



FOREF Europe (Forum for Religious Freedom), **Office:** Seidengasse 28/4, 1070 Vienna, AUSTRIA

President: Dr. Aaron Rhodes, **Secretary General:** Peter Zoehrer

Phone: +43 6645238794, **E-mail:** foref.office@gmail.com, **Website:** foref.info, **Blog:** www.foref-europe.org

OSCE Human Dimension Implementation Meeting

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Working Session 14: Tolerance and non-discrimination II

Germany: Seizure of Children from Twelve Tribes Community at Variance with OSCE Standards

RECOMMENDATIONS

The Forum for Religious Freedom Europe (FOREF) calls upon the Government of Germany to

- (1) **investigate** the disproportion of the measures taken by the local authorities and the instigating role played by so-called cult experts in the case of the Twelve Tribes community and **prioritize** the physical and psychological well-being of their children regardless of religious affiliation;
- (2) **consider** professional opinions of sociologists or accredited scholars of Religious Studies (*Religionswissenschaft*) instead of adopting the biased views of so-called cult-experts (*Sektenexperten*) or TV reporters when dealing with New Religious Movements such as the Twelve Tribes;
- (3) **avoid** stigmatization and bullying of children in foster homes (*Jugendheime*) and schools through promoting a culture of mutual tolerance and respect toward religious minorities;
- (4) **encourage** mediation, dialogue and de-escalation approaches instead of criminalization of religious communities;
- (5) **implement** OSCE commitments on the freedom of religion of thought, conscience, religion or belief as stated in the Helsinki 1975, Vienna 1989, Copenhagen 1990 and Kyiev 2013 documents.

BACKGROUND

One of the most severe violations of FoRB rights through state actors that occurred over the past few years in Germany is related to the continued discrimination against a Christian community called the Twelve Tribes. The disproportionate and violent measures taken by German authorities since September 2013 have caused intense psychological stress and damage to the involved parents and children.

Note: FOREF clearly distances itself from the use of physical chastisement, even if applied moderately and for educational means. At the same time we reject the disproportionately harsh intervention of the German authorities in the case of the Twelve Tribes, as it may it may have led to traumatizing long-term consequences for children who have been forcibly separated from their biological parents.

At six o'clock in the morning, on Sept 5, 2013 about a 100 policemen raided two communities of the TT, Bavaria, Germany, and forcibly seized 42 children. The children were taken into state custody, either temporarily or permanently, on grounds of their parents' faith. Currently, 15 children are still held in state custody. The whole pretext of the German authorities' operations against the Twelve Tribes is related to the community's practice of homeschooling, and use of moderate spanking as a method of disciplining children. While homeschooling is illegal in Germany, the community has been cooperating with the local authorities in running a provisional substitute school since 2007. School psychologists regularly visited their school and acknowledged the health and well-being of the children, who showed no signs of abuse.

The seizure of 42 children ensued when an apostate, a member of the German branch of the controversial anti-cult organization FECRIS and a TV reporter joined forces to start a campaign targeted against the Twelve Tribes Community. FECRIS, which is funded to 90% by the French government¹, is working through so-called "sect experts" to mischaracterize and stigmatize religious minority groups through nurturing the public fear of "sectarian deviations". On August 16th, 2013, Sabine Riede, a Protestant theologian and "sect commissioner" of Sekten-Info NRW, a member organization of FECRIS, contacted the District Court of Nördlingen, Bavaria, in order to take action against the Twelve Tribes. Also the local head of the youth welfare office (*Jugendamt*) was informed of their plan. Two weeks later, on September 1st, the District Court decided to have the children of the religious community taken and put into state care. This operation entailed in total three police raids.

¹ Cf. Besier, Gerhard / Seiwert, Hubert: Freedom of Religion or Belief, Anti-Sect Movements and State Neutrality. A Case Study: FECRIS. Religion – Staat – Gesellschaft. 13. Jg. (2012), Heft 2.

The first and largest police raid took place on Sept 5, 2013, when 42 children of two communities of the Twelve Tribes in Nördlingen and Wörnitz, were forcibly seized without any beforehand communication with the families in question. The purported reason for the authorities' operations against the Twelve Tribes was the allegation of "systematic abuse" as claimed by cult-experts. However, the results of the medical examinations that took place right after the raid proved that the children were healthy and showed no signs of physical or psychological injuries. Despite the lack of evidence of abuse, interim custody was collectively transferred from the parents to the *Jugendamt*.

Officials of the *Jugendamt* repeatedly demanded that the biological parents "distance themselves from the teachings of the Twelve Tribes" if they want their child back. This has also been stated in court rulings as the basis to deny return of the children. The foster parents and custodians were advised early on to severely restrict and scrutinize parental visitations, thus curtailing the parents' rights to practice their belief, including celebrating religious festivities with their children. On July 19, 2014, the *Jugendamt* arranged a three-hour meeting for the foster parents and institutional educators of the "Twelve Tribes"-children at an undisclosed location. There they were taught by biased "cult experts" on how to deal with children of parents who are members of a new religious movement. The biological parents were refused participation who objected to this meeting taking place as it seemed to aim at indoctrination. Their objection was immediately declined.

So far, ten children were able to escape and return home within five months. Due to their age, physical abuse was not to be expected. Five of the older children have managed to escape their foster homes, reunited with their parents and either left Germany for the US, Switzerland or France or went into hiding from the authorities. This year another five children have been legally returned to two families, after having been held for nearly two years in state custody. Despite these partial successes, in August 2015 the Federal Constitutional court denied a hearing and the Family Court decided to take away permanent custody of three young children and last week a 4th child was removed permanently. Six children have been allowed to return to their parents, as the parents have officially distanced themselves from the Twelve Tribes community due to the continued harassment from the German authorities. For twelve children, aged 4-16 years, even after two years there has been no Family Court ruling yet, meaning they are still held in institutions or foster homes. A final decision by the Family Court judge is still pending.

To conclude, it cannot be emphasized enough that freedom of religion not only includes freedom of worship, but also the freedom of thought and conscience as well as the parents' right to organize their family life and their children's education in accordance with their beliefs and values within international human rights standards. The case of the Twelve Tribes demonstrates that academic expertise as well as proper dialogue between state authorities and religious communities are indispensable if a culture of mutual understanding and respect is to be ensured.