

**Final report**

**Investigation of incidents at the Christian School  
Linth (CSL) and the Evangelische Gemeinde Hof  
Oberkirch (EGHO) in the period from 1995 to 2021**

**Reimbursed by the lawyers  
Dr Niklaus Oberholzer and David Zollinger**

**on behalf of the Christian School Linth (CSL) and the Evangelical  
Congregation Hof Oberkirch (EGHO)**

**from 6 July 2022**

## Summary

The Christian School Linth (hereinafter "CSL") and the Evangelical Community Hof Oberkirch (hereinafter "EGHO") commissioned the authors to investigate the past of their predecessor organisations (Domino Servite School and Mission Kwasizabantu Switzerland respectively) within the framework of an external and independent investigation. At the same time, they invited approximately 500 former students and members of the community to write to the independent reporting centre (Praxisgemeinschaft Regina & Daniel Zwiker; hereafter "independent reporting centre" or "Praxisgemeinschaft") to report on their experiences.

The investigation report is based on the one hand on the official files of the CSL and the EGHO made available to the authors, and on the other hand on the final report prepared by the community of practice, in which the feedback received from those affected is described.

The files show that Domino Servite School always had the necessary licences and fully complied with its legal obligations to provide information and to cooperate with the state supervisory authorities. With the exception of a threatened licence withdrawal procedure at the beginning of the 2000s, there were no significant objections.

Feedback initially only reflects the subjective view of those affected. The community of practice has accepted these statements of the persons concerned without questioning them in factual terms or checking them with regard to their credibility. It would therefore be wrong to regard the feedback given in the assessment of the transcripts of the interviews of the community of practice as established facts. On the other hand, there is much to be said for the credibility of the statements of the persons concerned, especially the partly very pronounced real criteria.

However, the accounts of former pupils and community members today impressively show that the ideological foundation of the former Kwasi- zabantu mission, with which EGHO and CSL were closely connected from its foundation until the separation in 2019, was of major importance. The doctrine advocated by the mission led to transgressions of boundaries and sometimes serious abuses in religious, psychological, physical and sexual terms in the everyday life of the community and the school. There was talk of a theology of fear, of a lack of personal protection, of exposure, of induced feelings of guilt, of a practice of interrogation and pressure to confess, of a culture of denunciation, manipulation and threats, of corporal punishment rituals, of oppression of women, of diabolisation of intersexual contacts, of over-sexualisation and taboo, of disregard for intimacy. There is also evidence of sexual harassment and rape by a teacher and even serious sexual abuse by a former president of the former Kwasizabantu Switzerland and Domino Servite missions as well as several pastors.

The vast majority of the incidents described by those affected date back to the time before 2002 and are essentially connected with the work of the former president of the then mission organisations Kwasizabantu Switzerland and Domino Servite, from whom the two organisations separated in that year. The accusations can therefore no longer be directly attributed to the persons responsible for EGHO and CSL today.

The community and the school have completely detached themselves from the sphere of influence of the international mission Kwasizabantu and in the meantime have undertaken a radical reorientation both in terms of organisation and personnel. They are ready to face the past and to take responsibility for it. They have decided, on their own initiative, to initiate an independent reappraisal of the past of their predecessor organisations.

ways. Even before the final results of the investigation were available, they had unreservedly acknowledged the injustice committed, expressed their sympathy to those affected, formally asked them to apologise and offered them help in coming to terms with the negative experiences either therapeutically or legally. From the authors' point of view, there is no reason to doubt the sincerity of today's governing bodies.

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## 1 On the history of the investigation

### 1.1 Sponsorship Hof Oberkirch

Hof Oberkirch in Kaltbrunn looks back on a long history. A public school was first established there as early as 1907. In 1995, some parents founded the Domino Servite School (Switzerland) with boarding school. The school was in close contact with Mission Kwasizabantu Switzerland. In 2019, there was a complete organisational and personnel separation of the religious community and the school of Mission Kwasizabantu, which is based in South Africa (see section 1.2, page 6). The religious community was renamed "Evangelische Gemeinde Hof Oberkirch" (EGHO); the school now bears the name "Christliche Schule Linth" (CSL).

According to the entry in the Commercial Register<sup>1</sup>, the purpose of the CSL Association is as follows:

"Operation of a primary and upper secondary school as well as a kindergarten for children and young people of primary school age as a day school, provision of other learning programmes as well as operation of a day care centre or boarding school. The purpose of the school is to educate the children and young people to respect the triune God and to become mature people capable of living. In particular, the school objectives - based on the cantonal curriculum - include, in addition to the performance-oriented, child-orientated teaching of knowledge as well as musical and physical skills, the education of children and young people to become independent, socially acceptable and responsible personalities. The association can support schools with the same orientation in less developed countries. The association may participate in and finance enterprises and companies and acquire, hold and sell real estate.

The purpose of the EGHO association is described in the commercial register<sup>2</sup> as follows:

"The association promotes the spread of the Gospel. It supports and promotes church building or existing churches with the same orientation. Furthermore, it supports its own or existing charitable projects in less developed countries. The association is non-profit-making and does not pay any monetary benefits to the members of the association. The association may participate in and finance enterprises and companies, acquire, hold and sell real estate and conduct all business that serves the operation in accordance with paragraph 1.

The Christian School Linth (formerly Domino Servite School) has been running a public school with boarding since the 1995/96 school year. Initially it was a purely private school, which was supplemented with an integrated upper school from the 1997/98 school year. From 2002, the boarding school management was subject to cantonal supervision. Prior to that, supervision was only required for the school area. However, the boarding school was closed again in 2012 due to under-occupancy. Today, around 40 pupils are taught by the CSL from kindergarten to upper school. The school is denominationally neutral; however, the vast majority of parents belong to the EGHO.

In 2020, the school concept was completely revised. The previous eleven classes were combined into three cycles; at the same time, there was an orientation towards increased self-learning. The comparative tests available in the school's

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<sup>1</sup> <https://sg.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-108.245.592>.

<sup>2</sup> <https://sg.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-249.650.186>.

Figures from recent years show that the academic performance of CSL students was largely in line with the cantonal average, and in some cases even exceeded it<sup>3</sup>.

## 1.2 Historical roots of EGHO and CSL

Until July 2019, today's Evangelical Congregation Hof Oberkirch was part of the international missionary organisation Kwasizabantu and also used its name (Mission Kwasizabantu Switzerland). Likewise, until that time, today's Christian School Linth was integrated into the international mission organisation Kwasizabantu, at least ideologically, under the name Domino Servite School.

The founders and leaders of the Kwasizabantu Mission were the South Africans of German origin Erlo Stegen and his brother Friedel Stegen. Erlo Stegen worked as an evangelist in the South African province of Natal (now Kwazulu/Natal) from 1954. In 1971 he moved the centre of his work to neighbouring Kwasizabantu. Through lecture tours, Kwasizabantu congregations were founded in various European countries, including Switzerland. The "Domino Servite Schools" (private schools on a Christian basis in South Africa, Germany and Switzerland) emerged from the Kwasizabantu mission<sup>4</sup>.

In the course of the years, the Kwasizabantu Mission found itself increasingly exposed to accusations. There was talk of corruption, embezzlement of donations and especially of teaching fear and insecurity. The use of corporal punishment was religiously dressed up as justified punishment. Critical questions had no place. Those affected were left hurt and deeply insecure. There are signs that this oppressive atmosphere from Kwasizabantu also found its way into Kaltbrunn in the 1990s<sup>5</sup>.

In 2019, various European branches separated from the mother house of the Kwasizabantu Mission. The Swiss section of Kwasizabantu formed itself as the "Evangelische Gemeinde Hof Oberkirch". The separation also affected the "Domino Servite School Hof Oberkirch", which now operates under the name "Christian School Linth". Today, both have nothing to do with the Kwasizabantu Mission in terms of organisation or personnel. A splinter group, which had spoken out against the separation, subsequently founded a branch in Wildhaus and kept the name "Mission Kwasizabantu Switzerland". The Evangelische Gemeinde Hof Oberkirch clearly distances itself from this offshoot.

## 1.3 Initiation of the investigation

Despite the radical realignment, criticism of EGHO and CSL did not fall silent. In the spring of 2021, their governing bodies took action on their own initiative and decided on a

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<sup>3</sup> Stellwerk is a standardised test system that makes academic abilities objectively comparable and identifies them independently of the type of school attended (cf. <https://lehrmittelverlag.ch/de-Home/CMS/Stellwerk>).

<sup>4</sup> Cf. on the whole: Evangelische Informationsstelle Kirchen - Sekten - Religionen (<https://www.reinfo.ch/lexikon/christentum/aeltere-und-evangelikale-freikirche/neuere-fundamentalistische-sondergruppen/mission-kwasizabantu/>).

<sup>5</sup> See [egho.ch](https://www.egho.ch) and [cslinth.ch](https://www.cslinth.ch), Die Schatten der Vergangenheit, in IDEA Das christliche Wochen- magazin 2.2022 (<https://www.ideaschweiz.ch/artikel/die-schatten-der-vergangenheit>).

Coming to terms with the past. In September 2021, they commissioned the two lawyers Dr. Niklaus Oberholzer and David Zollinger to conduct an investigation into the history of the community and the school from their foundation in 1995 until today. They provided the investigation team with all the files that had been created since the founding of the community and the opening of the school in 1995. This involved a total of 13 folders, which essentially contained the minutes of the association meetings, the school council and the parents' council, as well as correspondence with the state supervisory authorities (in particular with the Office for Elementary School of the Cantonal Department of Education) and other documents (such as on the reorganisation initiated in 2019).

In consultation with the investigation team, the governing bodies of the EGHO and the CSL also appointed the psychological practice group Regina & Daniel Zwiker as an independent reporting centre for affected persons in September 2021.

EGHO and CSL wrote to about 490 former pupils and members of the community in October 2021. In this letter they pointed out that the school board of the interdenominational Christian School Linth and the supporting association had decided to face the past, to investigate the history of the school and to unreservedly pursue doubts about the adherence to Christian values. The addressees of the letter were invited to contact the independent reporting centre if they were victims of abuse by representatives of the school or fellow pupils or if they had knowledge of such incidents. At the same time, EGHO and CSL informed that they had commissioned two independent lawyers to accompany and evaluate the process of dealing with the matter. With this step, the school board and the supporting association want to take responsibility for what has happened at the school over the past 27 years. They asked for forgiveness for not having initiated this step years ago. Although they could not undo possible wrongs, they would like to trans- parent possible wrongs and, above all, to make amends as far as possible<sup>6</sup>.

After the first results of the investigation were available at the end of 2021 and it was clear that in the past there had been transgressions both in the community and at the school and that serious allegations of abuse had been made in some cases, the question arose for the sponsoring association and the school board as to how to proceed. In order to guarantee the complete independence of the investigation team commissioned to deal with the past, EGHO and CSL, in consultation with the investigation team, commissioned lawyer and mediator Dr. Andrea Degginger to accompany them with regard to the consequences for the future resulting from dealing with the past, especially with regard to dealing with those affected.

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<sup>6</sup> Letters from the EGHO to its members and from the CSL to its former students, both sent on 04.10.2021.

## **1.4 Independence of the investigation**

The commission for the present investigation was given by the Evangelical Community Hof Oberkirch and the Christian School Linth. The two lawyers commissioned with the investigation as well as the lawyer and mediator consulted for the accompanying advice and the independent reporting office had no personal, business, idealistic or other connection with the congregation or the school until the commission was awarded. The principals assured all commissioned persons of their full independence.

The study was commissioned by the municipality and the school. However, the commissioning parties left it up to the investigation team to determine the methodology. They provided the requested information without restriction and did not influence the course of the investigation or the reporting at any time. This final report is primarily intended for the clients. They decide on their own authority how they want to communicate the conclusion of the investigation and what conclusions they want to draw from it for their future.

## **2 Supervision of public schools by the cantonal Department of Education**

Before the results of the study are discussed, a few introductory remarks are made on the system of state supervision of the primary schools, in particular public schools. This system stipulates that public schools (including the CSL) are subject to authorisation and strict and regular supervision by the cantonal Department of Education.

### **2.1 Legal requirements for running a public school**

The cantons are responsible for the school system. They ensure that all children have access to adequate primary education (Art. 62 of the Federal Constitution [BV]). The St. Gallen Cantonal Constitution (KV) guarantees the right to establish, run and attend private schools (Art. 3 lit. a KV).

The St. Gallen Elementary School Act (VSG) applies to the public primary schools, but also regulates the supervision of private education (Art. 1 VSG). Public schools that teach children of compulsory school age are subject to the same supervision as public schools (Art. 115 VSG). The establishment and management of public schools require the approval of the Board of Education (Art. 116 VSG). Authorisation is granted if the school management, professional leadership, organisation and school premises guarantee permanent teaching equivalent to that of the public school and if the compulsory subjects of the public school are taught. The Board of Education may attach conditions to the authorisation in order to ensure the equivalence of the teaching (Art. 117 VSG). If the conditions for the granting of the licence no longer exist, if conditions and instructions are not observed or if teaching is endangered for other reasons, the Board of Education shall order measures under threat of withdrawal of the licence (Art. 119 VSG).

Anyone who holds a teaching licence for public schools may teach at public schools. The Office for Elementary Education issues the teaching permit in appropriate application of Art. 62 of the Elementary Education Act (Art. 120 Para. 1 VSG). According to this provision, a teaching licence may be granted to anyone who has sufficient qualifications for the intended teaching activity.



The Swiss Conference of Cantonal Ministers of Education (EDK) is responsible for the nationwide recognition of professional diplomas in the school sector. The Swiss Conference of Cantonal Ministers of Education (EDK) is responsible for the nationwide recognition of professional diplomas in the school sector<sup>7</sup>. The Office for Elementary Education may set a time limit for the teaching licence (Art. 120 Para. 2 VSG).

In the canton of St. Gallen, a total of 30 public schools are currently in possession of a licence<sup>8</sup>.

## 2.2 Supervision of the public schools

### 2.2.1 Authorisation to run a public school

In February 2016, the St. Gallen Office for Elementary Education issued a detailed concept for the supervision of public schools at the primary schools level<sup>9</sup>. Corresponding directives, regulations and concepts already existed before. These differ from the current supervision concept in questions of authority organisation, in the means of supervision and especially in the level of detail. However, the basic features of supervision as such have remained largely the same during the period under review (1995 to the present), so that for the sake of simplicity it seems appropriate to focus on the current status of the cantonal supervision concept within the framework of the description of the general supervision of public schools.

The procedure for opening a public school is managed by the Supervision and School Quality Department of the Office for Elementary Education<sup>10</sup>. This department examines the following points:

- Statutes of the sponsoring body, information on the legal form;
- Organisation, school concept, school management;
- Explanations of curriculum, method (pedagogical mission statement);
- School premises (plans, building specifications, rental agreements, etc.);
- Fire safety operating licence (school premises);
- Teaching staff (teaching diplomas, training, etc.): At least one teacher per cycle must have an EDK-recognised teaching diploma or equivalent training;
- Pupil quota, origin, class compositions: A social group of at least five pupils is required per cycle;
- Financing (financial proof of teaching on a permanent basis). At the same

time, the Supervision and School Quality Department informs itself about:

- the denominational or ideological orientation;
- Connections to idealistic associations (school management; persons who exercise ownership or participation rights in the sponsorship).

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<sup>7</sup> The EDK homepage lists the recognised Swiss and foreign diplomas: <https://www.edk.ch/de/themen/diplomanerkennung>.

<sup>8</sup> Canton St. Gallen, public schools, direct links to public schools with approval (<https://www.sg.ch/bildung-sport/volksschule/inhalte-fuer-eltern/sonderschulen--talentschulen-und-privatschulen/privatschulen.html>).

<sup>9</sup> Detailed concept of the Office for Elementary Schools "Supervision of public schools at the primary schools level" (<https://www.sg.ch/bildung-sport/volksschule/rahmenbedingungen/rechtliche-grundlagen/konzepte.html>).

<sup>10</sup> Supervision of public schools at the elementary school level, para. 8.

Once the procedure for opening a public school has been initiated, the Supervision and School Quality Department shall submit the application, together with its report and proposal, to the Education Council for a decision. The Board may grant or refuse the authorisation; the authorisation may be subject to conditions and/or be limited in time.

### **2.2.2 Supervision of the public schools**

Public schools are subject to continuous supervision by the Supervision and School Quality Department of the Office for Elementary Education<sup>11</sup>. The instruments of supervision are as follows:

- Classroom visits (visitations);
- Examination of documents;
- regular discussions with the sponsors and the school management.

The visitation includes one or more classroom visits to different teachers and discussions with them. The focus is on the following areas:

- Lesson design;
- Teaching;
- Class leadership;
- Dealing with pupils;
- Assessment;
- Providing a holistic education;
- Orientation towards the principles of the primary school curriculum.

The public school submits an annual report to the Supervision and School Quality Department. This report contains in particular information about:

- course of the school year;
- School projects;
- Topics in teaching and school development;
- in-service training within the school;
- Quality assurance;
- Development of the number of pupils;
- Overview of follow-up solutions for pupils leaving the school;
- Mutations in the teaching staff;
- Mutations in the sponsorship;
- Challenges for the near future.

The aim of the regular discussions with the sponsors and the school management are:

- Feedback on the classroom visits and the public school report;
- Exchange of information;
- Answering specific questions at the private school board (e.g. class and lesson organisation);
- Orientation of the private school board on current topics of the primary schools.

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<sup>11</sup> Supervision of public schools at the elementary school level, para. 5.1.

The Supervision and School Quality Department in the Office for the Elementary School reports annually to the Education Council on the supervision of public schools. As a rule, every two years it provides written feedback to the public schools on the most important results of the classroom visits, the examination of documents and reports as well as the discussions with the school management and the sponsors.

Focal points of visitation can be agreed on the basis of findings by the Department of Inspection and School Quality or at the request of the public school, or can also be ordered by the Education Council.

### **2.3 Granting of permission to the Domino Servite School**

The Education Council (now the Board of Education) of the Canton of St. Gallen granted Domino Servite School (now CSL) provisional permission to run a primary school for the first time in the 1995/96 school year and definitive permission to run a primary school and an integrated upper school from the 1997/98 school year. Since the 2010/11 school year, the Domino Servite School has also held a definitive licence to run a kindergarten. From 2004 to 2012, it was authorised to run a boarding school.

Initiated by the personal petition of a former member of the Kwasizabantu Mission and based on various media reports, the Office for Elementary Education opened proceedings at the beginning of 2000 to withdraw the licence to run a public school. It confronted those responsible for the Domino Servite School with the accusations made, in particular regarding corporal punishment. The Office for Public Education informed the school in May 2000<sup>12</sup> that "based on the current state of knowledge, the welfare of the minors in the school is no longer guaranteed" and that it would therefore apply to the Education Council to withdraw the licence to run a private school and an integrated upper school. In justification, the office pointed to the following points: "a) the religious attitude of the institution, b) the punishments and sanctions, c) the professionalism of the staff in dealing with the children and adolescents, and d) the management of the Domino Servite School".

The school submitted a comprehensive statement on the allegations made. The Office for Elementary Education subsequently informed the school in January 2001<sup>13</sup> that the assaults on the pupils and the connection of the Domino Servite School Association to the Kwasizabantu Mission had given justifiable cause to question the authorisation to run a public school. However, since there had been no immediate danger and a comprehensive review of the situation had been promised in connection with the granting of the operating licence in accordance with the Ordinance on Children's and Young People's Homes (KJV) (newly created at the beginning of 2000), the Education Council had refrained from taking precautionary measures. In doing so, it had also taken into account the fact that the school management had admitted to physical assaults in some cases. The Board had given assurances that such incidents would not happen again.

From 2002, all public schools that ran a boarding school had to apply for an operating licence, as the canton was now responsible. This licence was issued by the

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<sup>12</sup> Letter from the Elementary School Office to Domino Servite School 16.05.2000 (folder CSL 9).

<sup>13</sup> Letter from the Elementary School Office to Domino Servite School 11.01.2001 (folder CSL 9).

The school was provisionally approved by the Board of Education on 17 November 2004 after comprehensive clarifications. After fulfilling strict conditions, the provisional authorisation was converted into a definitive authorisation on 16 January 2006.

## 2.4 Political initiatives in the cantonal parliament

Following a critical media article about the missionary work Kwasizabantu and the associated Domino Servite School, various members of the Cantonal Council demanded an answer from the government. In its interpellation response of May 2007<sup>14</sup>, the government pointed out at the outset that because of the great pedagogical freedom enjoyed by public schools, it could not be ruled out that especially in ideologically oriented schools with a conservative-traditionalist background, children were influenced and controlled in a way that did not correspond to the primary school's principles of the self-responsibility of young people. As far as such indoctrination takes place with the consent or toleration of the parents and is not connected with violations of the legal order, the state has hardly any possibilities of intervention, because the parental rights basically take precedence over the idealistic orientation of the public school.

The government further explained that the Domino Servite School was in possession of all the necessary permits. In the context of granting the operating licence to run a boarding school, the allegations against the school, which were already known at the time, had been investigated. After the departure of the former president of the then Kwasizabantu Switzerland and Domino Servite missions and the establishment of a new management, it had become apparent that the children were not subject to any physical repression. The supervisory authorities did not have any current reports from parents or pupils. It should also be noted that neither the local authorities nor the population of Kaltbrunn had ever received any conclusive allegations that would have justified state intervention. Under these conditions, the "presumption of innocence" applies to the school. Although it could not be ruled out that the children were influenced by ideology, this religious conviction was openly declared and lived by the school and supported by the parents.

Around ten years later, a motion was submitted to the Cantonal Council in connection with the revision of the National Education Act with the aim of "Clear guidelines for the establishment and management of public schools". This motion was not directly related to the Domino Servite School, but was more likely aimed at the establishment of new public schools that feel connected to non-Western cultural circles. In its application of August 2017<sup>15</sup>, the government stated that the Federal Constitution and the Cantonal Constitution guarantee freedom of faith and conscience (Art. 15 BV) as well as freedom of opinion and information (Art. 16 BV) on the one hand, and on the other hand also guarantee the right of every child to sufficient primary education, which is not available at public schools (Art. 19 BV). The cantonal constitution also guarantees freedom of private education, i.e. the right to establish, run and attend public schools (Art. 3 KV). Freedom of faith and conscience also includes the right of parents to educate their children religiously.

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<sup>14</sup> Written interpellation response of the government to interpellation 51.06.73 of 15.05.2007.

<sup>15</sup> Government motion on motion 42.17.06 of 15.08.2017.

Due to the constitutional freedom of private education, the state is prevented from obliging private school authorities to provide ideologically or religiously neutral education. In view of the private school's freedom, they have the right to set priorities in terms of content, pedagogy, ideology, religion or denomination<sup>16</sup>. In weighing the freedom of faith and conscience as well as the freedom of opinion on the one hand and the fundamental right of schoolchildren to sufficient primary education on the other hand, a public school can be refused a licence according to federal court case law if it does not guarantee sufficient primary education in the sense of the Federal Constitution. Pupils at public schools also had the constitutional right to be supported there in their performance, personality development and physical and mental development in a way that was comparable to an elementary school education.

## **2.5 Compliance with legal requirements by Domino Servite School**

In connection with the granting of licences and state supervision, it should be noted that the Domino Servite School always had the necessary licences and fully complied with its legal obligations to provide information and to cooperate with the Office for Primary Schools and the former regional supervisory authorities. Their religious and ideological orientation and their involvement in the missionary network Kwasizabantu were generally known. The supervisory authorities were also aware that former members of the community had expressed reservations about the school, some of which had also found their way into the media. There are no indications that the school might have violated legal obligations or not cooperated in its reporting to the supervisory authorities.

It should also be noted that the school was continuously monitored, visited and checked by the state supervisory authorities in accordance with the relevant legal requirements. With the exception of the aforementioned licence withdrawal procedure at the end of the 1990s/beginning of the 2000s, there were no significant complaints from the state supervisory authorities. Where minor deficiencies existed, these were promptly rectified. The school's records also contain various visitation reports and personal letters from members of the supervisory authorities, which contain very positive feedback.

## **3 Results of the clarification of allegations of abuse**

### **3.1 Preliminary remarks on the methodological procedure**

The Evangelical Community Hof Oberkirch and the Christian School Linth commissioned the investigation team in autumn 2021 to conduct an independent investigation and at the same time appointed the psychological practice group Regina & Daniel Zwiker as an independent reporting point for those affected.

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<sup>16</sup> See also BGer 2C\_807/2015 recital 3.5.

In a personal letter to a total of 493 persons, they informed former pupils and members of the community in October 2021 about the establishment of the independent reporting centre and invited them to contact it if they were victims of abuse by representatives of the school or fellow pupils or had knowledge of a corresponding incident. The independent reporting centre would handle the feedback about possible experiences of physical, sexual or psychological abuse at school or in the community confidentially if requested.

Following initial reactions from some addressees, the originally envisaged deadline for making contact of the end of October 2021 was extended to the beginning of November 2021.

15 December 2021. The affected parties were informed of this in separate letters from the investigation team<sup>17</sup> and the independent reporting office<sup>18</sup>. In the two letters of 5 and 6 November 2021, the persons concerned were once again encouraged to contact us. They were again assured of the complete independence of the investigation. The independent reporting office also referred to its therapeutic confidentiality obligation and emphasised that the confidential information would only be made available to the investigation team and the clients in anonymised form.

On 17 December 2021, the independent reporting office drew up a first confidential interim report focusing on "sexual transgressions"<sup>19</sup>. It published the definitive final report on "Transgressions at the CSL and the EGHO" on 28 February 2022. It divided the report into two parts and first evaluated the interview transcripts and the written feedback received and then subjected these to an assessment of the results of the investigation from a psychological perspective. Evaluation and appraisal from a psychological point of view<sup>20</sup>.

### **3.2 General assessment by the independent reporting office**

In their final report, the psychological practice group Regina & Daniel Zwiker first describe their approach. They describe their mission as follows:

"Our mission was to:

1. to be an independent counselling centre for those affected who had abusive experiences in EGHO and CSL. They could tell their experiences in an anonymous and confidential setting.
2. There should be a ruthless reappraisal and unreserved analysis of the experiences of those affected.
3. The consequences of the experiences for those affected should become clear.
4. The aim is to take stock of where and to what extent there is a need to talk and make amends with those affected."

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<sup>17</sup> Capt Zollinger Attorneys at Law, Declaration of Independence 05.11.2021.

<sup>18</sup> Regina & Daniel Zwiker joint practice, 06.11.2021.

<sup>19</sup> Joint practice Regina & Daniel Zwiker, First confidential interim report with focus on sexual transgressions 17.12.2021

<sup>20</sup> Regina & Daniel Zwiker joint practice, border crossings at the CSL and at the EGHO 28.02.2022.

By way of introduction, the independent reporting office points out that it has noticed a strong need among those affected to describe their experiences and to be understood. In many cases, the reports were accompanied by strong emotions. The Independent Reporting Centre emphasises that the accounts of the victims are not presented in the sense of objectively established facts that have been clarified by evidence, but from their subjective point of view. Nevertheless, it should be noted that various persons had told similar stories and had repeatedly described similar scenes. Even if there was a need to correct certain details of the recollections, the overall picture of the basic statements was credible. The frequently mentioned repetitive actions would show how deeply these behaviours had shaped everyday life. In most cases, it had not been individual offenders, but the whole had had a system.

### **3.3 Statistical data on the feedback from affected persons**

It should be noted that there was obviously a great need for those affected to contact the independent hotline and describe their experiences. A total of 493 people were written to, 89 of whom were the same person, as they were both former pupils and members of the community. 31 addressees refused to accept the letter or stated that they did not wish to receive any further information. Of the remaining 373 persons, 58 persons (15.5%) contacted the independent hotline and described their experiences. 49 responses (84%) were related to the school (including boarding school); 9 people (16%) were related to the community only. 29 people (46%) chose the form of an email, usually with a long text, for their feedback; 34 people (54%) preferred a verbal conversation (whether in the surgery, in a zoom session or on the phone).

The reports concerned different forms of abuse. 57.5% of the reports referred to psychological or religious abuse; 20.9% of the reports referred to physical abuse and 13.4% to sexual abuse; 8.2% of the reports referred to some form of economic exploitation. Multiple responses were possible. The rather high number of sexual abuse reports must be put into perspective in that more subtle forms of sexual abuse (such as taking off clothes during "chastisement rituals" or excessive exploration of sexual topics in the context of pastoral care) were also recorded here.

In terms of time, most of the reports from former students referred to incidents that had occurred during the term of office of the former president of the then missionary organisations Kwasizabantu Switzerland and Domino Servite in the years 1995 to 2002. When he was removed from office in 2002, the frequency of the reports and in particular the intensity of the border violations and abuses described decreased massively. Physical punishment was no longer mentioned after 2003; however, the "culture of beatings" is said to have continued in some families after that time.

## **4 Detection of Boundary violations**

### **4.1 Emotional and subjectively felt concern**

The community of practice has written its report under the heading "Borderline violations at the CSL and at the EGHO, evaluation and assessment from a psychological point of view". It thus expresses that its report is based exclusively on the statements of the persons concerned and does not represent the result of a legally standardised evidentiary procedure. It supports its findings with a large number of concrete statements by the persons concerned. These are subjective, reflect only the view of the persons concerned and are based on memories and experiences which, after the long lapse of time, cannot be objectively verified or can only be verified to a very limited extent. The statements of those affected are partly reproduced in verbatim quotations. In order to maintain confidentiality, however, no names - neither of "victims" nor of "perpetrators" - are mentioned.

The present final report of the investigation team is limited to a summary and classification of the findings obtained by the community of practice. It deliberately refrains from reproducing the quotations from affected persons presented by the community of practice to justify its point of view. Verbatim quotations could at best enable an attribution to specific persons, which would contradict the assurance of anonymity. However, the impressive original quotations show the entire range of emotionality and personal concern of former pupils of the Domino Servite School and members of the Kwasizabantu Mission.

### **4.2 On the concept of crossing borders**

The psychological community of practice uses the terms "crossing the line", "assault" and "abuse". All three terms are not clearly defined, for example in contrast to the unlawfulness of behaviour. Border crossings, encroachments or abuses can be prohibited by law - be it by criminal, civil or administrative norms - but they do not have to be.

The term "border crossing" is used in very different contexts in general linguistic usage. The definition depends on individual circumstances and subjective ideas and expectations. There is no generally valid definition<sup>21</sup>. In the pedagogical field, it refers to actions or statements that cross a boundary with the other person. If this happens as an unreflected action, be it in the sense of an accepted culture, or be it as the acceptance of a tried and tested educational and relationship concept, we speak of unintentional boundary violations. The behaviour crosses the personal boundaries of the other person without the person acting being aware of it.

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<sup>21</sup> The Duden defines border crossing as follows: "1. crossing a [state] border; 2. disregard, transgression of borders". For the second meaning, it refers to the term border, to which it assigns the following meaning: 1a. "strip of land marked by appropriate markings that separates political entities (countries, states) from one another"; 1b. "dividing line between territories owned by different owners or separated by natural features"; 1c. "only imagined dividing line of different, opposing areas and phenomena"; 2. "boundary, closing [line], barrier" (<https://www.duden.de/rechtschreibung/Grenzueberschreitung>).



Unlike unintentional boundary violations, assaults are not accidental or unintentional actions or statements. The person committing the assault deliberately violates the boundaries of the other person as well as social norms and rules and professional standards. Boundary violations and assaults do not necessarily have to be punishable; however, serious forms are usually covered by the criminal offences of the Criminal Code<sup>22</sup>.

## **5 Boundary violations identified by the community of practice**

The community of practice has defined various forms of boundary violations and then attempted to categorise the reports received accordingly. Their findings are summarised below without comment.

### **5.1 Religious boundary violations and abuses**

Religious abuse occurs when a personality who has spiritual authority over others uses that authority to exert pressure, power or coercion, inflicting spiritual, psychological, physical or other wounds. Religious arguments are used to make someone do what the religious authority demands. Faith is used to manipulate, exercise power and silence criticism.

On the basis of concrete statements by those affected, the psychological practice group lists various examples of religious boundary violations. These include, in particular, the way the Domino Servite School deals with illnesses, psychological disorders and performance deficits. According to the basic understanding prevailing in the institutions and conveyed to the pupils, the cause of physical and mental illnesses is said to lie in the turning away from God; consequently, only the knowledge of sin can lead to healing.

Pastoral care played a central role in the everyday life of the congregation and the school. Again and again, the pupils and the members of the congregation were called to pastoral care to confess sins, whether they wanted to or not. A system of forced pastoral care prevailed. The atmosphere was like a "tribunal" or an "interrogation". The whole past was searched for sins. The children were instructed to write down all their sins on paper before going to sleep. Afterwards, they were called to pastoral care, where all points were "worked through" in detail. A former pupil said that these procedures were not about bringing incriminating things before God; the only purpose of the procedure was to exercise power and control.

The secrecy of pastoral care and the protection of the personality of the persons concerned had not been respected. On several occasions, those affected had described that the content of the conversation they had confided in a pastoral worker had later been used as topics for "moral sermons" in the church service or in the morning devotions. A comment

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<sup>22</sup> See, for example, Zentrum Bildung der Evangelischen Kirchen in Hessen und Nassau (EKHN), Fachbereich Kindertagesstätten, Positionspapier Grenzüberschreitungen 2016 (<https://kita.zentrumbildung-ekhn.de/ser-vice/infos-fuer-die-kita-praxis/positionspapiere/>).

The person concerned had clearly described this as "betrayal". In addition, it often turned out that other people within the community or the school had knowledge of details that had come up in the pastoral care but had not been intended for those people.

Various feedbacks had concerned the marriage practice and the role of the pastors. Direct contact between couples was frowned upon. Even engaged couples were hardly allowed to meet before the wedding; in any case, the presence of a third person was required. Those who met their fiancée anyway risked being accused of "fornication". Mediation and communication between a future couple should primarily take place through pastoral care. In this way, each person would receive his or her spouse from God. This practice had been supported by a story repeatedly told in the sermons that at a wedding the couple had dropped dead at the altar because they had already nurtured their relationship beforehand.

The psychological community of practice summarises its explanations of the religious boundary violations described by those affected to the effect that a "theology of fear" prevailed. Not a day went by without a guilty conscience. The over-emphasis on a punishing and judging God had led various former pupils and community members to the perceived conviction that God was a tyrant who was only waiting to punish.

## **5.2 Psychological boundary violations and abuses**

The psychological practice community emphasises that practically all areas of boundary violations were connected to the religious system. A clear distinction between religious and psychological abuse proves to be particularly difficult. Psychological abuse is often described as emotional abuse or psychological violence. It happens in interpersonal relationships of all kinds and is difficult to grasp, almost like religious abuse. In the case of emotional abuse, the perpetrator uses his victim against his will on the psychological level by means of manipulation, threats, intimidation, withdrawal of attention, devaluation and not respecting the victim's own feelings.

At school, "shaming" was one of the educational methods. There were "shame-you corners" that could be seen from all sides. Some pupils had to stand in front of their classmates in the prayer room and were reprimanded. On the one hand, school theatre and Eurochoir were very popular. On the other hand, there was also talk of psychological terror, as the external events were characterised by close supervision. Care was always taken to ensure that boys and girls could not get close to each other.

Everyday life at school was characterised by a rigid culture of prohibition. This affected not only listening to "secular" music, but also dress codes and appearance. Girls were only allowed to wear "approved" dresses and skirts; jeans were expressly forbidden.

Interrogations had taken place very often in the children's everyday lives. The aim was not so much to understand the children and young people. The interrogations were designed to

The aim of the interrogation was to identify and punish the guilty after they had confessed their sins. The interrogation process was clearly structured. The suspects had to wait in the corridor and were brought into the room one by one. The excessive pressure to admit something had led to students "snitching" on each other in order to save their own skin and draw attention to others. When punishments were given, the pupils were often dismissed with the warning not to talk about it with anyone.

A culture of denunciation had contributed to the fact that independent thinking, a debate with different opinions could not develop. The members of the community were repeatedly urged not to allow others to express negative opinions about people, circumstances and certainly not about the system. If this should happen, they were told to refer the person to the pastor or to inform the pastor themselves. In addition, the parishioners were warned not to cultivate close friendships. This prevented the development of close and trusting relationships in which critical or negative things could have been exchanged openly and honestly. In school, too, denuncism was promoted. Anyone who criticised something ran the risk of being denounced by fellow pupils. One affected person spoke of an actual "informer system".

Those affected had reported bullying among pupils. Teachers ignored such incidents and did nothing about them. Weak school performance was not addressed with pedagogical support, but was attributed to the influence of Satan. The conflation of weak academic performance with sin or strong academic performance with right-wing faith had led to a considerable additional burden for weaker pupils.

Expulsion from school, exclusion from the community or distancing from the family were among the accepted methods of upbringing when all else failed. Sometimes, after relatively trivial incidents, parents were told by telephone to pick up their children immediately because they were possessed by the devil.

The great psychological pressure had led to induced feelings of guilt among those affected. A climate of fear had prevailed.

### **5.3 Physical abuse and Penal practice**

The fear of corporal punishment had played a major role within the community and the school - at least until 2002, when the renunciation of corporal punishment was officially communicated. Obedience was the highest commandment. Punishment took various forms: House arrest, deprivation of food for one to three days, slaps in the face, beatings of all kinds, etc. Preachers referred to passages in the Old Testament and pointed out the importance of corporal punishment as a means of education. This was widely accepted in the community and school, even if there were people who rejected corporal punishment.

In the context of school, there had been many triggers for corporal punishment through beatings; often it had only been trivialities. For the "beating ritual", both boys and girls had to strip naked or at least half naked in front of men and women of the management and teaching staff. A former pupil testified that she had been beaten by several members of the management. At first she had to undress "downstairs". After confessing her sins, she was prayed for. Then she had to kneel over a bed or a chair. Depending on the severity of her transgressions, she was told the number of blows to be given with a leather belt. The rule was that if the person had cried out, girls were given three additional strokes and boys five.

A former pupil had reported particularly severe beating rituals. Once, when he was on his way home from school, he trusted an older man in the same compartment and told him about the beatings at the boarding school. At Zurich main station, the older man went with him to the police station. The police put him in the car, drove him to Kaltbrunn and inquired with the boarding school management. The people in charge explained that he was suffering from homesickness and had therefore invented these lies. He then received a special beating from the former president of the then missionary organisations Kwasizabantu Switzerland and Domino Servite. He must have partially lost consciousness. For the next three weeks, he was not allowed to go home for the weekend until his injuries had healed to some extent. A leader had told his mother that he had injured himself on a fence. She was also accused of "snitching" on the school to the police.

With the official decision of the new school management in 2002 to renounce corporal punishment, things had improved. In some cases, however, corporal punishment had simply continued to be practised within the family framework. Some teachers were unsure how to maintain discipline without corporal punishment.

#### **5.4 Sexual transgressions and abuse**

Anything erotic or sexual before marriage was demonised. In order to preserve purity, all intersexual contacts were frowned upon. Normal contacts between adolescents were placed in an oversexualised context, and at the same time there were countless rules of taboo sexuality. This led to feelings of guilt and serious insecurities among those affected, which shaped the way they dealt with physical closeness and sexual issues well into their adult lives.

Many of those affected reported great religious pressure to confess everything to their pastor. This had particularly affected the area of sexuality. People repeatedly asked whether they practised masturbation. The pastors wanted to know everything in detail and exactly.

One of the victims had reported a rape among adolescent pupils. He could not tell anyone about it. His parents did not believe him and he was afraid of punishment in front of the pastor.

One of the affected students testified that at the age of 16 she had fallen in love with a fellow student who had returned her love. One day he had sexually harassed her. Although she had resisted, she had been raped by the student. She was tormented by feelings of shame and guilt. A classmate saw her in the toilet and reported her own interpretation of the incident to the administration. This was followed by unspeakable interrogations.

Ten former pupils had contacted the psychological practice group independently of each other because of the behaviour of a former teacher in the years 2002 to 2006. The teacher had obviously sought closeness and contact with his pupils. His behaviour was unanimously experienced as very unpleasant, as harassment and as crossing boundaries. In another incident between 2008 and 2010, a female pupil had refused to comply with the teacher's advances. The whole class defended themselves and reported the incident to the headmaster.

One victim reported that when a teacher joined the school staff, "all hell" broke loose. One lunchtime, when she was taking a shower in the shower cubicles behind the dining hall, the teacher came into the cubicles naked and raped her.

The school management had been informed several times by pupils and parents about the sexually transgressive behaviour of the teacher. It was not known what the school management had subsequently done; in any case, the former pupils had not been able to report anything about it. The question therefore arose as to whether the school management had violated its duty of supervision towards its charges.

The doctrine of the "Christian family" ran like a red thread through the system. The absolute obedience of the wife to her husband was described as the key to an intact family. One of the founders of the Kwasizabantu mission had even said that the position of the woman was that of a "slave", a "saucer", a "doormat" on which anyone could wipe their feet and who, of course, was not allowed to defend herself. According to the doctrine that was widespread in the community, the woman had to be at the man's disposal at all times. Several women reported that they had been raped by their husbands during marriage. Taking the contraceptive pill was frowned upon in the community. It was an (unofficial) duty to have children. There had been no sexual education, neither in the family nor at school.

## **5.5 Most serious sexual assaults**

A former pupil who attended the school from 1995 to 2000 had been very upset and destabilised by the letter from the CSL in autumn 2021. She had doubted the seriousness and independence of the investigation, but had nevertheless been prepared, through the mediation of her treating psychiatrist, to provide the psychological practice group with a written account of her experiences. In it, she had described the most serious and repeated sexual assaults by two chaplains of the South African mission Kwasizabantu, who had visited Kaltbrunn, by a preacher of the Swiss religious community and by another "guest". The penetrations and other sexual acts were

Actions were interpreted religiously and had a sadistic and at the same time paedophilic component. According to the former pupil, further similar incidents had also occurred at the mission in South Africa, where she had once stayed for a few weeks.

## **6 Appreciation of the report of the psychological community of practice**

### **6.1 Negative selection of the feedback**

The report of the psychological community of practice is based on feedback from former pupils who attended the Domino Servite School or the Christian School Linth between 1995 and 2021, as well as on feedback from members of the former Mission Kwasizabantu Switzerland or the Evangelical Community Hof Oberkirch. Of the total of 373 people who had received the letters<sup>23</sup>, 58 people (15.5%) contacted the psychological community of practice and described their experiences of dealing with the school and the community. 49 feedbacks (84%) were related to the school; about half of them (24) were related to the boarding school run until 2012. 9 feedbacks (16%) were from people who had no relation to the school and were involved in the community alone.

Two people reported only positive things about the school and deliberately wanted to counterbalance the criticism voiced in the media and elsewhere. The remaining 56 people reported mainly negative experiences during their time at school or their membership of the community. This must be taken into account in the context of an overall assessment, since the persons contacted by the EGHO and the CSL Linth were expressly requested to contact the independent reporting centre if they were victims of abuse by representatives or members of the community or by representatives of the school or fellow pupils, or if they had knowledge of a corresponding incident<sup>24</sup>. In this respect, it is not surprising that the feedback mainly comes from people who felt the need to describe their negative experiences with the municipality or the school.

The response rate of a good 15 % proves to be extremely high, especially if one takes into account that some of the incidents described occurred more than twenty years ago. It can be concluded from this that a considerable number of former pupils and community members still have troublesome memories of their school days and their involvement in the community. It is striking that various people described how they still suffer from these experiences today, and in some cases have had to seek therapeutic help to come to terms with them, or still have to do so today. This indicates a considerable amount of suffering. As various reactions show, it was obviously not easy for those affected to come to terms with their former experiences again after a long time. This dichotomy seems perfectly understandable.

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<sup>23</sup> The difference between this and the 493 people who were written to is explained by the fact that 89 people were written to twice in their capacity as former pupils and members of the community and 31 people refused to accept the letter or returned it.

<sup>24</sup> Letter from EGHO or CSL to community members or former pupils 04.10.2021.

## **6.2 Subjective memories and no established evidence**

In the first instance, the feedback only reflects the subjective view of those affected. The community of practice has received these statements from former pupils and community members - in accordance with its mandate - without questioning them in factual terms or checking their credibility. It neither confronted the teachers or community leaders concerned with the statements nor carried out an evidentiary procedure. In this respect, the report of the community of practice is to be regarded as what it is: a compilation and reproduction of subjectively shaped memories of experiences of former pupils of Domino Servite School and members of Mission Kwasizabantu.

It would therefore be wrong to regard the feedback given in the report of the community of practice as established facts. Certainly, there is some evidence for the credibility of the statements of the persons concerned, especially the partly very distinct real criteria<sup>25</sup>. However, this does not mean that the statements - let alone the detailed descriptions - must be true. Memory tampering, suggestions or other possibilities of influence would have to be included in the evaluation. And finally, the presumption of innocence that applies to the accused persons must also be taken into account.

On the other hand, it must be taken into account that different victims described the same or at least similar experiences in terms of basic structures. In any case, it can be concluded that there were certain basic tendencies in the school and in the community which were perceived by the victims as borderline violations and abuses.

## **6.3 Historical reappraisal and not individual apportionment of blame**

It cannot be the task of a historical investigation to clarify specific individual cases and to name those responsible for them. This is the task of other authorities, especially the courts. The investigation team has therefore deliberately refrained from verifying the objective truth of the feedback received by the community of practice or from commenting on it in detail. This restraint is not least due to the fact that the investigation team wants to avoid becoming involved in possible court proceedings or even influencing them with its own investigations. In this sense, it is solely up to the persons concerned to initiate appropriate legal proceedings if they are of the opinion that the experiences they have described could be of legal (especially civil or criminal) relevance.

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<sup>25</sup> In the legal theory of evidence, the so-called statement analysis has become widely accepted for clarifying the truth of statements. On the one hand, this involves analysing the content of a concrete statement on the basis of real criteria such as logical consistency, quantitative richness of detail, spatial-temporal links, description of unusual details and psychological processes, exoneration of the accused as well as offence-specific information. On the other hand, the statements must be examined with regard to their consistency and a comparison must be made between statements made at different times on the same facts (see Niklaus Oberholzer, Grundzüge des Strafpro- zessrechts, 4th ed.)

The investigation team therefore deliberately does not make an independent assessment of the events described in detail. Nevertheless, it should be noted that the feedback received in its entirety provides a meaningful picture. The statements of those affected about their memories of Domino Servite School and Mission Kwasizabantu Switzerland are subjective and only reflect the view of those affected. Also, not every detail of their descriptions has to be objectively true, let alone provable. However, the basic tendencies of the numerous reports are largely in agreement, so that it must be concluded from their sum and content alone that there were considerable borderline violations and abuses at Domino Servite School and Mission Kwasizabantu Switzerland, especially in the period up to 2002.

#### **6.4 Summary Appraisal**

The report of the psychological community of practice impressively shows that the ideological foundation of the Kwasizabantu mission, with which EGHO and CSL were closely connected from its foundation until the separation in summer 2019, was of essential importance. The doctrine advocated by Mission Kwasizabantu led in the everyday life of the school and the community, especially in the period up to 2002, to transgressions and in some cases serious abuses in religious, psychological, physical and sexual respects. In view of the numerous statements of the former pupils and parishioners affected by this, which are largely consistent in their basic features, there can be no doubt about this. Again and again there was talk of a theology of fear, of a lack of personal protection, of exposure, of induced feelings of guilt, of a practice of interrogation and pressure to confess, of a culture of denunciation, manipulation and threats, of corporal punishment rituals, of oppression of women, of diabolisation of normal intersexual contacts, of over-sexualisation and taboo, of disregard for intimacy, of exaggerated interest in sexual questions in pastoral care, of sexual harassment and rape by a teacher and even of serious sexual abuse by a former president of the then missionary organisations Kwasizabantu Switzerland and Domino Servite and several pastors.

The vast majority of the incidents described by those concerned date back to the time before 2002. They are mainly connected with the work of the former president of the then missionary organisations Kwasizabantu Switzerland and Domino Servite, from whom the Domino Servite School had separated in 2002 - not least in view of the then threatened withdrawal of the licence. Moreover, they originate to a considerable extent from pupils of the former boarding school, which has no longer been in operation since 2012. The accusations made can therefore no longer be directly attributed to the persons responsible for the community and the school. Nevertheless, EGHO and CSL as institutions have to face their own past and come to terms with their history. This cannot only include a ruthless orientation of their own members, parents and pupils as well as the public. The community and the school will also have to consider in what form they want to support the victims whose personalities have been violated by the Mission Kwasizabantu Switzerland system. In this respect, the investigation team welcomes the efforts already announced by EGHO and CLS to orientate the public and to find therapeutic and legal solutions.



Supporting individual victims of transgressions and abuses in coming to terms with their experiences.

The mere fact that most of the accounts concern incidents from before 2002 may exonerate those currently responsible at EGHO and CSL from the accusation of direct involvement. However, this does not answer the question of why the Kwasizabantu Switzerland system was maintained until the summer of 2019 despite massive border violations in the past, and why none of those responsible in the municipality and the school who are still in charge today, or at least until recently, fought back. Even if - as mentioned several times in the report of the community of practice - by no means all those responsible participated in the border violations and abuses, the system as such was approved, tolerated, supported and even encouraged by many. Today, it seems particularly incomprehensible that the school management, after being directly informed about the intolerable behaviour of the (then) teacher in the mid/end of the 2000s, did not show any recognisable reaction and apparently remained completely inactive. It should be noted, however, that according to the accounts of those affected, some pupils were hardly aware of these practices (e.g. external pupils, children of influential parents, families from other religious backgrounds, high-achieving children, strong personalities who resisted); apparently there was a division into "beatable" and "non-beatable" children<sup>26</sup>.

## 6.5 Consideration of the environment of a public school

Within the framework of an overall assessment, the events at Domino Servite School must also be embedded in the social context. As the Government Council stated in its response to the interpellation submitted to the Cantonal Council in 2007<sup>27</sup> (see also section 2.4, page 12), public schools enjoy a great deal of pedagogical freedom. Therefore, "it cannot be ruled out that in schools with a conservative-traditionalist background that are oriented towards the world, children are influenced and controlled in a way that does not correspond to the ideas of the primary schools about the self-responsibility of young people. As far as such indoctrination takes place with the consent or toleration of the parents and is not connected with violations of the legal system, the state has hardly any possibilities of intervention, because the parental rights take precedence over the idealistic orientation of the public school.

The mere fact of the school's ideological or religious orientation cannot therefore be a disadvantage for EGHO and CSL. In view of the freedom of private schools, they have the right to set priorities in terms of content, pedagogy, worldview, religion or denomination<sup>28</sup>. The school authorities and the school (and at most the state supervisory authorities) alone have to decide on the justification or appropriateness of these focal points, but not the public or even the media. The right of the public or even the media to critically examine the positions taken by religious communities and schools is, of course, reserved.

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<sup>26</sup> Regina & Daniel Zwiker, Border Crossings at the CSL and at the EGHO 28.02.2022, para. 5.3.3.

<sup>27</sup> Written answer of the government to the interpellation of 15.05.2007.

<sup>28</sup> Cf. government motion on motion 42.17.06 of 15.08.2017.

Not only the state requirements for running a private school must be taken into account, but also the right of parents to educate their children. Until they reach the age of majority, children are under the joint parental care of their father and mother (Art. 296 para. 2 CC). The parents direct the care and upbringing of the child in the child's best interests and make the necessary decisions, subject to the child's own capacity to act (Art. 301 para. 1 CC). Parental care also includes, in particular, religious upbringing. Once the child has reached the age of 16, he or she decides independently on his or her religious confession (Art. 303 para. 3 CC). The parents therefore ultimately decide on their own authority which school priorities of a content-related, pedagogical, ideological or religious nature they consider most suitable for the education and welfare of their child. As long as the school complies with the legal regulations, the state school supervisory authorities see no reason for refusing or withdrawing the licence and the state child protection authorities do not take any measures to protect the child (cf. Art. 307 of the Civil Code), the parents are free to choose the public school that meets their expectations. They also bear responsibility for the welfare of their child.

Finally, the general change in socio-political and ideological views that has taken place over the last thirty years must also be taken into account. Many things, or at least some things, that were considered common at that time are no longer imaginable today. This by no means only concerns earlier events in religious communities or public schools, but encompasses the entire public sphere. Today, other ideas about the equality of men and women, school curricula and educational methods, sexuality and other socio-political issues apply than they did at the end of the 20th century. This is no justification for the transgressions and abuses committed. However, it should be remembered that the new marriage law, which put an end to the old understanding of roles and led to gender equality, has only been in force since 1988 and thus only for a good thirty years; before that, even in state legislation, the husband was still considered the "head of the community", and married women could only conclude contracts with the husband's consent. Also, until a good twenty years ago, it did not seem objectionable to speak of "parental authority" in connection with child-rearing rights and duties; in any case, the term "parental care" was only incorporated into the law a good twenty years ago in 2000.

Until the new law on children came into force, parents were even expressly authorised by law (Art. 278 aZGB) to "use the means of discipline necessary for the upbringing of the children". Although this provision was abolished in 1978, there is still no explicit prohibition in the law. In 1991, the Federal Supreme Court left open the question of whether the prohibition of corporal punishment in the Federal Constitution excluded the right of teachers to use corporal punishment on pupils, and limited itself to stating that a teacher's right to use corporal punishment required a formal legal basis, which did not exist in the relevant cantonal law<sup>29</sup>. It was not until the Convention on the Rights of the Child<sup>30</sup> came into force in Switzerland in 1997 that there was agreement that corporal punishment of children was inadmissible. But even in its recommendations of October 2021, the UN Committee on the Rights of the Child still saw itself

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<sup>29</sup> BGE 117 IV 14 E. 4.

<sup>30</sup> United Nations Convention on the Rights of the Child of 20 November 1989, approved by the Federal Assembly on 13 December 1996 and entered into force for Switzerland on 26 March 1997 (SR 0.107).

prompts Switzerland to urge (once again) that corporal punishment be expressly prohibited by law as a matter of priority in all settings, including the home, school, childcare facilities, alternative care and correctional institutions<sup>31</sup>.

## 6.6 Civil and criminal relevance of the incidents

It has already been pointed out that the aim of the present investigation is not to examine individual concrete actions from a legal point of view. Only a court can make authoritative and thus legally binding determinations about intentional or negligent unlawful conduct and the resulting civil damage within the meaning of Art. 41 of the Swiss Code of Obligations, or about conduct that is unlawful and culpable within the meaning of criminal law in a concrete individual case. The former pupils or members of the community affected by possible damage or a possible criminal offence are free to initiate appropriate proceedings with the authorities provided for this purpose. However, it must also be taken into account that in the case of incidents that occurred a long time ago, there may be considerable problems of proof and that the statute of limitations may have expired in the meantime. As far as the reports of rapes are concerned, the community of practice dates the respective offences to the time before 2000. With regard to the provisions of criminal law concerning the statute of limitations, it should be noted that these have been amended several times in the past years and decades with regard to sexual offences and punishable acts against children and adolescents. Under current law, there is no longer a statute of limitations for serious sexual offences if they were committed against children under the age of 12 (Art. 101 para. 1 lit. e SCC). However, the statute of limitations no longer applies only if the criminal prosecution was not yet barred by the statute of limitations on 30 November 2008 under the law in force up to that time. Ultimately, only the public prosecutor's office or a court will be able to decide on the questions that may arise from this in a specific individual case.

The investigation team is aware that two of the victims have already contacted a victim counselling centre for advice on taking legal action.

In connection with the question of the possible legal consequences, the investigation team also looked into the question of whether and to what extent a duty to report could exist in Switzerland with regard to former pupils' descriptions of the most serious abuses (especially rape) and whether a report could be filed with the prosecution authorities. The two lawyers are bound by professional secrecy - as are the psychologists of the group practice - so that a possible duty to report could only affect the school or the municipality. The investigation team generally answered this question in the negative. First of all, in the area of sexual offences, the official maximum applies. The criminal authorities are obliged to initiate and conduct proceedings ex officio if they become aware of criminal offences or suspicions pointing to criminal offences (Art. 7 para. 1 Criminal Procedure Code). In a media release dated 19 January

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<sup>31</sup> UN Committee on the Rights of the Child, Concluding Observations on Switzerland's Fifth and Sixth State Reports (<https://www.bsv.admin.ch/bsv/de/home/sozialpolitische-themen/kinder-und-jugendfragen/kin-derrechte.html>).

In 2022, EGHO and CSL informed the public about the initial findings of the investigation and explicitly referred to two serious cases of sexual abuse which were allegedly committed by former representatives of the school and other persons who were formerly part of the community. Thus, after the public disclosure of these incidents, it is the duty and the discretion of the competent public prosecutor's office to examine the opening of possible criminal proceedings.

Under current Swiss law, there is no general obligation to report criminal offences within the meaning of Art. 302 para. 1 Criminal Procedure Code beyond the circle of criminal authorities. In addition to the Swiss Code of Criminal Procedure, the St. Gallen Cantonal Introductory Act provides for a comprehensive right to report serious criminal offences and a limited duty to report for all cantonal and municipal employees (Art. 47 EGStPO). Moreover, neither federal nor St. Gallen law know of an analogous obligation for private individuals. In particular, there is no corresponding obligation in the Public School Act or in the Ordinance on Children's and Young People's Homes. It should be noted, however, that the Civil Code has separate rights and obligations to report suspected threats to the welfare of a child. The addressee of the rights and obligations to report regulated there is the child protection authority. However, the relevant provisions of Art. 314c and Art. 314d of the Civil Code only came into force at the beginning of 2019 and are not likely to have any significance for incidents that occurred in the past.

In the sense of a hint to the principals, reference can also be made to the guidelines of the Swiss Bishops' Conference on sexual assaults in the ecclesiastical environment<sup>32</sup>. The latter obliges its ordinaries to report in any case if they have become aware of a reasonable suspicion of a sexual offence committed at a time when the victim was still a minor. There too, however, it is emphasised that the needs and will of the victim must also be taken into account in an appropriate form.

In the opinion of the investigation team, however, the decision not to involve the prosecution authorities was based less on legal considerations than on respect for the alleged victims. They made their statements to the community of practice in the confidence of the latter's confidentiality and thus made a very important contribution to the historical reappraisal of the incidents in the school and community. They alone should therefore decide whether their long past experiences should be revisited within the framework of state court proceedings or whether they wish to draw a line under the past. In other words, it must not be possible for other persons to decide again in place of the victims what is beneficial or detrimental for them.

## **7 Turning away from the past and starting afresh in 2019**

In retrospect, the former connection of today's Evangelische Gemeinde Hof Oberkirch and the Christian School Linth to the Kwasizabantu mission in South Africa proves to be highly problematic. The stories told by former pupils and members of the congregation during the course of the investigation

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<sup>32</sup> <https://www.bischoefe.ch/richtlinien-der-sbk-und-der-vereinigung-der-hoehern-ordensobern-der-schweiz/>.

These experiences - even if they are not verified in detail - give a clear picture of the climate of fear and intimidation that prevailed in Mission Kwasizabantu Switzerland and in the Domino Servite School. The people responsible for the community and the school committed inexcusable violations and abuses of a religious, psychological, physical and sexual nature. Some of the consequences for those affected still have an impact today.

Most of the reports from former pupils and members of the community about transgressions and in particular all the reports about serious abuses date back to the time before 2002. That year represented a supposed, but apparently not consistent, turning point for the then Mission Kwasizabantu Switzerland and the then Domino Servite School. At that time, they were increasingly criticised for their educational methods, which considered corporal punishment to be a legitimate means. This was one of the reasons why, at the beginning of the 2000s, the school was confronted with a procedure by the Office for Primary Schools to withdraw its licence to run a primary school. At the same time, it sought an additional licence to run an integrated upper school.

The congregation and the school therefore felt compelled to make a new appointment to their governing bodies in 2002. At the same time, the school parted ways with the president of the then missionary organisations Kwasizabantu Switzerland and Domino Servite, who, according to the current accounts of the former pupils, had not only played a leading role in connection with the events they described, but had also been significantly involved in them.

The extent to which those decisions actually marked a complete break with the past and a new beginning seems questionable. In any case, various (though not the most serious) feedbacks still concerned the time after 2002. Many of them referred to experiences in the boarding school, which had been opened in the 1995 school year, but was closed again after the end of the 2011/12 school year due to under-occupancy.

Ten reports from former pupils alone referred to sexual assaults by a teacher at the time. Even if the multiple rape of a pupil described in this context - if it has been proven - can rather be dated to the time before 2000, the other allegations of sexual harassment concern the period from 2002 to 2010. The pupils and parents concerned had informed the school management about this several times; however, there was no recognisable reaction. This behaviour on the part of the school management is incomprehensible and at any rate feeds the suspicion that the persons in charge of the school at that time had not fulfilled their responsibility for those entrusted to them for protection, even after the change in 2002, or that the system - as the psychological practice group found in its report - was at least partially approved, tolerated, supported and in any case not eliminated by various members of the management (even if they were not among the perpetrators).

A complete break with the past and a radical new beginning was only initiated towards the end of the 2010s and completed in 2019. EGHO and CSL completely detached themselves from the sphere of influence of the international mission Kwasi-

zabantu and undertook a radical reorientation both in terms of organisation and personnel. They renamed their organisations; Mission Kwasizabantu Switzerland became Evangelische Gemeinde Hof Oberkirch, and the former school Domino Servite Switzerland is now called Christliche Schule Linth. All previous EGHO congregational leaders, the board of the CSL supporting association and the CSL school board resigned from their positions. The elections for the new bodies should be completed by spring 2022. Both the EGHO board and the CSL school board are to be chaired by two members of the younger generation who have not been involved in the governing bodies until now and who therefore bear no responsibility for the events that have taken place, at least as persons, even if not as heads of the institutions.

Even before the conclusion of the present investigation, EGHO and CSL issued a media release<sup>33</sup> in January 2022. They reported on the initial findings of the investigation and accepted full responsibility for the past events and failures as successor organisations of the former municipality and school. At the same time, they expressed their sympathy to those affected and formally apologised to them. The designated new leaders expressed themselves as follows:

"What happened back then was and is wrong. The doctrine applied at that time and the image of man associated with it are not compatible with what the congregation and the school have stood for since 2019 at the latest. Our faith stands for respect and love towards every human being. We accept responsibility for the past and want to help ensure that a system of fear never gets another chance and that every person who has something to say is always listened to. As a new generation, we stand for the future of the congregation and also for the path of renewal and further development that we have already walked together since 2019".

On the other hand, in the above-mentioned media release, EGHO and CSL informed the public about the consequences drawn by the municipality and the school and about their intended further course of action. As they explained, all teachers who are in any way responsible for the abuses, either through omission or active involvement, are no longer working at CSL; their employment contracts have been terminated or they had already left the school. As a preventive measure against abuses of any kind, a detailed assessment is carried out when new teachers are hired. In addition, appropriate content for the prevention of abuse is offered in the context of teacher training.

In order to support and assist those affected by border violations and abuses, EGHO and CSL envisage the following measures:

"The dialogue with those affected is to be continued. EGHO and CSL offer direct talks to those affected.

EGHO and CSL offer therapeutic and legal support in coming to terms with the experiences made. Experienced and independent specialists are available as direct contact persons for those affected. If help is needed that is not covered by third parties, the costs are covered. Unbureaucratic support is offered in special cases. As before, contact can be made via the independent therapists.

EGHO and CSL promote a culture of openness. To this end, an independent ombudsman service for community members, students and parents will be established.

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<sup>33</sup> Medienmitteilung 19.01.2022 (<https://cslinth.ch/2022/01/19/medienmitteilung-vom-19-01-2022/>)

EGHO and CSL are reviewing with their legal advisors possible legal action against those responsible in connection with the alleged misconduct."

The reaction of the responsible leaders and the measures they have already implemented, and those that are only in the pipeline, prove that the municipality and the school are serious about their commitment to creating transparency with regard to the past and a radical reorientation for the future. On their own initiative and without any pressure from the authorities, they commissioned an independent investigation into the past almost thirty years of operation. The results of the investigation were not foreseeable for them in this dimension. The reactions of EGHO and CSL to the initial findings of the investigation show how shocked the current governing bodies are. They do not hide anything, stand by their responsibility from the past and formally apologise to those affected by violence and abuse for the harm done to them.

This unconditional acceptance of responsibility represents a first, extremely important step towards an honest rebuilding of the community and the school. With the prospect of assistance and support for those affected by violence and abuse in coming to terms with their experiences, EGHO and CSL are sending a strong signal that they are also prepared to bear the consequences resulting from the acceptance of responsibility.

Ultimately, however, it will also be decisive for the new beginning of the municipality and the school how the state supervisory authorities will react to the results of the investigation initiated by EGHO and CSL. In any case, from the point of view of the investigation team, there is no reason to doubt the sincerity of the current governing bodies.

Wetzikon, 22 June  
2022  
Dr Niklaus  
Oberholzer David  
Zollinger

## List of abbreviations

BG Federal law  
BGE Amtliche Sammlung der Entscheide des Schweizerischen Bundesgerichts  
BGer Bundesgericht (decisions of the Swiss Federal Supreme Court published on the internet).  
of the court)  
Federal Supreme Court Act of 17 June 2005 (SR 173.110)  
BV Federal Constitution of the Swiss Confederation of 18 April 1999 (SR 101)  
EDK Eidgenössische Konferenz der Bildungsdirektoren (Federal Conference of Directors of Education)  
Introductory Act to the Swiss Criminal and Juvenile Procedure Code of 3 August 2010 (sGS 962.1).  
ECHR European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (SR 0.101)  
CYO Ordinance on Children's and Young People's Homes of 21 September 1999 (sGS 912.4).  
KV Constitution of the Canton of St. Gallen of 10 June 2001 (sGS 111.1)  
ORBG concerning the supplementation of the Swiss Civil Code (Part Five: Code of Obligations) of 30 March 1911 (SR 220).  
sGSSt . Gall Collection of Laws  
SR Systematic Collection of Laws (Switzerland)  
SCC Swiss Criminal Code of 21 December 1937 (SR 311.0)  
StPO Swiss Code of Criminal Procedure of 5 October 2007 (SR 312.0)  
VSG Volksschulgesetz of 13 January 1983 (sGS 213.1)  
VStrR Federal Act on Administrative Criminal Law of 22 March 1974 (SR 313.0)  
Swiss Civil Code of 10 December 1907 (SR 210)