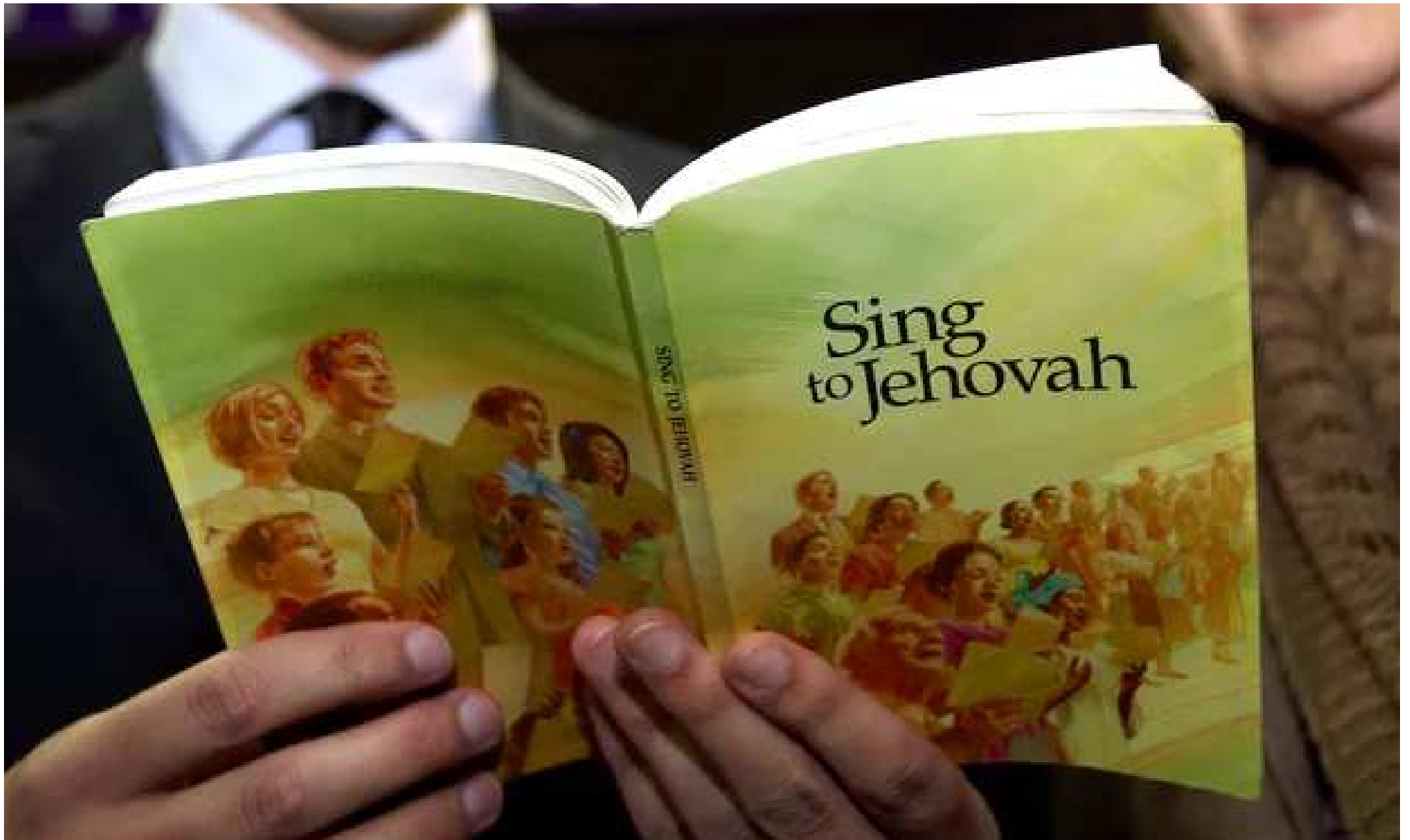


Jehovah's Witnesses congregation's efforts to block inquiry squashed

Tribunal rejects claim investigation into charity's handling of sexual abuse allegations amounts to religious discrimination



The Manchester New Moston congregation argued the investigation interfered with its human rights. Photograph: Angela Wylie/Fairfax Media via Getty Images

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Tuesday 4 April 2017 19.57 BST

A Jehovah's Witnesses congregation in Manchester has lost a legal attempt to block an investigation into its handling of sexual abuse allegations, after failing to convince a judge that the inquiry amounted to religious discrimination.

Organisations linked to the religion have fought legally to prevent the Charity Commission from launching two inquiries into allegations that survivors of sexual abuse were being forced to face their attackers in so-called judicial committees. The organisation's efforts have been described by the commission as unprecedented.

The Charity Commission launched a statutory inquiry into the Manchester New Moston congregation of Jehovah's Witnesses in 2014, after reports surfaced that a convicted paedophile, Jonathan Rose, was brought face-to-face with survivors of his abuse in a judicial committee.

After Rose served nine months in prison for child sex offences, the New Moston congregation held a meeting attended by senior members, Rose and three of his victims - now adults - to see if he would be "disfellowshipped", or expelled from of the congregation, the judgment notes. This would have involved "the elders of the charity (its trustees) and Mr Rose interviewing his victims, in an apparently intrusive way".

This raised serious concerns at the Charity Commission, which oversees whether charity trustees are meeting their safeguarding responsibilities.

The commission also launched a statutory inquiry into safeguarding the UK's main Jehovah's Witnesses charity, the Watch Tower Bible Tract Society of Great Britain (WTBTS), which oversees the UK's 1,500 congregations and is believed to play a key role in deciding how claims of abuse are handled.

WTBTS launched litigation including an attempt to challenge in the supreme court the commission's decision to start an investigation. The charity also fought in the lower courts against production orders that would oblige it to give the commission access to records showing how it handled the allegations, although in January it dropped its opposition to these requests.

The Manchester New Moston congregation launched appeals at the first-tier tribunal challenging the Charity Commission's decision to open a formal inquiry, arguing among other things that the investigation interfered with the congregation's human rights, and that the

decision to launch the inquiry amounted to religious discrimination. The charity alleged the commission had investigated safeguarding concerns at other charities without launching a full statutory inquiry.

When the first appeal was dismissed, the congregation appealed to the upper tribunal. This was rejected on Tuesday at the upper tribunal of the tax and chancery division at the Royal Courts of Justice in London.

Mrs Justice Asplin ruled the lower tribunal had been “entitled to decide that there was no direct discrimination on the grounds of religion, the inquiry having been opened on the basis of unusual and distinctive factual reasons ... and that there were no other comparable cases from which to infer discrimination on the grounds of religious beliefs.”

The Charity Commission’s head of litigation, Chris Willis Pickup, said: “We regret that public and charity funds have been used on this protracted litigation, but we will continue to defend robustly our legitimate role in investigating serious concerns about charities.

“We hope and expect that this judgment concludes the litigation on this matter and allows us, and the charity, to focus our efforts on concluding the Commission’s inquiry.”

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