



THE HIGH COURT OF NEW ZEALAND TE KŌTI MATUA O AOTEAROA

15/05/2026

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

Christian Congregation of Jehovah’s Witnesses (Australasia) Ltd v Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions [2026] NZHC 1295

This summary is provided to assist in the understanding of the Court’s judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

Introduction

The Jehovah’s Witnesses faith applied to judicially review part of the final report of the Royal Commission of Inquiry into Abuse in Care. As part of its multi-volume final report, the Commission dedicated a highly critical 57-page standalone case study to the faith. The Commission, as its name suggests, was entrusted with investigating abuse of children and vulnerable adults *in the care of* state and faith-based institutions.

The challenge

The faith challenged the case study on numerous grounds. It argued the Commission had infringed its right to freedom of religion under the New Zealand Bill of Rights Act and that numerous aspects of the case study breached the faith’s right to natural justice or were otherwise unfair. The faith also argued the case study went further than the Commission’s terms of reference permitted. The faith, which does not run schools, children’s homes, youth groups, camps or other extra-curricular activities, argued it does not provide “care” to anyone. Even adopting the expanded definition of “care” in the terms of reference, introduced in 2023 with the Jehovah’s Witnesses in mind, the Commission identified only one confirmed case of physical or sexual abuse in the care of the faith in the 50-year inquiry period.

The case study

While abuse in the care of the faith was rare, the case study was highly critical of several other aspects of the way the faith interacts with its members, most notably the practice of disfellowshipping members who transgress its strict rules. Disfellowshipping often carries the consequence of “shunning”; members, including family and friends of the former members, are encouraged to have nothing further to do with them. The Commission characterised the practice

of shunning and the fear it induces in members as emotionally and psychologically abusive. It heard accounts of distress, social isolation, depression and suicidal thoughts.

Other practices the Commission criticised included the degree to which members are encouraged devote their time to the faith at the expense of other aspects of their lives, to show unquestioning obedience to the all-male elders, members' separation from the wider community (though that practice was far from universal) and their general distrust of secular authorities. The Commission found poor systems for reporting abuse, internal "judicial" processes which are made up entirely of men who are poorly-equipped for the role and a rule which requires complaints to be supported by at least two witnesses before they are upheld. The Commission commented on the very strict code by which Jehovah's Witnesses are expected to live, including avoidance of premarital sex, gambling, homosexuality and excessive alcohol consumption.

The unsuccessful grounds

The High Court rejected the faith's claim that the case study infringed its right to freedom of religion. The state has a legitimate interest in examining harmful practices that arise in religious institutions. If practices in a religious faith are likely to cause physical or psychological harm to vulnerable members, there is no obstacle to a state institution, like a commission of inquiry, making critical comment.

The Court also rejected the faith's claim that the Commission breached its right to natural justice, and that its findings lacked a proper evidential foundation. The Court has only a very limited role in scrutinising factual findings made by a commission of inquiry. It is not for the Court to engage in the wholesale reconsideration of factual conclusions the Jehovah's Witnesses invited in this case.

The successful ground

The High Court held the Jehovah's Witnesses were right that the Commission had strayed beyond the proper limits of the terms of reference. The terms of reference required a focus on abuse *in care*.

Discussion of other matters was permissible as long as it could be said to be genuinely incidental to an inquiry into abuse in care. In this case, the fact the faith rarely provided care to anyone meant abuse in care was equally rare.

To put the complaint in a nutshell, the Commission identified abuse and it identified instances of care, but it identified almost no abuse *in care*. Nonetheless, the Commission engaged in a broad examination of the faith. An ordinary reader would regard the case study as a general inquiry into the faith and harmful practices within it.

The Commission's principal concerns, like the practice of shunning and the fear it induces, the intolerance of homosexuality, the elevated influence of the all-male elders, the fact members are often isolated from the wider community and the all-consuming role of the faith in members' lives, went well beyond an examination of abuse in care. The ordinary reader would conclude the faith is controlling, oppressive and manipulative, and that it engages in emotionally and psychologically damaging practices. There would have been no objection to such findings if this were an inquiry into harmful practices within the faith, but given the limits of this inquiry, which requires a focus on abuse in care, the case study went beyond the scope of the terms of reference.

The Court observed it was impossible to be critical of the Commission's motivations. It heard harrowing evidence from witnesses whose lives had been damaged. But given the case study was largely directed at matters outside the terms of reference, this ground of review succeeded.

Relief

The Court issued a declaration that the case study was unlawful as it exceeded the inquiry's terms of reference. It made no other orders, and the declaration does not affect the validity of any other part of the Commission's final report.

There is no basis to restrict the ongoing publication of the case study. The Commission finished its work nearly two years ago. The report, including the case study, has been published under the authority of Parliament. It remains a freely-available public document. The effect of the declaration is that the case study should now be read subject to the Court's finding that the Commission exceeded the lawful scope of its terms of reference.