

Inquiry into Australia's Human Rights Framework A Submission in relation to Coercive Control



Submission by Larissa Kaput

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Parliamentary Joint Committee on Human Rights

Chair Mr Josh Burns MP

Deputy Chair Mr Russell Broadbent MP

and Committee Members

**Submission to the Parliamentary Joint Committee on Human Rights
Inquiry into Australia's Human Rights Framework**

Thank you to the Joint Committee on Human Rights for allowing me the opportunity to provide a submission to the committee's Inquiry into Australia's Human Rights Framework.

I endorse the adoption of an Australian Human Rights Act and support, in principle, the model proposed by the Australian Human Rights Commission.

It is my concern that coercive control may not have been addressed sufficiently, if at all, in the development of the model for the Human Rights Act.

We need the Human Rights framework to negotiate the balance of **freedom of belief** whilst appreciating the need for **freedom from religion**. I am advocating for freedom from religion, specifically **freedom from religious coercion**. These are the rights we needed as children for adults to champion on our behalf.

This submission challenges a dated status quo. It poses questions in an effort to show the problem, to demonstrate that we have inherited associated unintended consequences, and it proposes some ways to solve the problem.

Yours sincerely,

Larissa Kaput

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In *Anguish*, a brave ewe stands defiantly over the limp body of her lamb. Blood from the lamb's mouth trickles on to the snow. The pair is encircled by a mass of menacing black crows. The situation appears hopeless, despite the bravery of the ewe.”

Anguish by Albrecht Schenck (pictured on the front page of this submission)¹

¹ <https://www.ngv.vic.gov.au/school_resource/art-start/image-bank/august-friedrich-schenck/>

Introduction

Australia remains the only liberal democracy in the world without a Human Rights Act or a Constitutional Charter of Rights.

In its current format the Australian Constitution only provides protection for a limited number of human rights.

In July 2017, an Ipsos report stated that “half of people [49%] around the world think that religion does more harm than good.” The report also stated that 63% of Australians surveyed agreed with this proposition. Ipsos had interviewed 17,401 people aged 16-64 across 23 countries (including an Australian survey size of 1,000+) on their attitudes to religion, using the Ipsos Online Panel system. The results were published in the Ipsos report *Global Views on Religion*².

In commenting on these findings, David Elliot, Director Ipsos Social Research Institute – NSW said:

“Australia is one of the more negative countries regarding the perceived harm that religion does, with a six in ten stating that it does more harm than good. However, closer to home a clear majority are comfortable being around people who have different religious beliefs than their own and four in ten agree that religious practices are an important factor in the moral life of our country’s citizens. While many of us do not have a positive view of religion, we are not translating this negativity to fear or dislike of individuals who have different beliefs to our own. In this regard, we are among the more tolerant nations globally. This tolerance may reflect our multi-cultural society or maybe driven by beliefs that negative impacts of religion are more an issue globally than locally.”³

Since its formation, Australia has changed. Today, we acknowledge that our government can do better than in the past. It is my observation that the government does not fully appreciate the extent of deception employed by high control religions. We need to resolve the unintended consequences of freedom of religion. I am compelled to make this submission because Australia is lagging in its understanding, lacking an impetus and effective governance powers and / or failing to take police action to stop religious harm.

² <https://www.ipsos.com/sites/default/files/ct/news/documents/2017-10/globaladvisor_Religion_Charts_AUSTRALIA.pdf>

³ Ipsos, Global Views On Religion 2017. <<https://www.ipsos.com/en-au/ipsos-global-study-shows-half-think-religion-does-more-harm-good>>

Individual Jehovah's Witnesses are unaware of the inordinate extent of abuse that they are subject to, and the fear, obligation and guilt they are burdened with, due to the arrogant and bullying nature of Jehovah's Witness entities across Australia. The Jehovah's Witness institution appears to be free to 'breach' rights of congregants and former members, through coercive domination, seemingly without abatement.

Yet, thousands of unofficial complaints for the government to step in and protect current and former Jehovah's Witnesses – alleged institutional victims of anti-democracy, child sexual abuse, domestic violence, financial fraud, modern slavery, poverty, reproductive coercion and shunning - have revealed that a human rights framework needed for their protection does not exist, or, does not apply to them within a non-government setting.

As such, I endorse the adoption of an Australian Human Rights Act and support, in principle, the model proposed by the Australian Human Rights Commission.

Coercive Control: Is it a human right?

According to the Cambridge dictionary, coercive control is the control of another person's behavior by using force or threats, or by causing fear.⁴

Coercive control is a vast issue that has been starkly highlighted as an ongoing problem in modern liberal democratic societies.

In July 2020, the Australian Human Rights Commission and the Victorian Equal Opportunity & Human Rights Commission, published a position paper.

I note, with some concern, that the Australian Human Rights Commission's *Free & Equal Position Paper: A Human Rights Act for Australia*⁵ did not address or explore the issue of coercive control.

Under limited circumstances the practice and expression of coercive control could be viewed by some as a human right⁶.

Attorney-Generals on coercion

On 22nd September 2022, the Attorney-General of Australia, the Hon Mark Dreyfus KC MP, published the *National Principles to Address Coercive Control in Family and Domestic Violence*⁷.

*A perpetrator may use a person's culture, spirituality or religion to control them, or may exert their own culture, spirituality or religion upon them. This could include controlling how they practice their culture, spirituality or faith, or criticising, shaming or belittling their beliefs. A perpetrator may deny a victim-survivor access to contraception or medical intervention on the basis of their culture, spirituality or religion. A perpetrator may not allow a victim-survivor to speak in their language of choice or observe cultural practices or religious holidays, or may force them to convert to their religion.*⁸

The *National Principles in Depth* addresses cultural, spiritual and religious abuse. This new principle requires specific consideration within an Australian human rights framework.

Recommendation 1: That consideration be given to the Attorney-General's National Principles to Address Coercive Control.

⁴ <<https://dictionary.cambridge.org/us/dictionary/english/coercive-control>>

⁵ <<https://humanrights.gov.au/free-and-equal>>

⁶ <<https://change.org/p/launch-an-investigation-to-determine-if-jehovah-s-witnesses-have-a-right-to-use-forms-of-mental-torture-to-force-its-members-not-to-leave/c>>

⁷ <<https://www.ag.gov.au/families-and-marriage/publications/national-principles-address-coercive-control-family-and-domestic-violence>>

⁸ <<https://www.ag.gov.au/system/files/2023-09/national-principles-to-address-coercive-control-family-and-domestic-violence.PDF>>

The *Australian National Principles To Address Coercive Control* states:

Coercive control is a pattern of abusive behaviour that is often a significant part of a perpetrator's use of family and domestic violence. The Australian Government and state and territory governments recognise that understanding and responding to coercive control is an important part of preventing and responding to family and domestic violence.

Religious coercion is central through fear of god or religion, obligation to church or religion, and a guilt that you can never live up to religiously imposed obligations.

What problems do we need to solve?

We need balance and a positive obligation to ensure human rights are upheld

I refer the committee to the consultation draft of the *National Principles to Address Coercive Control*⁹ and the *Consultation Summary*¹⁰, and the need to balance the proposed recognition of various forms of religious coercive control with human rights. This is of particular importance in relation the jurisdiction or power the Federal Circuit and Family Court of Australia has in to deal with divorce under Part VI of the *Family Law Act 1975 (Cth)*, and this is explored in detail later in this submission.

The public needs protection from high control religions such as the Jehovah's Witnesses. Consider that the Jehovah's Witnesses have the freedom of religion to knock on our doors to preach their beliefs, but we do not have the freedom of religion to be left alone without having to take legal action to be left alone. Jehovah's Witnesses claim this is their belief and practice which goes back about 100 years. By contrast, for millennia, if not for hundreds of thousands of years, mankind and our ancestors were not peddled the so-called 'word of god' by representatives from a book publishing company.

Both the *Universal Declaration of Human Rights: Article 18*¹¹ and the *United Nations Convention on the Rights of a Child (UNCRC)*¹² are exploited by religious entities seeking to coerce their congregants and by extension, former members.

⁹ <https://consultations.ag.gov.au/families-and-marriage/coercive-control/user_uploads/coercive-control-consultation-draft-14-september-2022.pdf>

¹⁰ <<https://www.ag.gov.au/sites/default/files/2023-03/npacc-consultation-summary.PDF>>

¹¹ <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>>

¹² <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>

Universal Declaration of Human Rights Article 18

There are two main areas of concern with the establishing of legislation allowing for the freedom of religion. These are:

Religious persecution being used as a front for coercive control

It would be critical that any legislative changes that allow for religious freedom to be established should require it to be subject to a 'sanity' check – a 'Religious Harm test'. That is, if you apply certain criteria for the Human Rights Framework, does it allow religions, like the Jehovah's Witnesses, to misuse it for their own ulterior motives?

Religious freedom being inappropriately applied

It is critical that any legislative changes permitting any religious freedom to be established not permit it to be used by the religious institution as a means to cause harms.

[REDACTED]

It is not the religious beliefs I am concerned with in this submission but rather the corporate policies and financial extraction activities operating under the guise of religious freedom. For example, it is my opinion, based on the documents and records collected over many years, that the large number of Jehovah's Witnesses entities actually exist to hide the extent of the real estate and financial siphoning, from private philanthropic donations by Australians, to overseas accounts operated under the umbrella control of the Watch Tower Bible and Tract Society of Pennsylvania, Inc., and its controlling governing body.

United Nations Convention on the Rights of a Child (UNCRC)

Refer to *Jehovah's Witnesses and The Rights of a Child* by Sam Fade¹³ in the appendix to see an example of how a former Jehovah's Witness child has analysed the potential for breaches within a relevant human rights framework by the Jehovah's Witnesses against children.

¹³

<https://www.reddit.com/r/exjw/comments/86o7wl/jehovahs_witnesses_and_the_rights_of_a_child/?rdt=33691>

Is the government failing to secure the human rights of children by not recognising the coercive control of religious institutions and the discipline that they mete out to children - in the case of Jehovah's Witnesses - primarily shunning as a long-term form of discipline?

Limitations on human rights

I endorse limitations of religious human rights. The *Royal Commission into Institutional responses to Child Sexual Abuse* clearly, and painfully, showed that religious institutions for the most part could not be entrusted to put the human rights of children first.

Our last census demonstrated a significant shift away from religious affiliation. Could it be a lessons learned opportunity for both the government and politicians - that religious belief is the biggest shrinking demographic in Australia?

Limitations need to be extended

Some human rights have already been rightly limited. One example is Australia not outlawing Female Genital Mutilation (FGM). However, this doesn't go far enough and there are two very clear issues causing life limiting risks for Jehovah's Witnesses.

Blood transfusions are a life and death issue

Another example which balances freedom of religion with children's rights are that courts uphold children's rights on blood transfusions. I am concerned however, that human rights matters are playing into the hands of a group of men based in the USA who demand obedience to their personal beliefs on no blood for children while claiming it is one's own personal decision. 'Public interest' includes the preservation of the life of a child. Fortunately, our courts recognise this, however in these life and death matters, the same consideration needs to be extended for adults. To punctuate this, an Australian woman died this year as she was coerced by the relatively unknown Jehovah's Witnesses Hospital Liaison Committee mantra to obtain from blood.

Shunning causes suicide

There are two official ways to leave the Jehovah's Witnesses:

1. Disfellowshipping (instigated by the organisation)
2. Disassociating (self-instigated)

These result in formal shunning of former members by congregants and conversely, the need for congregants to shun others. Shunning, and the effect of being shunned, is explored in detail later in this submission.

We see many former members, and the public, equally concerned about the loss of life resulting from fundamentalist attitudes to following dangerous doctrines.

Commonwealth not to legislate in respect of religion

Section 116 of the **Commonwealth Constitution** restricts the government from criticising or analysing religious doctrine. We need to find a balance between the corporate and religion.

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.¹⁴

Concerningly, a recent tactical trend we have noticed in Australia involves religious entities introducing mandatory secular policies as religious doctrinal teachings, thereby preventing the government from assessing or critiquing the doctrine for compliance with legislation.

Privacy and secrecy provisions

The AHRC and VEOHRC has been prohibited from providing any effective feedback on reported religious harms due to their privacy and secrecy provisions.

The public needs to know on what basis the AHRC and VEOHRC is able to consider such complaints and open an investigation. There appear to be no cases where the AHRC and VEOHRC has publicly taken action on any religion for failure to cease and desist, and redress, least of all, detrimental actions, up to extensive unlawful actions.

This means we remain unaware of the reasons for allowing the organisation to continue existing or how the responsible people are, in fact, responsible. It also means that we are unable to advise or even guide the AHRC and VEOHRC on how to take action.

¹⁴

<https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Constitution/chapter5#chapter-05_116>

What are the unintended consequences?

From my lived experience and in reading about and talking to persons subjected to religious coercive control by the Jehovah's Witnesses, I draw the Committee to the following ten religious harm¹⁵ practices from which current and former congregants may be protected by an Australian Human Rights Act:

Harm 1 - Anti-democratic

Jehovah's Witnesses are not permitted to vote for any political party in democratic elections. This leaves them naive and vulnerable to their leaders who are constantly manipulating government affairs.

For information on this harm caused by Jehovah's Witness policies and practices, refer to my witness testimony to the *Joint Standing Committee Inquiry into the Operation of the National Redress Scheme (2023)*¹⁶.

Harm 2 - Child custody disputes and parenting orders

For information on this harm caused by Jehovah's Witness policies and practices and the culture of family interference, I have adapted four points from the website JWChildCustody.com, which is run by a former Elder based in the USA:

1. The Jehovah's Witnesses have over a dozen lawyers on staff that have taken a vow of poverty to assist any congregants in 'good standing' to circumvent the legal system and win at all cost. This advice is free and gives congregants the opportunity to drain the finances of a former member parent.
2. [REDACTED]
3. Lawyers have no concept of what they are up against and proceed to go through a learning curve, but can be legally outmaneuvered again and again. The Jehovah's Witness lawyers, however, know exactly what they are doing. The non congregant parent thereby winds up paying for their lawyer's 'education' that typically will cost them the case before the lawyer understands what is really going on.

¹⁵ Religious Harm: "Distress and suffering of persons impacted by physical, psychological, emotional and social harms caused, or contributed to, by a person, entity or group seeking to advance a religious cause or belief or acting in connection with a religious activity"

¹⁶

<<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22committees%2Fcommjnt%2F27453%2F0001%22>>

¹⁷ <<https://revealnews.org/article/jehovahs-witnesses-can-hide-the-truth-in-court-to-protect-religion/>>

4. The Jehovah's Witness parent will be instructed to go easy on religious adherence until the final judgement. Thus, they may allow participation in school activities, other religions, and holidays by the non-congregant parent without making a fuss. As soon as the final judgement occurs, the proverbial door slams shut. Children are subsequently required to cease all association with non-adherents, the non-congregant parent is literally demonised as a member of Satan's world (soon to be destroyed at armageddon), and the child is required to be baptised and to re-engage in forced child labour as soon as possible. The child is reminded that Jehovah is watching them at all times and if they even think of not following the directives, God may execute them at any minute.¹⁸

In my own family law matter, a welfare report on myself and my siblings and I (available upon request) found the following:

[Our father] has strongly emphasised to the counsellor, and indeed to [our mother] in joint interview, that he is a committed Christian (it is understood that [our father] is denominally a Jehovah's Witness), and he indeed has told the counsellor that he objects to [our mother's] adherence to pagan customs...

And

... The counsellor believes that [our father] feels so strongly about his beliefs that he is emotionally unable to engage in any rational problem-solving exercise with [our mother] regarding what is best for the children.¹⁹

The judgement in the family law court of Australia (available upon request) found the following:

Their lives were conducted within the framework of the precepts of the religion and, of course, their social life was very much related to the meetings and the religious services.

And

It seems to me that the hostility which the wife suffered at the hands of the various people to whom I have referred, and the disapproval, the serious disapproval, of the husband and the two older children and her parents at her actions, which were in serious and flagrant breach of her obligations as a Jehovah's Witness could not have been altogether unexpected...

And

Furthermore, the wife's parents and all her friends who were, of course, members of the religion, cut off relations with her, or largely did so. She was effectively ostracized by, perhaps, all of her friends...²⁰

¹⁸ <<https://www.jwchildcustody.com/news/five-things-you-should-know-if-in-a-jehovahs-witness-child-custody-case>>

¹⁹ Report for Defended Hearing Case Number M 546/84, Family Court of Australia, by Mr Peter J. R. Redding, BA, Dip. Soc. Studs., 17 June 1985

²⁰ Judgement delivered by the Honourable Mr Justice Smithers, for Defended Hearing Case Number M 546/84, Family Court of Australia 5 September 1985

Court judges in the Federal Circuit and Family Courts of Australia must balance a formal diagnosis of a parental party being subject to religious coercive control with the rights of the other parental party to practice religious coercion as a human right.

In my own lived experience demonstrates that the court got the balance wrong, by permitting the Jehovah's Witness religion to continue dominating our family relationships. That the judge went on to specifically detail religious adherence for us children within the court ordered custody and access - when the religion had clearly treated our mother so badly - meant we were set up for the very same treatment if we chose to leave. The outcome today is that we are, in the main, entirely estranged from each other, our extended family and our childhood friends, and having acquired extensive religious trauma.

Harm 3 - Discouraging higher education

For information on this harm caused by Jehovah's Witness policies and practices, please refer to my submission to the *Inquiry into the extent and nature of poverty in Australia (2022)*²¹.

Harm 4 – Domestic violence

For information on this harm caused by Jehovah's Witness policies and practices, please refer to the page *Dealing with Domestic Violence* on the website JW.support, which is run by former Jehovah's Witnesses²². See also the page *Domestic Violence and abuse in Jehovah's Witnesses* on the website 4witness.org, which is run by a former Jehovah's Witness couple.²³

Dr Steven Lake, in his submission to the Australia's Human Rights Framework (Submission 315)²⁴ drew attention to issues related to coercive control, and the controlling nature of people, when they are subjected to domestic violence during childhood.²⁵ In footnote 63 on page 88, Dr Lake commented:

As excellent as Jess Hill's *See What You Made Me Do: Power, Control and Domestic Abuse* (Melbourne: Black Inc., 2019) is in other respects, it fails to investigate the motives and lives of male perpetrators. The dominant tendency on domestic violence has been —understandably — to construct it as a gender conflict, which overlooks the most fundamental evidence; the only genuine gender aspect of it is that women are overwhelming the victims while men are overwhelmingly the perpetrators, but women are also perpetrators (which means that it is not an exclusively male behaviour, even if women are more likely to be controlling and manipulative than

²¹ <<https://www.aph.gov.au/DocumentStore.ashx?id=2802090a-fd28-4ed0-a85b-f8debd2549f6&subId=750302>>

²² <<https://jw.support/dealing-with-domestic-violence/>>

²³ <<https://www.4witness.org/domestic-violence-and-abuse-in-jehovahs-witnesses/>>

²⁴ <<https://www.aph.gov.au/DocumentStore.ashx?id=4adf3f05-40ad-4eae-9ced-b9aa8edcb3e5&subId=746954>>

²⁵ Note: reference to Submission 315 is not an endorsement of the arguments or recommendations made in the submission.

physically violent), and that gender construction does not explain the actual causes. Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life* (Oxford: Oxford University Press, 2007), now considered a standard reference work on the topic, may be excellent in other respects, but is vulnerable to significant criticism in its poor understanding of perpetrators and their motivations, despite its attempt to summarise available evidence . . . Exactly the same effects are produced by all abuse and traumatising of children, including sexual abuse, juvenile detention, bullying, and poverty, even if such experiences do not inevitably make every victim a domestic violence perpetrator, but to date we have no convincing acknowledgement of that or response to it.

According to Jehovah's Witness doctrine, Jehovah's Witness have the right to oppress and subjugate women in a patriarchal or theocratic society. Consider the following viewpoint on women by Governing Body member, Brother Samuel Herd, made in a public talk entitled *The Value of our theocratic Sisters* in Oakland, California²⁶:

You know, scientists say that the cranial capacity of a woman is 10% smaller than that of a man so now this shows that she's just not equipped for the role of headship. Her role is one of subjection to the man. Her role is that of submissiveness and that means that she should recognize that she is a woman and be glad to be a woman. Never want to be what you are not equipped to be. ... Sometimes we hear her say, "oh if-if-if I-I were a man I'd do this and I'd do that as if to be wishing to be something that she is not designed to be. Do you know what that borders on? That borders on homosexuality. And do you know what the Devil is doing nowadays? He's taking women who want to be men and makes men out of them ...

Harm 5 - Handling of and responses to child sexual abuse

For information on this harm caused by Jehovah's Witness policies and practices, including the culture of coverup, please refer to *the Royal Commission into Institutional Responses to Child Sexual Abuse (2012-17), 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 (September 2016)*²⁷. Also, please refer to my:

- submission to the *Regulating Child Safe Organisations, Office of the Children's Guardian (2019)*²⁸;
- 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 (2020)*²⁹;

²⁶ <<https://jwfacts.com/watchtower/quotes/women-submission.php>>

²⁷ <<https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Case%20Study%2029%20-%20Findings%20Report%20-%20Jehovahs%20Witnesses.pdf>>

²⁸ <<https://www.saysorrycampaign.files.wordpress.com/2019/05/submission-to-office-of-the-childrens-guardian-kaput-and-unthank.pdf>>

²⁹ Submission 52. <<https://www.aph.gov.au/DocumentStore.ashx?id=73588e2b-c7b3-43da-bae0-9d4a31b4669c&subId=667531>>

- witness testimony 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 (2020)*³⁰;
- submission to the *Joint Standing Committee Inquiry into the Operation of the National Redress Scheme (2023)*³¹; and
- witness testimony to the *Joint Standing Committee Inquiry into the Operation of the National Redress Scheme (2023)*³².

Harm 6 - Forced child labour (modern slavery)

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

In an interview with Mr Steven Patterson, a lawyer with a Masters in International Human Rights, he discussed with the interviewer was how high control religious children can be born into “a life of servitude in cleaning, cooking, and proselytising for the corporation”³³.

For information on this harm caused by Jehovah’s Witness policies and practices, please refer to my submission to the *NSW Review of the Modern Slavery Act (2023)*³⁴.

Is the government failing to secure the human rights of children by not recognising the coercive control of religious institutions and the labour that they require of children, as a long-term form of modern slavery?

Harm 7 - Financial fraud by deceptive recruiting

Jehovah’s Witness leaders:

- coerce congregants, including children, to donate cash and assets;
- coerce congregants to transfer their assets;
- coerce congregants to nominate Jehovah’s Witness corporate entities in Wills; and
- coerce congregants to exclude non-Jehovah’s Witness family congregants from Wills

³⁰

<<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22committees%2Fcommsen%2F0234ad4c-ab44-430c-ac71-882139d0aff7%2F0006%22>>

³¹ <<https://www.aph.gov.au/DocumentStore.ashx?id=3bcbd57c-a353-4e4a-aac2-23f684d2b8eb&subId=749686>>

³²

<<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22committees%2Fcommjnt%2F27453%2F0001%22>>

³³ <<https://youtu.be/8z5hY6SzoJg?si=FwRgaJQ1lIKyCw8>>

³⁴ <<https://www.parliament.nsw.gov.au/lcdocs/submissions/83068/0017%20Larissa%20Kaput.pdf>>

For more information on this harm from a Jehovah's Witness perspective, please refer to my submission to the *Productivity Commission Philanthropy Inquiry (2023)*³⁵.

Harm 8 - Reproductive coercion

For information on this harm caused by Jehovah's Witness policies and practices, please refer to the Jehovah's Witness lived experience contained within *Hidden Forces | Shining a light on Reproductive Coercion White Paper (2019)*^{36, 37}.

Harm 9 - Shunning (social ostracism)^{38, 39}

In the same way that female genital mutilation (FGM) is not allowable under Australian law, **Article 14 of the UNCRC** does not restrict States Parties from intervening in the ability of the Jehovah's Witnesses institution to shun and discipline children.

Article 14

- 1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.*
- 2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.*
- 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.⁴⁰*

Discussed in the aforementioned interview with Patterson, was how shunning interferes in family life and how this can engage *Article 8 of the Human Rights Charter* and *Article 17 of the International Covenant on Civil and Political Rights (ICCPR)*. Perhaps most importantly, Patterson explained governments' positive obligation to stop it happening, and finally that some private businesses, like banks, don't want to support what they see as breaches of human rights.

³⁵ <https://www.pc.gov.au/__data/assets/pdf_file/0009/362187/sub266-philanthropy.pdf>

³⁶ Reproductive Coercion: A Systematic Review <<https://pubmed.ncbi.nlm.nih.gov/27535921/>>

³⁷ <<https://saysorry.org/2018/11/27/shining-a-light-on-reproductive-coercion-white-paper/>>

³⁸ <<https://dictionary.cambridge.org/us/dictionary/english/shun>>

³⁹ <<https://en.wikipedia.org/wiki/Shunning>>

For information on this harm caused by Jehovah's Witness policies and practices, please refer to the *Royal Commission into Victoria's Mental Health System (2019)*^{41, 42}. Submissions to the *Disability Royal Commission (2020)* are also available upon request.

Harm 10 - Targeting and victimising whistleblowers

For information on this harm caused by Jehovah's Witness leaders, please refer to the former Jehovah's Witnesses lived experiences contained within *Jehovah's Witness complaint re ABC Four Corners program 'Bearing Witness'*⁴³.

The behavioural dynamics of coercive church leadership behaviour which enforces harms like these was on display throughout the *Australian Royal Commission into Institutional Responses to Child Sexual Abuse*⁴⁴. **Australians today expect a positive obligation on their government to prevent these harms.**

Recommendation 2: That the Committee obtains qualified advice with an initial joint meeting with myself and my colleague, Mr Steven Unthank, to discuss this submission in detail and consider inputs for the Jehovah's Witnesses institution.

Religious Freedom and Religious Discrimination Act legislation

My late partner used to say words to the effect that "that people love exerting their rights, but when it comes to responsibilities, they forget about them". This couldn't be truer in the context of the Jehovah's Witness institution, who, within their Awake! magazine, ironically published the statement:

*It often happened that whenever a certain group fought for a finally obtained certain rights, they afterward had little regard for the rights of others.*⁴⁵

I draw attention to some of the discrimination issues made in the public domain during consideration of the Religious Discrimination Act. Jehovah's Witnesses discriminate against, at a minimum:

1. defacto couples⁴⁶
2. former members^{47, 48}

⁴¹ <<http://rcvmhs.archive.royalcommission.vic.gov.au/SaySorry.pdf>>

⁴² <http://rcvmhs.archive.royalcommission.vic.gov.au/Anonymous_334.pdf>

⁴³ <<https://jwleaks.org/2023/04/14/australia-jehovahs-witnesses-complaint-re-abc-four-corners-program-bearing-witness/>>

⁴⁵ *Awake! Magazine*, September 8, 1979, page 7

⁴⁶ <<https://www.jw.org/en/bible-teachings/questions/live-together-without-marriage/>>

⁴⁷ <<https://wol.jw.org/en/wol/d/r1/lp-e/1101989208>>

⁴⁸ <<https://wol.jw.org/en/wol/d/r1/lp-e/2011524>>

3. the LGBTIQ community⁴⁹
4. sexually abused children
5. single parents
6. women⁵⁰
7. the media⁵¹, and
8. all other religions⁵², and
9. all governments⁵³.

Consideration should be given to this list in order to not solidly enshrine these nine discriminations in a Human Rights Framework.

Recommendation 3: That the Committee engages and consults with 'high control religion' focus group/s comprised of former members. Focus group/s should include both males and females.

Just a few examples of how religious coercion may materialise due to discrimination in accordance with Jehovah's Witness doctrine, are:

- Jehovah's Witness medical professionals may refuse to administer a blood transfusion, or perform an abortion;
- A Jehovah's Witness chef could refuse to make a cake for an LGBTIQ+ couple's wedding;
- A Jehovah's Witness business owner can refuse to hire a disfellowshipped former congregant; and
- A Jehovah's Witness parent can refuse to eat a meal with their former Jehovah's Witness child.

Over more than a decade frequent concerns, relevant in all states and territories, have been raised with the Australian Human Rights Commission (AHRC) and numerous other government departments on the harms of the Jehovah's Witnesses institution. Examples of these:

- 1,800 alleged child sexual abuse cases relating to 1,006 alleged perpetrators with none reported to law enforcement by the organisation; Financial misconduct.
- Legal entity phoenixing; perpetually circulating donations; shunning; working with children charges.
- Destruction of records.

⁴⁹ <<https://wol.jw.org/en/wol/d/r1/lp-e/101983842?q=homosexuality&p=doc>>

⁵⁰ <<https://www.jwfacts.com/watchtower/womens-place-jehovahs-witnesses.php>>

⁵¹ <<https://www.jw.org/en/library/magazines/g201312/can-you-trust-news-media/>>

⁵² <<https://www.jw.org/en/library/books/enjoy-life-forever/section-2/lesson-13/>>

⁵³ <<https://jwfacts.com/watchtower/politics.php>>

- Destroying evidence, document forgery, manipulating privacy provisions, and perverting the course of justice.

Some of these were provided to the former federal Human Rights Commissioner, Mr Edward Santow. In particular, child safety was, and remains, a grave concern. Subsequently, we received a meeting with AHRC Advisor Daniel Nellor. However, there have been no effective outcomes. Refer to *Human Rights Commission met with Jehovah's Witnesses over Child Safety Concerns* by Crickey⁵⁴.

In July 2020, the AHRC and the Victorian Equal Opportunity and Australian Human Rights Commission (VEOHRC) jointly published a report on religious harm entitled *Freedom of Religion in Australia: a focus on serious harms*⁵⁵. The report was limited and focused on the harm to religious communities, making yet more recommendations for improving protections for the right to freedom of religion. And, although the timing of this publication was in the year after the conclusion of the Australian *Royal Commission into Institutional responses to Child Sexual Abuse*, **not a single harm was reported in it on the harms caused by any religion at all**. Not one. This, despite at least 1,800 reports of institutional child sexual abuse within the Jehovah's Witness religion⁵⁶.

By virtue of the lack of visible accountability, the knowledge, interest, powers and/or resources of the AHRC are insufficient for the reported concerns. In addition, awareness that the government is highly unlikely to ban or to revoke the charity status of a religion underpins bad corporate behaviour and undermines human rights.

Recommendation 4: That the Committee consider a referral to the government for the establishment of an independent cult watch agency.

⁵⁴ <<https://www.crikey.com.au/2019/09/16/jehovahs-witnesses-human-rights-commission/>>

⁵⁵ <https://www.humanrights.vic.gov.au/static/18124a663f248809dc9cddac6c17c160/Resource-Freedom_of_religion-July-2020.pdf>

⁵⁶ <<https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Case%20Study%2029%20-%20Findings%20Report%20-%20Jehovahs%20Witnesses.pdf>>

Some options to solve the problems

Less than a year ago, in February 2023, a survey by YouGov showed majority support for formal separation of church and state:

Australia wide, around 53 per cent were in favour of a constitutional amendment to separate government and religion federally, 13 per cent were opposed and 33 per cent didn't know.⁵⁷

Rewriting Article 18 – a proposal

Meg Wallace proposed in her book *Freedom from Religion (Rethinking Article 18)*⁵⁸ that, for Article 18 to be fully effective, belief rights could well be expressed in the Constitution along the following lines:

1. *Freedom to adopt and practice a belief (defined to include all personal worldview) is declared a founding principle of the state;*
2. *The state is declared secular;*
3. *Belief is declared to be private;*
4. *A person shall not be compelled to*
 - a. *act against his or her conscience,*
 - b. *take an oath contrary to his or her belief,*
 - c. *receive religious instruction contrary to his or her belief, (or that of parents if a child) or*
 - d. *participate in religious observance against his or her beliefs, (or that of parents if a child);*
5. *The above provisions are subject to limitations similar to those in Article 18.*
6. *State-belief separation is specifically prescribed. This means that all persons holding a public office,*
 - a. *must regard all beliefs as having equal significance,*
 - b. *must not mandate the holding or practice of any belief,*
 - c. *must not benefit by any means any particular belief or any institution in advancing any particular belief.*
7. *No Person shall assert any belief as a legal reason to disregard the Constitution or any other law.*

⁵⁷ <<https://secular-nsw.com.au/wp-content/uploads/2023/02/Secular-Association-of-NSW-YouGov-separation-survey-2023.pdf>>

⁵⁸ <<https://catalogue.nla.gov.au/catalog/7084415>>

Rewriting Article 18 – Fiji as a case study

In 2013, Fiji adopted the following Secular State⁵⁹ into their constitution:

4.—(1) Religious liberty, as recognised in the Bill of Rights, is a founding principle of the State.

(2) Religious belief is personal.

(3) Religion and the State are separate, which means—

(a) the State and all persons holding public office must treat all religions equally;

(b) the State and all persons holding public office must not dictate any religious belief;

(c) the State and all persons holding public office must not prefer or advance, by any means, any particular religion, religious denomination, religious belief, or religious practice over another, or over any non-religious belief; and

(d) no person shall assert any religious belief as a legal reason to disregard this Constitution or any other law.

Recommendation 5: That consideration be given to options for constitutional change for protection from religious harms.

⁵⁹ <[https://www.laws.gov.fj/ResourceFile/Get/?fileName=2013 Constitution of Fiji \(English\).pdf](https://www.laws.gov.fj/ResourceFile/Get/?fileName=2013%20Constitution%20of%20Fiji%20(English).pdf)>

Conclusion and Recommendations

I have outlined the devastating impact on the former Jehovah's Witness community due to a lack of response to reported harms, particularly the void in Australian law which relates to freedom from religion.

I am concerned that a Human Rights Framework may not fully appreciate the harmful impact that some coercive high control religions have on their community, and consequently, the adverse effect and burden on Australia's general public.

I am unsure how congregants, former members, or indeed the public can be protected from discrimination and harm without human rights applying to religious institutions. Private litigation is the only current means.

We need the Human Rights framework to negotiate the balance of **freedom of belief** whilst appreciating the need for **freedom from religion**. I am advocating for freedom from religion, specifically **freedom from religious coercion**.

Please find my recommendations for consideration by the Committee:

Recommendation 1: That consideration be given to the Attorney-General's National Principles to Address Coercive Control.

Recommendation 2: That the Committee obtains qualified advice with an initial joint meeting and /or focus workshops with myself and my colleague, Mr Steven Unthank, to discuss this submission in detail to consider inputs for the Jehovah's Witnesses institution.

Recommendation 3: That the Committee engages and consults with 'high control religion' focus group/s comprised of former members, and should include both males and females.

Recommendation 4: That the Committee consider a referral to the government for the establishment of an independent cult watch agency.

Recommendation 5: That consideration be given to options for constitutional change for protection from religious harms.

Lara Kaput biography

I am a child-indoctrinated survivor of the Jehovah's Witnesses religion, who now advocates for fellow exploited and vulnerable victim-survivors from within the religion. After attending a Bringing Abuse to Light conference⁶⁰ in London in 2017, I initiated a number of global proactive support and activist groups. I have participated in whistleblowing activities including: awareness campaigns, education, public speaking, conferences, media engagement, appearances at and / or submissions to numerous parliamentary inquiries (including Royal Commissions), liaising with governmental departments and statutory authorities and lobbying. I was co-host of 'JW Community Podcast' and have organised many in person Jehovah's Witness survivor meet-ups. I was co-organiser of the 2018 JW Protest, London, and have attended peaceful protests in Australia, Denmark, England and Sweden.

With 'Say Sorry'⁶¹, or independently, I shine a light on, and hold to account, the Jehovah's Witnesses institution, including the Watch Tower Society, and their leaders that disregard or violate the laws of the land, or that cause religious harm to sections of the community. I have objected officially to the charity status of Jehovah's Witnesses institutions and related corporate entities to the Australian Charities and Not-for-Profit Commission (ACNC), and submitted formal complaints to the Australian Securities and Investment Commission (ASIC), and the Australian Human Rights Commission (AHRC), among others. I have made over a dozen oral and written submissions within Australia and abroad, including, for example, the *Independent Inquiry into Child Sexual Abuse in Germany* (2023)⁶².

I also have a Bachelor of Chemistry, was a Personal Trainer and became a Management Consultant.⁶³ I have a culturally diverse background, being the daughter of two immigrant parents who spoke no English when they arrived in Australia.

⁶⁰ <<https://revealnews.org/blog/reveal-event-aims-to-pry-lose-documents-in-jehovahs-witness-cover-up/>>

⁶¹ <<https://saysorry.org/about/>>

⁶² <<https://www.aufarbeitungskommission.de/english/>>

⁶³ <<https://au.linkedin.com/in/lara-kaput-39504755>>

Appendix – Jehovah's Witnesses and The Rights of a Child, by Sam Fade