis med å begrense eller unngå kontakt med tidligere medlemmer var lovlig og ikke oppfordrer til diskriminering, segregering, hat eller vold.

*Human Rights Without Frontiers* dekket rettsforhandlingene i stor utstrekning i [Bitter Winter](#) i 2021 og [The European Times](#) i 2022.

## **Kassasjonsdomstolen avviste anken til UNIA, et interføderalt senter mot diskriminering**

Det interføderale senteret for likestilling og bekjempelse av diskriminering og rasisme (The inter-federal center for equal opportunities and fight against discrimination and racism, UNIA) tok parti med de tidligere medlemmene av Jehovas vitner, men anken ble avvist 19. desember 2023 av kassasjonsdomstolen.

I kjennelsen avviste kassasjonsdomstolen bestemt alle argumentene til UNIA og de individuelle saksøkerne og ga sin fulle støtte til avgjørelsen til ankedomstolen i Gent. Kassasjonsdomstolen avgjorde at Jehovas vitners «policy for unngåelse» (av ankedomstolen i Gent omtalt som «passiv sosial unngåelse») er lovlig, og at Den europeiske menneskerettskonvensjon garanterer at «alle», også menigheter, har rett til å bestemme hvem de vil ha sosial kontakt med.

Kassasjonsdomstolens dom er helt i tråd med Den europeiske menneskerettighetsdomstolens rettspraksis og samsvarer med lignende kjennelser fra ankedomstoler og høyesterettsdomstoler i mange land over hele verden, for eksempel Argentina, Brasil, Canada, England, Irland, Italia, Japan, Polen, Sør-Afrika, Tyskland og USA.

Jehovas vitner uttrykte i en pressemelding takknemlighet overfor de høyeste juridiske institusjonene i Belgia for at de har renvasket deres gode navn og rykte.

Den første rettsavgjørelsen mot Jehovas vitner skapte store overskrifter i pressen, men kassasjonsdomstolens endelige avgjørelse, som var i deres favør, ble ignorert, deriblant av UNIA, som per 30. desember fortsatt ikke har publisert noe om saken.

De få mediene som publiserte Belgas pressemelding om saken, slik som [RTL Info](#), [La Dernière Heure Les Sports](#), [La Libre Belgique](#) og [Het Nieuwsblad](#), fortjener ros.

---

## **The Ghent saga ends: Cassation Court confirms shunning is legal**

***On December 19, 2023, the Belgian Court of Cassation confirmed the appeal decision favorable to the Jehovah's Witnesses.***

*By Massimo Introvigne*

[Bitter Winter](#) (04.01.2023) - "Bitter Winter" and its parent organization CESNUR, the Center for Studies on New Religions, have followed with great interest a legal case in Belgium concerning the so-called "shunning" practiced by the Jehovah's Witnesses (and, in different forms, by other religions as well). Jehovah's Witnesses counsel their members in good standing not to associate with ex-members who have been disfellowshipped for serious sins, and have not repented, or have publicly disassociated himself from the organization. Cohabiting relatives are not shunned, nor are those "lapsed" members who simply become inactive without publicly disassociating themselves from the Jehovah's Witnesses either through a declaration or by joining a different religion or an organization whose membership in the Witnesses regard as incompatible with Biblical teachings.

While [courts in different countries of the world](#) (including in Belgium itself) had consistently recognized that shunning as taught and practiced by the Jehovah's Witnesses is protected by religious liberty and is not illegal, on March 16, 2021, the Court of Ghent stated that suggesting that current members of a religious organization do not associate with ex-members who have been disfellowshipped or have publicly left the organization amounts to discrimination and incitement to hatred and should be prohibited. "Bitter Winter" published several articles criticizing the decision as dangerous for religious liberty. CESNUR organized [a webinar](#) on the decision on April 9, 2021, with the participation of lawyers, human rights activist, and leading scholars of religion including [James T. Richardson](#), [George Chryssides](#), and Eileen Barker.

On June 7, 2022, the Court of Appeal of Ghent [overturned the first-degree decision](#), ruling in favor of the Jehovah's Witness against both the ex-members who had acted against them and the federal Belgian anti-discrimination agency UNIA, which had entered the proceedings as a civil party. The appeal judges stated that teaching and practicing shunning in the form advocated by the Jehovah's Witnesses, which they characterized as "passive social avoidance" of those shunned, is not illegal and is in fact protected by the principles of religious liberty. It should not be confused with cases (reported about different religions, but not about the Jehovah's Witnesses) where ex-members are "stalked, harassed, bullied, or threatened."

Both the hostile ex-members and UNIA filed an appeal for Cassation. On December 19, 2023, the Court of Cassation ruled again in favor of the Jehovah's Witnesses, and finally put an end to the Ghent saga. Apart from procedural questions, the Belgian Cassation examined two arguments, that shunning as taught and practiced by the Jehovah's Witnesses violates article 8 (on the rights of the family) and article 9 (on religious liberty—in this case, of the shunned ex-members) of the European Convention on Human Rights (ECHR) and the corresponding articles of the Belgian Constitution, and that it amounts to discrimination and harassment of those shunned.

Following the Court of Appeal, the Cassation noted that article 8 does not apply to the case of the Jehovah's Witnesses, as their practice of shunning does not extend to cohabiting spouses and children.

The Cassation also stated that the Jehovah's Witnesses' shunning does not violate the freedom of religion or belief of those shunned and does not imply discrimination or harassment. The Court wrote that in the case of the Jehovah's Witnesses the teachings on shunning consist of "guidelines relating to ordinary social intercourse," which "strongly discourage contacts" with members who have been disfellowshipped or have publicly disassociated themselves from the organization. The guidelines "label them [these contacts] as sinful, without, however, inciting manifestly unlawful conduct," including "stalking, threats, or harassment."

The Cassation acknowledges that it would be forbidden to "harass, threaten, or bully ex-members," but states that this is by no means part of the shunning policy of the Jehovah's Witnesses. It is true that shunning may lead "to social isolation towards other members of the faith community," but this should not be confused with a "generalized social isolation." The Belgian Jehovah's Witnesses are a "small faith community of about 26,000 members across Belgium," and those shunned remain free to associate with all the other people living in the country.

In fact, article 9 of the European Convention on Human Rights (ECHR) should indeed be applied to the case, the judges note, but to protect the religious liberty of the Jehovah's

Witnesses to organize themselves as they deem fit. "The circumstance of feeling aggrieved, hurt or socially isolated from the original circle of friends by the shunning policy is not sufficient to neutralize the effect of Article 9 ECHR," the Cassation writes," as "it must be accepted that conducts protected under Article 9 ECHR may, where appropriate, give rise to alienation vis-à-vis those close to them and hurt their feelings."

At any rate, the Cassation concludes, "Articles 8 and 9 ECHR and Articles 19 and 22 of the Belgian Constitution also imply that everyone has the right to decide independently with whom to maintain social contacts and with whom not. Criminal courts, in accordance with the case law of the European Court of Human Rights, have only a small margin of appreciation to intervene in both (a) choices that people make in their private lives or (b) the pursuit of a religious standard of conduct within the sphere of their personal autonomy."

Through a final decision, thus, Belgium joins several other democratic countries, including most recently [the Netherlands](#), in recognizing that teaching and practicing shunning by the Jehovah's Witnesses is not illegal and is part of their normal exercise of their freedom of religion or belief.

---