

Dr. Karin Jaeckel, born in 1948, lives with her husband in Oberkirch in the Black Forest, in Germany, and is the mother of three sons. As a journalist, she writes for several magazines and daily newspapers, as well as for television and radio stations. Karin Jaeckel has published over 80 books. Her writing focuses mainly on children and families, in everyday life, in difficult crises, in the courts and in politics. Her purpose thereby is to strengthen the position of children and families and to provide food for thought to encourage individual and social transformation, leading to true equality in the mutual estimation of the sexes. She is convinced that, “the me-centred present may belong to single people, but all of the future comes from parents and happy children.”

National campaigns against domestic violence create the false impression that female violence does not exist, that only fathers are the perpetrators:

Karin Jaeckel:

The Jugendamt

Enforced child welfare in a legal vacuum.

For months, the German press has been awash with horror-filled headlines. These speak of children who were left to go hungry and thirsty, who were left to their own devices in trash-filled apartments for weeks on end, who were locked up in their rooms, punched, kicked and shaken, forced to sleep on filthy dog blankets on the floor under newspaper, or who resorted to looking in the dustbin for food. There were the babies left in their own excrement till their skin stripped away and the babies whose bodies were hastily buried in flower pots, stuck in the freezer, those who were left to die of exposure, strangled and suffocated, thrown away in dustbin bags, barbarically abused with burning cigarettes, poisoned, stabbed, thrown out of the window. The list of parental acts of inhumanity towards their helpless children is as shocking as it is long. The biggest shock, however, is that it is mostly mothers who have abandoned and murdered their children in such a brutal manner.

“How could something like this happen?” people ask themselves. “How can a mother do something like this? Fathers, yes, they are capable of such acts. But women and violence? That’s just not possible.” A fatal mistake. In reality, according to Professor Michael Soyka, director of the Psychiatric Clinic Meringen in Switzerland and author of the book, *When Women Kill*, every eighth murder or homicide is committed by a woman.

This and other information, which stems from international and German studies on violence in marginal social conditions and which proves that women are scarcely less violent than men, was not an issue in Germany up to now. On the contrary, with the aid of national campaigns against domestic violence by the Federal Justice Ministry and the Ministry for Family Affairs, the false impression has been continually created that violent acts are not committed by women and only fathers are perpetrators.

Anyone who responded to the feminist slogan “Violence is male” with facts about female violence, such as Professor Michael Bock, was labelled as a backwards macho and defamed as being hostile to women. I also came under fire when I pointed out violent acts by mothers against their children in my non-fiction work entitled *Deutschland frisst seine Kinder* (published by Rowohlt, 2000). On the occasion of a podium discussion in Berlin, on the topic of “The Family has a Future”, the then-Senator for Justice of Hamburg, Lore Peschel-Gutzeit, countered my arguments with the statement that if I just looked at the overfilled male prisons, I would see which sex was the violent one. She declared that, in the rare cases where women were perpetrators of violence, it was because they had been forced to do so by men.

The soundless cries for help die away unheard

In defence of such measures by the State on behalf of women, although they did distort the facts, many positive and useful steps for dealing with violent fathers were developed. Violence by mothers, on the other hand, developed quietly unnoticed. It seemed like such acts didn't even take place.

“My mother hits me with the short brush.” “My mother ties me to the chair if I don't eat.” “My mother locks me in the bedroom. If I need to go to the toilet, I have to pee out of the window.” “My mother puts me in the shower with water on cold when I don't behave myself.” “My mother leaves the window wide open at night and takes my blankets away.” “My mother hits me with the dog leash.” “My mother tells my father to hit me.” “My mother makes me sleep with her. She burns me with a cigarette if I don't want to.”

These and other cries for help have been written by children and young people who have contacted me via my website www.karin-jaeckel.de. Almost all of them complain that they meet with disbelief when they tell a teacher, a relative, the priest or the Jugendamt how their mother carries on with them. They are often told that mothers don't do that kind of thing.

The young writers of these statements are minors who cut themselves, have developed eating disorders, consume alcohol, have either failed in school or turned into ambitious loners, are promiscuous in spite of their youth and fall in love with their teacher just because this person once joked with them or was simply just nice to them. However, in spite of all these soundless cries for help, those around them just ignore them and look the other way. The children affected have no right to being heard or to receiving help. Even the Jugendamt can decide freely if and when it wants to help or not.

The same thing happened to the dead children in the headlines – no-one wanted to notice their suffering whilst they were alive. The neighbours, who lived right next door to the children who died of starvation and thirst, refused to hear how they screamed desperately until they had no strength to cry out any more. Passers-by refused to notice the abandoned children, although they stood at the window with their spoons, banging them against the glass until their strength gave out. The Jugendamt, the main institution, as well as the most powerful, in all matters relating to children, did nothing, although the families of the perpetrators were already on their files. Just like the neighbours, relatives and passers-by, the employees of the Jugendamt, put on the garb of self-righteousness and innocence. Their consciences were clear, because they acted to the best of their knowledge.

In actual fact, for years now, the employees of this agency have been accused of making arbitrary decisions and interpreting the best interests of the child in their own way, totally unhindered by their minimal qualifications.

Already in 1996, the increasing public dissatisfaction with the practices of the Jugendaemter was the motive for a conference with the title, “Child Welfare – Dilemma and Practices of the Jugendaemter”. Dorle Marx, member of the German parliament, explained in her introductory speech that the parliamentary Commission for Children's Issues had been dealing with the issue of “Work and Monitoring of the Jugendaemter”, as a result of such protests. The post-conference brochure published in 1997 is a treasure trove of criticism of the Jugendamt and bears the title: “We are not a child-snatching agency! – Child Welfare – Dilemma and Practices of the Jugendaemter.” For example, Professor Heinrich Kupffer stated in his talk that the legally prescribed watchdog agency of the government over the family is incumbent

on the Jugendamt. It operates an independent organ of the municipal administration and as an “expert authority” that must assist the Family and Custody Courts in carrying out their official duties. Thus, it has to attend to issues that “exceed its competence by a high degree.” Even so, according to this educationalist, “The courts, for the most part, follow the suggestions of the Jugendamt and uphold the fiction that they have professional competence. The Jugendamt has no liability for the consequences of its interventions. All of this means that the employees of the Jugendamt are able to go further than their personal qualifications renders them capable.” Thus, the Jugendamt remains complacent and does not see any reason to look critically at itself. Heinrich Kupffer knows of no case in which a Jugendamt has apologised for a wrong decision.

Almost as a late addition to the statements above, comes the explanation, in a brief of the Jugendamt of the city of Boblingen on 27th June 2005, that decisions in crisis situations are always based on prognoses. Thus, wrong decisions cannot be eliminated, even with careful inspection. The Jugendamt can, however, “show that it has done everything. In this way, the individual case officers in the Jugendamt are protected from accusations of blame or legal prosecution.”

Professor Uwe Jopt of the University of Bielefeld countered this at the conference relating to the Jugendamt in November 1996, with the statement that official actions present a “scarcely tangible abstraction.” Decisions are not made by an agency, but rather by individuals. The “professional competence” of these individuals is in every case connected in an almost impenetrable, practically impossible to disentangle, ‘mixture’, consisting of their own biographies, their personalities and, most particularly, their attitudes and positions. Thus, the work of the Jugendamt employee “is directly influenced by the personal experiences in his or her own family of origin.” This double role is vehemently denied by the Jugendamt, which places itself, “in the form of the department or agency administration, unequivocally behind the individual employee”. The purpose is to deny the impression that “the form of interaction with a family is to a high degree dependent on what case-worker is responsible for their area”.

As experience has proved, those affected, who want to defend themselves against a life-changing decision by a particular case-worker, generally have to deal with the collective brush-off regarding their concerns by the omnipotent decision-makers at the Jugendamt.

Anyone trying to defend him or herself is mistreated and becomes a football in the “power struggle between the other parties”, explains Professor Heinrich Kupffer. “Someone who is used to controlling others and determining the direction of their lives eventually comes to believe that he is capable of doing this just because he is allowed to.” This is the “structural egomania of the Jugendamt”, which leads to “a chronic confusion between agency-based competence and professional competence”. The ultimate victim of such behaviour on the part of Jugendamt employees is the individual child, whose rights and welfare are ignored in the attempt to ensure their own efficiency and further enshrine their authority.

According to Professor Kupffer, the Jugendamt has the “totally legal mandate to rob a group of people, as designated by its employees, of their civil rights”. Where suspicion exists, it is entitled to advance into the child’s environment, according to the principle of clan liability, to apply inquisitorial methods, bring in organisations which have their own special interests, spend to the brim and send children or juveniles overseas, where they are to be either permanently situated with foster families or re-socialised in the course of adventure trips. The effect on the client’s well-being is moot to the agency person.

From my experience I can also add that the Jugendamt is mandated to remove children while they are attending school or preschool in secret without presenting the parents with the relevant court decision, in fact without giving the parents any kind of forewarning. Professor Wolfgang Klenner confirmed with me in an interview on the 6th December 2007, “As a rule, the Jugendamt agencies resort to measures such as taking children into custody by exploiting the element of surprise, always without giving any advance notice. Thus, Jugendamt employees are allowed to take children away, without giving them any opportunity to say goodbye to their parents or siblings, without letting them take any of their personal possessions, without giving the young person the right to ask their parents for help or to contact an attorney. They are able to pass struggling, desperate children, screaming in fear, onto strange families or children’s homes and to keep the parents in the dark about where their children are. On top of this, they also have the authority to forbid any contact, any telephone calls and even the passing on of any greetings between parents and child. Not infrequently, the children who have been uprooted in this manner are told that their parents are sick or in prison – or even dead. Children who are brought to the point of hopeless resignation by such methods are more easily integrated into their new environment.

Cruel reports of the administration of child welfare

Some of these children have reported to me that they were forced to take on the surname of their foster parents, so that their parents could not trace them through their schools. Others told how they were locked away and observed for weeks on end, to prevent them from running away or telephoning their parents. Siblings were separated and placed in different foster families, thus preventing the children from contacting each other. Others were told that if they bumped into their parents by accident, they should run away or the parents would be locked up and they would be sent overseas. As a deterrent, they were shown films of children who had been sent to Siberia. I have read many court decisions in which the judges stated that it would initially be hard for the children involved to adapt to a new social situation, but that it is well known that children are quick to laugh or cry and that children’s tears dry quickly.

The end, or respectively the mandate, of child protection seems to justify the means described above, in particular when, as Professor Uwe Jopt stated at the conference on the Jugendamt in 1006, “it can result in a greater degree of grave consequences than any other action by a government agency.”

In the worst case, this could mean the death of children, when the Jugendamt acts according to the motto of the three monkeys: See no evil, hear no evil, do no evil. Still, the suffering of the children who survive in spite of receiving no help is a gruesome witness to the failure of all forms of child protection. Statistically seen, in 2006 around 116 400 children lived in 52 800, for the most part large, families that received welfare assistance with parenting issues, with everyday problems and in crisis situations. 16 percent of these were neglected children.

I have researched stories in which the responsible Jugendamt employee did not help children to escape from families in which they were being mistreated, sexually abused or emotionally victimised to the point of total desperation. Some of these stories were publicised in my book *Furcht vor dem Leben* (Fear of Life, trans.). They tell of children and young people who have tried at least once to take their own lives because they could no longer put up with living at home with their parents, their foster parents or in the children’s homes to which they had been sent by order of the Jugendamt. They all wanted nothing more than a safe home with their own parents.

I came into contact with other children and young people, whose experiences as street-children I recounted in a book entitled *Suchen tut mich keiner* (No-one is looking for me, trans.), through the Berlin street-children's project "Caruna". They, too, describe the hopeless situation of living with parents who were only concerned with themselves and their relationship problems or of being in care, where discipline was totally regimented. Many of them were neglected children, like the five year old Lea-Sophie, who died of hunger or thirst in the city of Schwerin, although the Jugendamt knew long before her death that she was having a hard time at home. The only way that these children could protect themselves was to flee – to flee into death or onto the streets. In any case, they left behind them lives whose emotional coldness was icier even than the grave or the vulnerability of the homeless.

Alongside those children and young people who couldn't bear to carry on living, or received little or no help from the Jugendamt, stand the youngsters who were torn from their parents by the Jugendamt, although their parents had done nothing wrong. These are parents who had separated from each other and could not come to any agreement about custody arrangements. A few months, at the most a year, after being removed from their parents' custody, more than half of these children never see one of their parents (in most cases this is the father) ever again. The Jugendamt plays a central role in this situation.

Children tell of their suffering

The Jugendamt is legally obliged to assist the Family Courts in carrying out their duties and to lend their expertise to the issue of how and where the child's welfare is best guaranteed. Although the law operates on the assumption that all children should be able to be with both parents, the Jugendamt generally recommends that the children remain with the mother whilst the father receives meagre contact with them, plus the duty to pay for their upkeep. Even where the courts decide on the level of contact, the mother cannot be prosecuted if the child no longer wants to see the father. Mothers who influence their children to reject the fathers are very rarely subject to legal sanctions.

This explains why more than 85 percent of all single parents are women whose children grow up without a father. In contrast with this figure is the tiny minority of about 200 000 single fathers, whose children often have no mother. This state of affair exists in spite of the long-known fact that being fatherless and being removed from one's mother has serious consequences for children. Boys who grow up in such a situation are five times more likely to commit suicide than boys who grow up in their own families. They are ten times more likely to become drug addicts twenty times more likely to become criminals. Girls who have been removed from their families are five times more likely to fall pregnant whilst still in their teens and three times more likely to drop out of school. These figures were confirmed by Professor Gerhard Kette, an expert who has been called upon to testify in family issues in the Austrian courts for the last 17 years.

Removing a child from a parent is seldom in the child's best interests. One of the harshest consequences is that parents who kill their own children are themselves very often products of broken homes and grew up in foster families or in care. The violence that they commit against their own children is thus not basically the proof of a bestial, murderous evil. More often it stems from the fact that they never experienced what it is like to be a child and to be accepted unconditionally as a child, even when they did not "behave properly". Parents who, as children, were threatened, screamed at, shut away, hit and brutally emotionally abused know, as adults, that children must be taken care of, but often they cannot find any way of achieving this goal through their own experiences. On the contrary, these experiences have shown them

that children who cry, have tantrums, express their needs or break something are “somehow bad” and must be “disciplined”. All too often, people who, as children, received no interested, empathic and consistent devotion from their own parents, know of no other form of discipline than punishment. Unfortunately, the status of “foster parents” or the training of professional carers working in a children’s home is also no guarantee that the “replacement” parents will be any more loving.

The six year-old Jean-Pierre Gebara, whose story appears in my novel (based on a true story) *Nicht ohne meine Kinder* (Not without my Children, trans.), published by Lubbe, told me that, whilst living with foster parents, he was only allowed to cry when he was alone in the bath. He used to stand in front of the bathroom mirror and look at the tears running down his cheeks and neck. When they had fallen to where he could no longer see them in the mirror, he would wish that his mother was standing at the door to take him home. He found it unbearable that his mother did not come to fetch him. His foster parents told him that she would not come, that she was bad and wanted to murder him. If he saw her on the street, they added, he should run away. He never believed them. He knew how loving his mommy was and that it was a thousand times more wonderful to be with her than with the foster parents, who couldn’t even play chess with him. Tales of suffering such as this one are often described by youngsters in television documentaries or videos put up on relevant internet websites. Others write to me via my online suggestion box. Many more tell their stories on websites such as www.kleinelisa.at.tt/

The fact that reports such as these are noticed by employees in the various agencies is shown by attempts to intervene, such as shutting down websites or removing contributions. Not infrequently, statements made by parents in television programmes or postings by parents in forums for people in these situations are quoted in court cases and used against the parents. There is also an increasing trend for Jugendamt employees and judges to forbid parents from making public statements about their children, with the threat of never being able to see their children again if they continue to make their situation public.

The Jugendamt’s habit of taking sides and the court decisions in favour of mothers stem from the constitutionally established and feminist-based duty of the legislators to the protection of the mother in particular. The background to this law was the tragic fates of child murderesses, who, two centuries ago and more, so feared the social shame of unmarried motherhood that they murdered their children. So-called “punishments for whores”, such as the drowning of the murderess in a sack or public beheading were imposed for fornication as well as for secret pregnancies and killing their babies. How often these crimes occurred out of socially-imposed hardship is not historically recorded. However, Frederick the Great stated in a letter to Voltaire that the majority of all murder victims in the country were children. The situation was similar in 1833, when the young Lutheran pastor, Johann Hinrich Wichern persuaded the dignitaries of the Hanseatic city of Hamburg to establish the “Rauhes Haus”, the first home for neglected and orphaned children from the poorest areas. His purpose in founding a “place of rescue” such as this was to stop infanticide and neglect.

Nowadays it is maintained that, in the rich welfare state of Germany, infanticide and neglect have nothing to do with poverty, joblessness, social discrimination and lack of education. In fact, this is far from the truth. Single mothers, for the most part, belong to the lower-income social underclass. Many of them are poorly educated, often have no job qualifications and are unemployed or work in a low-paid job. Their children often live in poverty and tend to be pushed onto the margins of society, just like their parents. As the criminal psychologist, Rudolf Egg from Wiesbaden, stated in an interview with the Bild newspaper, modern

mothers, just like those mothers two hundred years ago and more, do not kill their children because they are evil and hate children, but out of hardship. This results in their inability to organise their own lives, and those of their children, satisfactorily. Almost 3000 cases of child abuse were registered nationwide in 2006. The real figure is much higher. The issue of violence is practically taboo and people from all levels of society are reluctant to talk about their experiences and ask for help, either as a victim or perpetrator.

The Jugendamt should be monitored more effectively

It is not, however, just the poor parents, living in miserable social conditions, who run the risk of losing their children due to the interventions of the Jugendamt. More and more frequently, I hear about intact, sometimes well-off, families with a high social standing and well-educated parents who come under suspicion.

One such parent was Joumana Gebara, who lost two of her children to the Jugendamt while they were of primary school age because she didn't live off social welfare, but rather was employed as a multilingual, highly qualified metal artisan who wanted to provide for her family herself. After she refused to follow the instructions of the Jugendamt's social worker to leave her job and become a full-time mother, instead of sending them to daycare or leaving them with a babysitter, she got home one day to find her children gone. In the end, the court offered to give one of the children back to her if she agreed to let the other one live with the father. When she refused to accept this condition, the judge decided to place one child with the father and the other with a foster family. That the one child had never lived with the father, who himself was in full-time employment, and planned to have his elderly parents look after the child, meant as little to the court as the fact that the other child would be uprooted and placed in a totally strange environment, in which he would lose not only his mother, but also his siblings. In her desperation, the mother kidnapped both of the children, taking them to Lebanon, where she found refuge with her family of origin. She and the children will never be able to return to Germany. She has been officially charged with kidnapping.

I am also reminded of Petra Heller, who lost her small son to the Jugendamt, because the social workers responsible for her case accused her of the so-called Münchhausen-by-Proxy syndrome, which remains unproven to this day. Mothers who suffer from this mental illness deliberately harm their children so they themselves can get attention. The police raided the middle-class family home in the early hours. The officials dragged the mother, in her nightdress, and the small boy, who had hidden in a closet out of fear, out of the house and separated them for ever.

Another case which comes to mind is that of Conny Haase and her husband, Josef, whose seven children were removed by the Jugendamt because the mother requested household help shortly before the birth of the seventh child. The social worker sent to the house by the Jugendamt to assess the situation maintained that the children, who were playing outside in the garden, were supposedly neglected, undisciplined and dirty. Shortly after the baby was born, the Jugendamt swooped in on the unsuspecting family and carted the children off to various children's homes. Although the European Court of Human Rights later decided that the human rights of the parents and children had been severely violated, the Jugendamt still refuses to give the children back to their parents. Meanwhile one of the older children, who, according to the mother, tried on two occasions to commit suicide while she was in the care of the Jugendamt, has since died. Far away from her mother and totally unexpectedly, the teenage girl died in the bathtub. Only two of the smaller girls were returned to their parents,

with conditions attached. After their return, they both spoke in front of the camera about how they had been told that their parents were dead, so they needed new parents.

Indifference or tacit acceptance of the suffering caused to parents and children by the Jugendamt's methods is part of the historical mandate of the child protection agency, whose employees have had a regulatory function similar to that of the police since the time of the Nazis. Then, just as now, the public authorities (in many places the municipalities) were the heads of this agency. They have granted, and constantly monitor, the mandate to the parents by the state to bring up their children to be "proper" citizens and to them, this kind of upbringing is in the best interests of the child. Consequently, the Jugendamt officials tend to intervene as an executive organ, just following orders, in the "non-optimally" functioning family, and move the children somewhere where they will receive an upbringing that conforms to state norms. That this, then as now, occurred against the will of the parents, is perceived as normal in the same manner as the imprisonment of a criminal, who would also not approve of these measures taken against him.

In spite of enormous criticism from experts, parents and young people of the Jugendamt, its power has, to this day, never been limited. On the contrary, it has gradually strengthened and increased and the independence of the Jugendamt as part of the municipal government has been retained.

This independence arises out of the Basic Law, Article 28, section 2, concerning the right of municipalities to have authority over their local affairs. The heads of the Jugendämter of the municipalities are thus, as Professor Wolfgang Klenner, clinical and forensic psychologist, expressed to me in an interview, not chosen, but rather "born" into their posts as members of the municipal child welfare committees and are monitored only by themselves. A committee of experts to monitor the Jugendamt, which acts as a central monitoring agency and can process complaints against arbitrary decisions, would thus be in breach of the constitution.

A few years ago, in 2001, a member of the German Justice Ministry's task force for children said to me that they were not able to get involved in individual cases. This person stated that the politicians would only become interested if the general public started talking about an issue. In early 2006, the Minister for Family Affairs, Ursula von der Leyen replied to my request that she might want to take action against arbitrary decisions of the Jugendamt, by saying that she was so overburdened with her new office and her own children (she has seven, trans.) that she was unable to take on this issue. In August of the same year I sent a similar request the Chancellor, Angela Merkel, who had promised, on her personal website, to give a professional answer to everyone whose query received a prerequisite number of votes. My query landed in first place. I never received an answer. Instead, my query was removed from the first place and placed in the archive, without any explanatory statement.

It was only at the end of 2007 that the awakening started. The series of infanticides and stories of neglected children, which could no longer be pushed out of the public consciousness, as well as the fact that Berlin had been declared the capital city of child abuse, according to statistics released by the Federal Criminal Police Office, forced a "Summit on Children", which met in the Chancellor's office, to look for a way to change the situation. They talked about money, about harsher sanctions, about more protection of children by the state authorities, reducing child poverty and equal opportunities for women. There was just one thing that they didn't talk about, and that was about the fact that the Jugendamt needed to be monitored more effectively. According to Professor Wolfgang Klenner, in the Jugendamt,

“Decisions of fateful importance are made by agency employees who, even when they act irresponsibly, cannot be held to account. That is known as a legal vacuum.”

Elsewhere in Europe, in contrast to Germany, the legal vacuum in which the Jugendamt operates is getting more and more attention. Several years ago already, Jacques Chirac described German family law as “the law of the jungle”. In Berlin, Bill Clinton demanded that there should be an end to child removals. Margot von Renesse, who is also known as the mother of the new German law on minors, stated that the employees of the Jugendamt were provincial and poorly educated. Parents from all over Europe, and as far away as South Africa and the USA, came together to bring a petition against the arbitrary methods of the German Jugendamt before the European Parliament’s Petitions Committee in Brussels, calling for the abolition and reorganisation of child welfare in Germany. By summer of 2007, over 150 petitions had been accepted by the committee and in a public hearing of the petitioners an initial report on the Jugendamt was decided on. Shortly before the end of the year the enormous interest of the Petitions Committee in this issue was reinforced once again.

Human rights abuses of parents and children

In spite of the high level of commitment on the part of the German politicians who are currently in the Committee for Children’s Rights, the fact is that Germany is a signatory to the UN Convention on Children’s Rights, but has not fully implemented it. It is also a well-known fact that the European Court of Human Rights has, on several occasions, demanded that Germany pay high punitive damages for severe infringements of the human rights of parents and children and that the children who were wrongfully removed from their parents be returned. It is also no secret that Germany has not fulfilled the latter requirement with promptness, because there is supposedly no obligation to do so. The Jugendamt continues to have the last word. And this is, for the most part: No!

More and more parents and organisations acting for them, such as the internationally active organisation CEED, which, led by Oliver Karrer, initiated the first EU petition by ten parents, are therefore looking to Brussels with desperation and hope. “The Jugendamt uses brutal methods,” is the apt comment of Marcin Libicki, the chairman of the European Petitions Committee, which mirrors exactly the feelings of these parents.