

Submission to the Joint Select Committee on oversight of  
the implementation of redress related recommendations of the  
*Royal Commission into Institutional Responses to Child Sexual Abuse*:  
in relation to the Royal Commission's "Report of Case Study No. 29 -  
The response of the Jehovah's Witnesses and Watchtower Bible and  
Tract Society of Australia Ltd to allegations of child sexual abuse"

Submission by Lara Kaput and Steven Unthank

18 March 2019

Senator Derryn Hinch, Chair  
Ms Sharon Claydon MP, Deputy Chair  
and Committee Members

Joint Select Committee on the Royal Commission into  
Institutional Responses to Child Sexual Abuse –  
oversight of redress related recommendations

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We thank the Joint Select Committee for inviting us to provide a special submission in relation to the committee's current Inquiry into the National Redress Scheme for Institutional Child Sexual Abuse.

Our submission discusses the ongoing concerns that have been raised, including within the media<sup>1</sup>, in relation to the religion of Jehovah's Witnesses, its administrative management corporation, Watchtower Bible and Tract Society of Australia Limited, and their controlling parent organisation Watch Tower Bible and Tract Society of Pennsylvania, Inc.<sup>2</sup>

Our primary concern is that the leaders of Jehovah's Witnesses have:

- remained silent in relation to the Redress Scheme,
- refused to join the Redress Scheme,
- refused to meet with survivors,
- shunned child abuse victims within their own religion,
- refused to say sorry to anyone for holding the statistical record for having the most child abuse victims per membership number of all institutions within Australia,
- refused to comply with the mandatory Reportable Conduct Scheme in Victoria, and
- refuse to adopt any of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

See Figure 1 below for a summary of the Jehovah's Witnesses child sexual abuse statistics among their 68,000 members within Australia.

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<sup>1</sup> Eddie, Rachel. 2019. *The New Daily*. 'We don't need to give them more time': Survivors on shaming redress laggards. Published interview with Jehovah's Witnesses abuse survivor Lisa Blair. 28 February 2019. <https://thenewdaily.com.au/news/national/2019/02/28/national-redress-scheme-reaction/>  
Michael, Luke. 2019. *Probono Australia*. Government Names and Shames Organisations Yet to Join Redress Scheme. 28 February 2019. <https://probonoaustralia.com.au/news/2019/02/government-names-shames-organisations-yet-join-redress-scheme/>

<sup>2</sup> The umbrella and parent corporation for the worldwide church of Jehovah's Witnesses is the Watch Tower Bible and Tract Society of Pennsylvania, Inc. ("Watch Tower Society"). The Watch Tower Society is not registered with the Australian Securities and Exchange Commission (ASIC) as a foreign corporation operating within Australia, despite the fact that it maintains an Australian branch and has appointed as a direct agent and religious office holder (elder) each individual member of Watchtower Bible and Tract Society of Australia Limited.



Figure 1. Summary of findings in relation to Jehovah’s Witnesses

The Australian *Royal Commission into Institutional Responses to Child Sexual Abuse* (“CARC”) stated in its Final Report, published in December 2017, that the Jehovah’s Witnesses in Australia had a reported 1,800 child sexual abuse victim files<sup>3</sup> and “over 1,000 alleged perpetrators”<sup>4</sup> within a membership of 68,000. By contrast, the Catholic Church in Australia had a reported 4,444 child sexual abuse victim files<sup>5</sup> within a membership of 5.3 million.

A total of 70 survivors of Jehovah’s Witnesses attended a private session with the CARC.<sup>6</sup> 57 congregations of Jehovah’s Witnesses across Australia were the subject of those private sessions.<sup>7</sup> In its Final Report the CARC stated, “We found no evidence of the Jehovah’s Witness organisation reporting allegations of child sexual abuse to police or other civil authorities.”<sup>8</sup>

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<sup>3</sup> Final Report Preface and executive summary. Royal Commission into Institutional Responses to Child Sexual Abuse, 2017, p 76.

See also: <https://www.childabuseroyalcommission.gov.au/case-studies/case-study-29-jehovahs-witnesses>

<sup>4</sup> *Ibid*, p 76.

<sup>5</sup> <https://www.abc.net.au/news/2017-02-06/child-sex-abuse-royal-commission:-data-reveals-catholic-abuse/8243890>

<sup>6</sup> Final Report Preface and executive summary. Royal Commission into Institutional Responses to Child Sexual Abuse. Table 2, p 45.

<sup>7</sup> *Ibid*, p 45.

<sup>8</sup> *Ibid*, p 76.

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### **Lara Kaput and Steven Unthank: Our background**

We are former Jehovah's Witnesses. We are both child sexual abuse survivors from within the religion of Jehovah's Witnesses, who now use our time and resources to advocate for fellow victims and survivors of institutional child sexual abuse, regardless of the institution or religion.

For the past 10 years we have, either individually or as a team, provided up-to-date factual and unique information to local and international law enforcement agencies, government bodies, politicians, inquiries, royal commissions, law firms, and the media in relation to Jehovah's Witnesses and the Watch Tower Society. We also provide advice for investigations, civil lawsuits, class actions, and prosecutions involving the Watch Tower Society and the Church of Jehovah's Witnesses, globally.

Over the past seven years we have made written submissions to, or appeared before, the *Protecting Victoria's Vulnerable Children Inquiry*, the *Victorian Inquiry into the Handling of Child Abuse by Religious and Other Non-government Organisations*, and the *Royal Commission into Institutional Responses to Child Sexual Abuse*.

We currently operate under the unincorporated name "Say Sorry".

In 2017, we were invited to a global event, co-hosted by a London law firm and a US media entity, about the Jehovah's Witness cover-ups, convened in London:

<https://www.revealnews.org/blog/reveal-event-aims-to-pry-loose-documents-in-jehovahs-witness-cover-up/>

In 2018, the largest ever peaceful protest against the cover-ups of child sexual abuse by Jehovah's Witnesses took place, with global attendees. Due to this and because our legal systems are similar, we both travelled through Europe in relation to our advocacy work. We created the following blog on our website which covers our schedule and activities:

<https://saysorry.org/2018/11/04/say-sorry-international-schedule/>

Our purpose, as explained on our website [SaySorry.org](https://saysorry.org), states:

"'Say Sorry' exposes and holds accountable the Watch Tower Society and those leaders within the Jehovah's Witnesses organization that disregard or violate the laws of the land, and that cause harm to sections of the community. Accountability and change has been achieved by the Say Sorry Team through a range of activities including: awareness, education, campaigns, public speaking, conferences, submissions to parliamentary inquiries, assisting with the Australian Child Abuse Royal Commission, working with governmental and statutory authorities, advising law enforcement agencies, lobbying, legal action, and prosecutions."

## The National Redress Scheme and the current teachings of Jehovah's Witnesses

Recommendation 1 of the CARC's Final Report states: *"A process for redress must provide equal access and equal treatment for survivors – regardless of the location, operator, type, continued existence or assets of the institution in which they were abused – if it is to be regarded by survivors as being capable of delivering justice"*.<sup>9</sup>

While we currently support the national redress scheme in principle, and consider a nationwide redress scheme to be critical, we do have a number of significant concerns about the scope and operation of the current National Redress Scheme which tie-in with the attitude of the leaders of Jehovah's Witnesses towards child sexual abuse victims within the religion. Of major concern is the Jehovah's Witnesses "two-witness" rule and the potential for it to be abused in both the Redress Scheme and in any case-by-case civil action.

### The "two-witness" rule

The "two-witness" rule, as enforced by the Governing Body of Jehovah's Witnesses, is a procedural rule that requires, in the absence of a confession, there be two or more 'credible' eyewitnesses to an act of child sexual abuse, or to the testimony of two witnesses to the same kind of wrongdoing, before an allegations is accepted as truthful. Allegations are investigated by church elders who have no relevant training. Child sexual abuse is treated as a 'sin' and not as a crime within the church. In commenting on the "two-witness" rule the CARC stated:

"Regardless of the biblical origins of the two-witness rule, the Jehovah's Witness organisation's retention of and continued application of the rule to a complaint of child sexual abuse is wrong. It fails to reflect the learning of the many people who have been involved in examining the behaviour of abusers and the circumstances of survivors. It shows a failure by the organisation to recognise that the rule will more often than not operate in favour of a perpetrator of child sexual abuse, who will not only avoid sanction but will also remain in the congregation and the community with their rights intact and with the capacity to interact with their victim."

And,

"A complainant of child sexual abuse whose allegation has not been corroborated by confession by their abuser or a second 'credible' eyewitness is necessarily disempowered and subjected to ongoing traumatising. To place a victim of child sexual abuse in such a position is today, and was 30 years ago, unacceptable and wrong."<sup>10</sup>

Not surprisingly, the CARC recommended the abandoning of the "two-witness" rule in relation to allegations of criminal child sexual abuse. The Governing Body of Jehovah's Witnesses have refused to adopt the recommendation.

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<sup>9</sup> Final Report Preface and executive summary. Royal Commission into Institutional Responses to Child Sexual Abuse, 2017, p 176. With reference to the *Redress and civil litigation* report recommendations (2015).

<sup>10</sup> Report of Case Study No. 29 - The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse, October 2016, p 65.

Just prior to the commencement of Case Study 29 into “The response of the Jehovah’s Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse”, the Governing Body of Jehovah’s Witnesses published on their network, JW Broadcasting, a negative inference to allegations of child sexual abuse within the religion as being “apostate-driven lies and dishonesties”. In the broadcast, Governing Body member Stephen Lett added: “any human who tries to get us to compromise Bible principles really is an agent of Satan”.<sup>11</sup>

For any of the 1,800 alleged victims within the Jehovah’s Witness religion in Australia, a major hurdle to redress or compensation has to be overcome by survivors in that the Governing Body of Jehovah’s Witnesses have endorsed a blanket denial that there are actual survivors from within their institution. This coupled with the requirements that the crime be treated as a ‘sin’ and that the victim satisfies the religious procedural “two-witness” rule creates an almost insurmountable obstacle to redress.

Concern has been raised by a number of survivors, including ourselves, when the CARC took the view that any consideration of an institution’s culpability should not form part of a redress scheme,<sup>12</sup> and that the standard of proof should be based on an assessment of the ‘reasonable likelihood’ for determining applications for redress.<sup>13</sup>

Such ‘reasonable likelihood’ allows the Jehovah’s Witnesses’ organisation to potentially apply within their assessment of an application for redress the “two-witness” rule.

This then leaves the option of civil redress on a case-by-case basis, with disputes to be settled or determined in the courts.

### Jehovah’s Witnesses teachings restrict redress and legal action via the courts

In the event that the Jehovah’s Witness organisation refuses to join the Redress Scheme, the current members of the religion who are institutional survivors, and who seek redress, but cannot satisfy the “two-witness” rule requirement to produce ‘credible’ eyewitnesses to the abuse, are left with two options:

1. give up in the seeking of redress or compensation, or
2. commence legal action (civil lawsuit).

The Jehovah’s Witness organisation has adapted the following bible passage in relation to the commencing of lawsuits against fellow members of the religion: “it is already a defeat for you when you have lawsuits with one another. Why not rather let yourselves be wronged? Why do you not rather let yourselves be defrauded?”<sup>14</sup>

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<sup>11</sup> Bundy, Trey. 6 March 2015. Jehovah’s Witness leader says child sex abuse claims are ‘lies’. Reveal News. <https://www.revealnews.org/article/jehovahs-witness-leader-says-child-sex-abuse-claims-are-lies/>

<sup>12</sup> Redress and Civil Litigation Report (2015). Royal Commission into Institutional Responses to Child Sexual Abuse, pp 242-3.

<sup>13</sup> *Ibid*, p 187.

<sup>14</sup> <https://www.jw.org/en/publications/bible/study-bible/books/1-corinthians/6/#v46006007>



In commenting on taking legal action, members of the religion of Jehovah's Witnesses, including child sexual abuse survivors, are advised:

"If we are thinking about taking legal action, we should consider the possible effects on us personally, on the other person or persons, on the congregation, and on outsiders. Pursuing compensation could consume much of our time, energy, and other resources. It might result only in enriching attorneys and other professionals. Sadly, some Christians have sacrificed theocratic privileges because of becoming overly absorbed in these things. Our being side-tracked in this manner must make Satan happy, but we want to make Jehovah's heart rejoice. (Proverbs 27:11) On the other hand, accepting a loss may spare us heartaches and save much time for us and for the elders. It will help to preserve the congregation's peace and will enable us to keep on seeking first the Kingdom."<sup>15</sup>

And,

"Discernment can safeguard us from taking action that may put the congregation in a bad light. Paul advised fellow Christians to let themselves be wronged and even defrauded instead of taking a brother to court.—1 Corinthians 6:7."<sup>16</sup>

### **What does "taking a brother to court" mean within the religion of Jehovah's Witnesses?**

The Jehovah's Witnesses elder manual, Shepherd the Flock of God, states that "there is no difference between taking an individual brother or sister to court and taking to court a corporation whose owners are all Jehovah's Witnesses."<sup>17</sup> See Figure 2 below.

#### **Taking Brothers to Court**

22. At 1 Corinthians 6:1-8, the apostle Paul gave strong counsel that Christians should not take other Christians before secular courts to settle personal disputes that should be settled with the help of the congregation elders.—w97 3/15 pp. 21-22; w86 11/15 p. 20; g83 2/8 pp. 13-15; w73 11/15 pp. 703-704.

- If an individual ignores God's Word on this matter, it *may* affect his congregation privileges.
- There is no difference between taking an individual brother or sister to court and taking to court a corporation whose owners are all Jehovah's Witnesses. The spirit of 1 Corinthians 6:1-8 would be violated by relying on the secular courts to settle business disputes among corporations that are made up entirely of brothers.

Figure 2. Facsimile extract from page 133 of the elder's manual Shepherd the Flock of God (2012).

<sup>15</sup> <https://wol.jw.org/en/wol/d/r1/lp-e/1997204?q=%22if+we+are+thinking+about+taking+legal+action+we+should+consider+the+possible+effects%22&p=par>

<sup>16</sup> <https://wol.jw.org/en/wol/d/r1/lp-e/1997204?q=%22discernment+can+safeguard+us+from+taking+action+that+may+put+the+congregation+in+a+bad+light%22&p=par>

<sup>17</sup> Shepherd the Flock of God, 2012 edition, p 133. Watch Tower Bible and Tract Society of Pennsylvania, Inc. <https://www.childabuseroyalcommission.gov.au/sites/default/files/WAT.0003.001.0001.pdf>



Actively defying such instructions can result in a member of Jehovah's Witnesses, even a child sexual abuse survivor, being excommunicated from the religion under a charge of 'brazen conduct', thereby subjecting the individual to shunning, including from family members. The CARC heavily criticized the practice of shunning in Case Study 29.<sup>18</sup> There are many stories, on social media platforms and in forums, which articulate these complaints by child sexual abuse survivors.

### Current attitude of Jehovah's Witnesses towards compliance with child protection laws

#### CASE STUDY: Victorian Reportable Conduct Scheme

On 1 January 2019 it became mandatory in the State of Victoria for religious organisations to comply with the Reportable Conduct Scheme.<sup>19</sup> The scheme is overseen by the Commission for Children and Young People.

Jehovah's Witnesses refused to implement the mandatory scheme and refused to comply with the mandatory scheme. We have published on YouTube, in association with Sarah Blair (Responsible Witness), a special video entitled "The Reportable Conduct Scheme and Jehovah's Witnesses Part 1". This video documents the level of non-compliance with the scheme, and the associated disregard that the Jehovah's Witnesses' organisation has for compliance, in general, with child protection laws and schemes.

Video Link: <https://www.youtube.com/watch?v=IF9wOOn2Hws>

The Jehovah's Witnesses and their administrative corporations, Watchtower Bible and Tract Society of Australia Ltd, and Watch Tower Bible and Tract Society of Pennsylvania, Inc., have a well-documented history of refusing to comply with mandatory child protection laws, including the working with children check within the State of Victoria, until forced to by criminal prosecution.<sup>20</sup>

### Watch Tower Society's financial exposure within Australia

#### The National Redress Scheme

The *Royal Commission into Institutional Responses to Child Sexual Abuse* in their 'National Redress Scheme Participant and Cost Estimates' report, dated July 2015, stated:

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<sup>18</sup> Report of Case Study No. 29 - The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse, October 2016, pp 70-71.

<sup>19</sup> <https://ccyp.vic.gov.au/reportable-conduct-scheme/>

<sup>20</sup> On 26 July 2011 a total of five separate legal entities of Jehovah's Witnesses were charged and prosecuted in the Magistrates' Court of Victoria, under the *Working with Children Act 2005* (Vic), for refusing to comply with the mandatory working with children check, as it applied to 2,000 church ministers of religion who worked with children. The total number of all criminal charges was 35. The time period of non-compliance was from 1 July 2008 onwards until the charges were filed. Case numbers: B12083527, B12082206, B12083367, B12083108, and B12083833. The prosecutor in all five criminal cases was Steven Unthank.

In Section 7 the report assumed an average monetary payment amount of \$65,000 per claim.

In Section 8 the report estimated a cost of counselling of \$5,500 per claim.

In Section 9 the report estimated an administrative cost of \$3,000 per claim.

This brings the estimated combined cost per participant in the Scheme to \$73,500.<sup>21</sup>

The Royal Commission into Institutional Responses to Child Sexual Abuse, in the 'Report of Case Study 29, The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse' reported that the religion, with a membership of 68,000 had records in relation to "at least 1800 alleged victims of child sexual abuse."<sup>22</sup>

The estimated financial exposure to the Redress Scheme for the Jehovah's Witnesses organisation, Watch Tower Bible and Tract Society of Pennsylvania, Inc., is **\$132 million**.<sup>23</sup>

The *Royal Commission into Institutional Responses to Child Sexual Abuse* in their 'National Redress Scheme Participant and Cost Estimates' report, dated July 2015, stated:

"The purpose of this report is to provide an estimate of the volume of participants that might report into an Australian National Redress Scheme covering the victims of institutional child sexual abuse as well as an estimate of the possible profile of these participants. In addition, this report discusses the potential cost of such a scheme, considering the monetary payments, counselling and support services and administrative costs together with an estimate of where the burden of funding responsibility might fall depending on the scheme structure. This report is intended to facilitate discussion and inform estimates to be presented to the Government in August 2015 ("the Commission report")."

And,

"We note that it is not possible to estimate the volume of participants and costs of a theoretical National Redress Scheme with any certainty. Actual outcomes are heavily dependent on a broad range of largely unknown factors including the number of institutional child sexual abuse victims, the numbers that will participate in a National Redress Scheme as well as the severity of abuse experienced by victims and the impact that this has had. The outcomes for a Scheme will also be impacted by the details and design of the Scheme itself including eligibility criteria, administrative processes adopted, the level of evidence required and the monetary payments available. There is limited information on which to develop assumptions and significant extrapolation

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<sup>21</sup> Redress and Civil Litigation Report (2015). Royal Commission into Institutional Responses to Child Sexual Abuse, p 59.

<sup>22</sup> Report of Case Study No. 29 - The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse. October 2016. Page 58, referencing Exhibit 29-0031, Case Study 29, WAT.0021.001.0001.

<https://www.childabuseroyalcommission.gov.au/sites/default/files/WAT.0021.001.0001.pdf>

<sup>23</sup> Formula: (\$65,000 per claim + \$5,500 counselling + \$3,000 admin) x 1,800 JW victims = \$132,300,000.00

from known statistics using judgment has been required. Deviations from our estimates are expected and could be material.”<sup>24</sup>

The costs and figures are based on the modelling provided in the ‘National Redress Scheme Participant and Cost Estimates’ report dated July 2015 and have not been adjusted in line with the reports assumed future inflation of 3% per annum.<sup>25</sup>

Given the potential financial exposure to the National Redress Scheme, it is unlikely that either the Jehovah’s Witnesses, Watchtower Bible and Tract Society of Australia Ltd, or Watch Tower Bible and Tract Society of Pennsylvania, Inc. will voluntarily join the scheme.

The financial exposure that the various Jehovah’s Witnesses legal entities face within Australia also include potential exposure in relation to a number of class action over breaches of mandatory child protection laws. These are discussed as follows:

### **Class Action over breaches of the Victorian working with children laws**

Between 1 July 2008 and 12 December 2011, the Jehovah’s Witness organisation engaged 2,000 elders to work with children as ministers of religion, despite none of them possessing a current working with children “assessment notice”. For the criminal offence under section 35 of the *Working with Children Act 2005* to have occurred there need to be an actual child, thereby creating both the offender and the child victim.<sup>26</sup>

In total there were 2,000 elders serving as a “minister of religion” directly engaged in child-related work within the Church of Jehovah’s Witnesses in over 170 congregations and over 200 Ministry Schools with 1000’s of enrolled children, in the State of Victoria that had not complied with the *Working with Children Act 2005* from July 1, 2008 up until the filing of criminal charges against the church on July 26, 2011.<sup>27</sup>

The offences continued to be committed during the court case up to 12 December 2011.

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<sup>24</sup> Redress and Civil Litigation Report (2015). Royal Commission into Institutional Responses to Child Sexual Abuse, p 4.

<sup>25</sup> *Ibid.* Page 52. Paragraph 8.8 Inflation and Discounting.

<sup>26</sup> WORKING WITH CHILDREN ACT 2005 - SECT 35

#### **Offence to engage in child-related work a person who does not have an assessment notice**

- (1) A person is guilty of an offence if—
- (a) the person engages, or continues to engage, another person (the worker) in child-related work, knowing that it is child-related work; and
  - (b) the worker does not have a current assessment notice; and
  - (c) the person engaging, or continuing to engage, the worker knows that the worker does not have a current assessment notice or is reckless as to whether or not he or she has one.

[http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol\\_act/wwca2005232/s35.html](http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/wwca2005232/s35.html)

<sup>27</sup> Submission 28. ‘JW Survivors Submission in Response to the Consultation Paper for the establishing of the “Terms of Reference” for the Child Abuse Royal Commission’. November 26, 2012. Submission prepared by Steven Unthank.

<https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Issues%20Paper%201%20-%20Submission%20-%2028%20Jehovahs%20Witness%20Survivors%20Victim%20Advocacy%20Group.pdf>

Each offence carried a fine of 1,200 Penalty Units. At the time the offences occurred each Penalty Unit carried a monetary value of \$122.14.

$$1200 \text{ Penalty Units} \times \$122.14 = \$146,568.00$$

$$2000 \text{ offences under the Act} \times \$146,568.00 = \$293,136,000$$

A **\$293 million** class action is currently being explored on behalf of all children within the religion of Jehovah’s Witnesses in the State of Victoria.

In addition to the above, there were also 2,000 ministerial servants serving as a “minister of religion” who directly engaged in child-related work but were not supervised by an elder in possession of an “assessment notice”. This creates a second class action.

A second **\$293 million** class action is currently being explored on behalf of all children within the religion of Jehovah’s Witnesses in the State of Victoria.

Finally, during the same period of time approximately 200 female volunteers were directly engaged to work with children during religious conventions of Jehovah’s Witnesses, under the “Assistance for Parents” program. Their duties included assisting parents by taking young children to the restrooms on behalf of the parents.

A third class action of **\$29 million** is currently being explored in relation to these offences.

A primary and secondary plaintiff has been attached to all potential class actions to represent each class.

#### Summary of potential financial exposure for Watch Tower Bible and Tract Society of Pennsylvania, Inc. within Australia

National Redress Scheme	\$132 million
Class Action: working with children breaches (elders)	\$293 million
Class Action: working with children breaches (ministerial servants)	\$293 million
Class Action: Assistance for parents at conventions of JW’s	\$29 million
<b>TOTAL (AUD)</b>	<b>\$747 million</b>

See Table 3 below for copy of the insurance policy numbers held by Watch Tower Bible and Tract Society of Pennsylvania, Inc. in relation to the activities of Jehovah’s Witnesses in

Australia, and the actions of the Australian branch committee, and the members and board of directors of Watchtower Bible and Tract Society of Australia Ltd.

#### Insurance held by Watch Tower Bible and Tract Society of Pennsylvania, Inc.

Dates	Insurance Company	Policy Number
01.01.1984 – 01.01.1987	Insurance Company of North America	45HF 6670
01.01.1991 – 01.01.1992	Insurance Company of the State of Pennsylvania (ICSP)	80-213218
01.01.1992 – 01.01.1993	ICSP	80-213297
01.01.1993 – 01.01.1994	ICSP	80-213297
01.01.1995 – 01.01.1996	ICSP	80-213297
01.01.1996 – 01.01.1997	Royal Indemnity Company (RIC)	RIW 664751
01.10.1997 – 01.10.1998	RIC	RIW 664751
01.10.1998 – 01.10.1999	RIC	RIW 664751
01.10.1999 – 01.10.2000	ICSP	80-0264446
01.10.2000 – 01.10.2001	ICSP	80-0265738
01.10.2002 – 01.10.2003	ICSP	80-0266080
01.10.2003 – 01.10.2004	ICSP	80-0266080
01.11.2007 – 01.11.2008	ICSP	80-0268549
01.11.2008 – 01.11.2009	American Insurance Company (ACE)	CXCD 37029749
01.11.2009 – 01.11.2010	ACE	CXCD 37030600
01.11.2010 – 01.11.2011	ACE	CXCD 37031367
01.11.2011 – 01.11.2012	ACE	CXCD 37032116
01.11.2012 – 01.11.2013	ACE	CXCD 37032761
01.11.2013 – 01.11.2014	ACE	CXCD 37033297
01.11.2014 – 01.11.2015	ACE	CXCD 37033996 001

Figure 3. Insurance policies covering Jehovah's Witnesses in Australia as held by Watch Tower Bible and Tract Society of Pennsylvania, Inc.

## The Jehovah's Witness organisation

### Organisational structure

The Jehovah's Witness organisation was founded in the United States in the late 19th century. The organisation has been active in Australia since 1896. The organisation's Australian legal entity is the Watchtower Bible and Tract Society of Australia Ltd (Watchtower Australia).

Watch Tower Bible and Tract Society of Pennsylvania, Inc. controls and appoints all executive corporate officers and voting members of Watchtower Bible and Tract Society of Australia Ltd. All members must also be appointed elders of Watch Tower Bible and Tract Society of Pennsylvania, Inc.

The worldwide activities of the Jehovah's Witness organisation are overseen by the Governing Body, which is a council of Jehovah's Witness elders who look to Jehovah (God) and to Jesus Christ for direction in all matters. The Governing Body is based in the United States and supervises more than 90 branches worldwide. The Governing Body is responsible for providing definitive and authoritative interpretation of the Scriptures, and for developing and disseminating the policies of the organisation.

In each country, a Branch Office sits below the Governing Body. The Branch Office is overseen by a Branch Committee. The Branch Office has responsibility for each congregation of Jehovah's Witnesses in its country or geographical area.

Congregations are groups of members of the Jehovah's Witness organisation. A congregation's members are known as 'publishers'. A congregation comprises publishers, ministerial servants and elders.

Congregational responsibilities sit with elders and ministerial servants, which are roles that can only be filled by male members of the congregation. A body of elders 'shepherds' the congregation and oversees spiritual matters, while ministerial servants provide ministerial support and practical assistance to the congregation.

### Key beliefs relevant to redress

- literal interpretation of the bible and reliance on 1st century principles to set practice, policy and procedure;
- millenarianism, or the belief that the end of the world is imminent;
- 'male headship', or the belief in a strict patriarchal authority structure involving obedience and submission in both the organisation and the family;
- maintaining a separateness from, and exercising caution in associating with, those who are not members of the organisation;
- the importance of door-to-door preaching, or evangelising;
- refusal to accept blood transfusions, even in life threatening situations, including those involving children;
- refusal to vote or get involved in lobbying;
- former members of the religion are 'mentally diseased';
- covering up of child sexual abuse within the organisation<sup>28</sup>;
- 'theocratic warfare' in which lying and deception are acceptable practices<sup>29</sup>;
- treating child sexual abuse as a 'sin'<sup>30</sup>;
- the belief that governments and the media are under the control of Satan; and

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<sup>28</sup> See Attachment A. *Submission in support of complaint to the New York State Attorney General, via the New York State Legislature, requesting a special Charities Bureau investigation into Watchtower Bible & Tract Society of New York, Inc., et al. in relation to serious allegations of unlawful conduct and the covering up of criminal activities committed by up to 775 United States citizens.* May 14, 2018. Document prepared by Steven Unthank.

<sup>29</sup> *Ibid*, pp 88-92. Chapter: *Jehovah's Witnesses: perverting the course of justice by "theocratic warfare"*.

<sup>30</sup> See Attachment B. *Shepherd the Flock of God* (2019 Edition), Chapter 14.

- that demons are currently active on earth engaging in the sexual abuse of men, women, and children.<sup>31</sup>

### Policies relating to child sexual abuse

The Jehovah's Witness organisation relies primarily on bible passages to set policies and procedures, including those for responding to child sexual abuse. The Governing Body generally issues policies, and Branch Offices may adjust them locally to meet the requirements of local laws. Views to the contrary of the Governing Body's interpretation of the Scriptures are not tolerated. This is also the case for the organisation's policies, procedures, and practices on responding to allegations of child sexual abuse.

There is limited flexibility in relation to the Jehovah's Witness organisation's scripturally based policies and procedures for responding to child sexual abuse.

The official public position of the Jehovah's Witness organisation is that it abhors child sexual abuse and that it will not protect any perpetrator. When an allegation of child sexual abuse is made to elders, the Jehovah's Witness organisation conducts a 'spiritual investigation'. Once a congregation member has reported an allegation to elders, the member is advised to leave the matter in the hands of the elders and 'trust in Jehovah that it will be resolved'.

The Jehovah's Witness organisation mandates that every allegation of child sexual abuse should be investigated by two (male) elders in order to establish the truth of the allegation. Before about 1998, it was the policy of the Jehovah's Witness organisation to require a complainant of child sexual abuse to make their allegation in the presence of both the investigating elders and their alleged perpetrator. The CARC heard that the organisation no longer requires this of complainants of child sexual abuse. However, evidence, including an audio recording of a child rape judicial hearing, exist that shows the practice was still in use as late as 2007 within Australia.

Investigating elders may take further action only if the truth of an allegation can be established according to the scriptural standards of proof. For those standards to be met, the elders must receive a confession by the accused and/or the testimony of two or three 'credible' eyewitnesses to the abuse. Investigating elders may also consider the evidence of two or three witnesses to separate but similar incidents of the same kind of abuse.

The evidence before the CARC is that it is not the practice of the Jehovah's Witness organisation to report child sexual abuse to authorities unless it is required by law to do so. At the time of the public hearing, the Jehovah's Witness organisation in Australia had recorded allegations, reports or complaints of child sexual abuse made against 1,006 members of the organisation. There was no evidence before the CARC that the organisation reported any of those allegations to police or any other secular authority.

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<sup>31</sup> Spirits of the Dead, p 12. "Demons Are Killers! Demons Are Real!" 2005. Watch Tower Bible and Tract Society of Pennsylvania, Inc. <https://www.jw.org/en/publications/books/spirits-of-the-dead/demons-are-killers/>



## The Jehovah's Witnesses in Australia

There are currently 821 congregations in Australia with over 68,000 active members.<sup>32</sup> Each congregation in Australia is, in the legal sense, a voluntary association and a separately registered charity.<sup>33</sup>

The Governing Body oversees the work of the Australia Branch Office. The Australia Branch Office is responsible for all congregations in Australia.

The Jehovah's Witness organisation's Australian legal entity is the Watchtower Bible and Tract Society of Australia Ltd (Watchtower Australia). Watchtower Australia facilitates the production and distribution of Bible-based literature for the Jehovah's Witness organisation throughout Australasia.<sup>34</sup> Watchtower Australia is a public company limited by guarantee and is a registered charity.<sup>35</sup> In this report, unless otherwise specified, a reference to the Branch Office or Australia Branch Office is also a reference to Watchtower Australia.

The Australia Branch Office relevantly comprises the following structures:

- the Branch Committee, which is an ecclesiastical body of 12 full-time elders (at the time of the public hearing)<sup>36</sup> and which oversees and manages the operation of the Australia Branch Office<sup>37</sup>
- the Legal Department<sup>38</sup>
- the Service Department and Desk, which care for all aspects of the spiritual activities of the Jehovah's Witness organisation.

## Conclusion and Recommendations

It is imperative, that given the history of, and the current status of non-compliance with mandatory child protection laws, that the Joint Select Committee investigates the Jehovah's Witnesses organisation.

### Recommendation 1

That consideration be given to introduce a Bill for the purpose of amending the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*<sup>39</sup> to allow for future class actions in relation to institutions that fail to join the Redress Scheme.

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<sup>32</sup> Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15844:11-16; Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [6].

<sup>33</sup> Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [23].

<sup>34</sup> Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [23], [21].

<sup>35</sup> Exhibit 29-0003, Case Study 29, WAT.0009.001.0001; Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0005.

<sup>36</sup> Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15815:10-12, 40-2.

<sup>37</sup> Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [8]; Exhibit 29-0025, 'Second Statement of TJ O'Brien', Case Study 29, STAT.0592.002.0001 at [9]; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0012, 0037-0038.

<sup>38</sup> Transcript of RP Spinks, Case Study 29, 4 August 2015, 15656:37-40.

<sup>39</sup> National Redress Scheme for Institutional Child Sexual Abuse Act 2018.

<https://www.legislation.gov.au/Details/C2018A00045>

## **Recommendation 2**

The Joint Select Committee refers the structure of the Jehovah's Witnesses organisation to the Australian Securities and Exchange Commission for investigation as to whether the individual members of the Governing Body of Jehovah's Witnesses and the members of the board of directors of Watch Tower Bible and Tract Society of Pennsylvania, Inc. are in fact an "officer" as that term is defined by section 9 the *Corporations Act 2001*<sup>40</sup>, of Watchtower Bible and Tract Society of Australia Ltd.

## **Recommendation 3**

That the Joint Select Committee holds sufficient additional public or private briefings to receive further qualified input from individual Jehovah's Witness survivors, especially given the high rates of child sexual abuse within the organisation, and the obstacles survivors face in seeking redress.

## **Recommendation 4**

That the Joint Select Committee has a quota of at least one female Jehovah's Witness survivor (and support person if required) at each and every future Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse meeting, including roundtables.

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<sup>40</sup> Section 9, Corporations Act 2001. [http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ca2001172/s9.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s9.html)