

GERMAN JUVENILE CARE OFFICES AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS

International symposium as a reaction to a judicial scandal in Bamberg

Bamberg: President of the INGOs Conference of the Council of Europe, Swiss Annelise Oeschger has taken patronage over a symposium entitled "German Juvenile Care Offices and the European Convention on Human Rights", which is to be held on 20-21 October in Bamberg. Several internationally recognized experts (among others: Charles Pragnell, Dr. Helen Hayward Brown, Lisa Blakemore) will present sobering results of their research on illegal deprivation of child custody rights from parents. As a result of the meeting German and international experts, as well as individuals afflicted with this problem, will formulate the "Bamberg Declaration".

"In my opinion this is one of the most serious cases of unfounded accusations of having the Munchausen-by-proxy syndrome (ed. exaggeration or fabrication of child's illnesses by the primarily caretaker, usually the mother, in order to receive subsistence allowance) that I have encountered in 10 years of my scientific work – summarizes Dr. phil. Helen Hayward Brown in an official statement presented to the municipal court in Bamberg. Also German specialists are very critical in regards to the growing number of cases in national law, permitting the courts to take away child custody rights. One speaks about perversion of justice, judicial scandals or judicial crimes. The issue is widely discussed in a recent article in the New Law Journal. (http://www.petra-heller.com/fileadmin/user_upload/petraheller/Dokumente/NJW_RL_Kom_001.pdf)

Judicial scandal in Bamberg over custody rights

In 2004, Petra Heller, the mother of 9-year-old Aeneas, has been deprived, without any earlier warning, the custody rights over her son. The Juvenile Care Office has taken away Aeneas without any interrogation, on the grounds of allegations that Ms. Heller suffered from the Munchausen-by-proxy syndrome. The boy has been transferred to University Children's Clinic in Erlangen, then put into a psychiatric ward and isolated from his mother, family and friends (http://www.petra-heller.com/fileadmin/user_upload/petra-heller/Video/Brief_Aneneas.pdf). Since that time, Ms. Heller is fighting with unfounded accusations and wants to win back the right to personal contact with her son. She has described all the details of this extraordinary case on her website (http://www.petra-heller.com/fileadmin/user_upload/petra-heller/t/r/Flyer_A4.pdf)

Expert withdraws charges

The primarily medical expert Rascher, Director of the clinic in Erlangen, has been recently summoned before the court as a witness in the case on child custody. During the hearing, from September 17th, 2004 he has withdrawn all accusations against Ms. Heller. It was based on these accusations that she has been deprived of custody rights over Aeneas. International observers and members of human rights organizations have characterized the law suit on the

future of the now 12-years-old Aeneas as a “farce” (Ms. Courvoisier, a lawyer from Switzerland) and an “parody of justice” (Ms. Karaganova-Miloslavskaya, a representative of the International Center for-non-for profit law). The judges however have suspended the case indefinitely. (http://www.petra-heller.com/AKTUELLES_nach_Datum.146.0.html#070928)

Healthy child to undergo a forced operation

Professor Rascher, director of the clinic in Erlangen, retained the at his own option healthy boy, in the Intensive Care Ward of the Erlangen clinic. Furthermore Professor Rascher has commissioned to carry out unnecessary examinations and a forced operation (http://www.petra-heller.com/fileadmin/user_upload/petra-heller/A/ZwangsOP.pdf). After its completion the then 9-year-old Aeneas has been transferred to the Child Psychiatric Ward in Erlangen and finally after several months placed in a foster family, where he has spent 1,5 years. Today he lives in a child shelter.

“Juvenile Care Offices use brutal methods”

These are the word used in a press interview by Mr. Marcin Libicki – a Polish MEP and the Secretary General of the Commission of Petitions of the European Parliament. The interview took place in Brussels after a proceeding of the Commission on 7 June 2007. During the session Ms. Heller, along with other parents in similar situations, have accused the German Offices of Juvenile Care of serious violations of basic human rights. The presented proofs were overwealming. The journalist have asked Mr. Libicki about potential institutions that could put pressure on the German government in order for it to act in defense of the children. “When an (EU) country does not comply with the recommendations of the European Parliament, then it is the European Commission or the European Court of Justice that takes up the case. These institutions can use specific sanctions.” – said the Polish MEP (http://www.petra-heller.com/fileadmin/user_upload/petra-heller/A/Jugendamty_stосуja_brutalne_metody.pdf).

In the meantime the German Office of Juvenile Care has threatened Ms. Heller to move Aeneas to a different location and to deny her any contact with the son. This was a result of a telephone conversation in which Aeneas cried that he wanted to come back to his mother. (http://www.petra-heller.com/AKTUELLES_nach_Datum.146.0.html#3337).

It is still unknown when the trial will be resumed. If you would like to support Ms. Heller’s quest you can join the “Association to Free Aeneas Heller”, which was founded in Switzerland. More details on the case can be found at <http://www.petra-heller.com>.

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