



## Towards a European Strategy on the Rights of the Child European Parliament – Commission LIBE – 17.-18.12.2007

CEED welcomes the European initiative, to implement positive Children's rights in the Union and recommends it to await the final report of the Petitions Commission on the German JUGENDAMT<sup>1</sup>.

The JUGENDAMT is an additional 'parent' imposed by the state<sup>2</sup>. Children resident in Germany thus have a third parent. Non-German European legislation recognises only two parents. Therefore, they do not have any application in Germany. This was stressed on the 7th of June 2007, by the German Parliamentarian Wieland before the Petitions Commission.

The JUGENDAMT is a politically opaque institution<sup>3</sup>. Its task is to implement the political decisions of the 'Jugendhilfeausschuss'<sup>4</sup>, with the assistance of the local justice (family courts and their attorneys). Decisions are made in secret session. They are in no way subject to democratic controls or supervision<sup>5</sup>. They are implemented arbitrarily against the parents and their children.

Germany has been roundly condemned on several occasions by the ECHR for serious violations of parents' and children's rights. The JUGENDAMT continues to disregard European jurisdiction<sup>6</sup>. Despite this, it is being allowed to participate in preparation of the Angelilli Report<sup>7</sup>.

The JUGENDAMT is responsible for multiple serious violations of human rights as well as contempt for European jurisdiction<sup>8</sup>. These facts should be considered before further steps are taken and the non-German parliamentarians should be made aware of them.

A strategy to implement positive<sup>9</sup> children's rights will remain ineffective, while Germany continues with her secret policy on the internal enmeshment of justice, politics, and commerce with the family courts and the JUGENDAMTS. The existence of the German JUGENDAMT, in its present form, is a violation of European law and democratic principles.

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<sup>1</sup> JUGENDAMT cannot be translated by 'Youth Welfare organisation' or 'office de la jeunesse' due to its political and juridical control of children and families in Germany.

<sup>2</sup> According to art. 6 of the German Constitution and its following laws (BGB, FGG, SGB), the JUGENDAMT is a 'Wächteramt' and therefore controls children.

<sup>3</sup> The Jugendamt is ruled by the 'Landrat' in regional districts, by the Bürgermeister in main cities.

<sup>4</sup> You will find in a 'JUGENHILFEAUSSCHUSS' local **politicians** (Landrat), the **Jugendamt**, representatives of **justice**, police, schools, churches (Diakonie, Caritas, Wohlfahrtsstelle der Juden), of political groups (Arbeiterwohlfahrt, paritätische Wohlfahrt), of **lawyers** (Verfahrenspfleger), as also of foster homes and families and generally of all profiteers involved in family business in Germany. Decisions are taken there in camera.

<sup>5</sup> Neither parliamentary control, nor judiciary control.

<sup>6</sup> The case Görgülü is exemplary; despite a judgement in his favour by the ECHR and over 50 proceedings before German Courts, this man still can not see freely his own child, nor can they be together.

<sup>7</sup> Hidden under „National Coalition“ you will find AGJ (<http://www.agj.de/index.php?id1=2>), a state organisation, whose members are the representatives of the German Ministries and of the associations (<http://www.europeanchildrensnetwork.org/euroonet/members/member.asp?ID=3357>) which constitute the JUGENDAMT

<sup>8</sup> see Council of Europe : <http://video.google.fr/videoplay?docid=1449825811432163611>

<sup>9</sup> The intention of German Government is to implement negative rights of the Child : to grant rights to children in order for the JUGENDAMT to shortcut parents and take their place more easily.