

**Statement
of the “Religious Community of the Twelve Tribes in Germany”
Sept. 30, 2015
by Jean Wiseman**

I am Jean Wiseman, a lawyer, who has represented our int’l network of religious communities since 1983. I am the legal agent for the families in Germany. The Twelve Tribes have communities in 10 countries, where they cooperate amicably with government officials since 1972.

Background

On Sept. 5, 2013 100 police and 50 social workers in Bavaria forcibly seized 42 children from 2 faith-based communities at the request of Jugendamt and directed by court order of the Family Court Nordlingen, because of an apostate and several defectors alleging abuse. The same day the children were **examined by doctors** and **no evidence of abuse was found.**

Nevertheless the children have been kept in state custody, housed in facilities for delinquents and in foster homes; some for months; others for years now. At present after 2 years there are still 15 children still in state custody, 4 permanently. In these cases “mere membership” in the Twelve Tribes has been considered reason enough to deny families their inalienable right to be together. All were seized because of religious association and beliefs alone, not because of particular evidence.

Recommendations to German Government

The German Authorities Need To Be Called To Uphold Their Own Laws, Declarations, Treaties And Agreements That They Have Signed.

From the protocol of the Bavarian Parliament it is clear that the German Federal Office of Justice has been involved. ¹ The Jugendamt is required by law to work with parents individually before considering removal; the Twelve Tribes’ parents were not contacted about their own children before they were indefinitely put in custody for an indeterminate period.

¹ The protocol of the Bavarian Parliament reveals that “The exchange of information with the countries in which groups of the “Twelve Tribes” are resident, lies in the realm of responsibility of the Federal office of Justice **which already acted in December 2013** - also upon initiative of the Bavarian State Social Services.”

We ask the Germany Government to keep its **commitments to rights pertaining to Freedom of Religion and Belief issues** as defined in the OSCE International Standards. **To proceed, we request to have an official meeting with the German Delegation present today. And a further meeting with our lawyers to facilitate the return of the children still held. Some are very young, 5 years and under.**

We also request that the OSCE call the German officials involved to **uphold the OSCE international agreements** that they have signed including the **United Nations Declaration of Universal Human Rights** and Convention on the **Rights of the Child**, specifically **Art. 2 and 14²** which have been denied the children of the Twelve Tribes.

Conclusion

Two cases are pending since November 2014 before the European Court of Human Rights on the illegality of the taking and keeping the children **without evidence of endangerment.**

A pattern of continuing discrimination and persecution exists here **based only on anticipated harm, interpreting the parents' religious beliefs and practices contrary to the actual beliefs and practices of the families involved. The human rights at issue for both parents and children are freedom of religious belief and freedom of association, as well as freedom of families to remain together.**

Further explanation:

Jugendamt has refused to turn over the records of the children to the parents which has hindered fair trial rights because there is no basis to compare the health of the children when they were taken with their deterioration since.

² Convention on the Rights of the Child : **Article 2** - 1. States Parties shall respect and ensure the rights ... to each child within their **jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's ... religion,** 2. States Parties shall take all **appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.** **Article 14** - 1. States Parties shall respect the right of the child to freedom of thought, conscience and religion. 2. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law

The raid and its aftermath have traumatized the children seized and there has been no constructive solution.

The enforced remedy of separating parents and children without just cause is disproportional to any harm shown to any of the children on a case-by-case basis. The law requires the mildest measure and the Jugendamt has convinced the court that any form of corporal discipline, or even adherence to the belief of homeschooling is grounds to keep Twelve Tribes' children. The trauma of removal and sudden and indefinite separation of parents and children has not been objectively weighed.

The Jugendamt demands that parents “distance themselves from the teachings of the Twelve Tribes” if you want your child back. It has been repeatedly stated in court rulings and in the parental “help meetings” as the basis to deny return of the children. The OLG/Nurnberg has affirmed permanent removal on the presumption of inevitable abuse in the future without any evidence of actual harm to the child and the Federal Constitutional court has denied review, contrary to their prevailing case law.

Members had been working peacefully and agreeably in a provisional substitute school since 2007 where authorities acknowledged the health and well being of the children, whom they regularly visited. The children were found to be well adjusted and happy, showing no signs of abuse.

The seizure ensued when some defectors, an apostate, an anti-secte activist and a TV reporter joined forces to create moral panic surrounding the Twelve Tribes Communities. It worked. The days, weeks, months and even years of traumatic separation are continually ignored by the German authorities involved. **Even worse, the government has used tactics to manipulate the children to an agenda designed by the Jugendamt which is determinedly opposed to the restoration of the families, contrary to OSCE objectives and human rights guarantees.**