

Miserable compensation for children abused in German care homes

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In the first four decades after the Second World War, children committed to care institutions in the Federal Republic of Germany were systematically maltreated. Today they are being “compensated” with a pittance—but only after each of them has provided proof of injustice suffered and the current “difficult situation” resulting from it.

This is the culmination of two years’ work of the Residential Care Committee, which presented its final report on December 13. The report recommends the establishment of a comprehensive €120 million aid fund under the supervision of a foundation for former children from care homes in the Federal Republic of Germany. The committee, appointed by the federal parliament, has thus achieved what it was commissioned to do: defend the institutions involved in suppressing the legitimate compensation claims of those people bullied, abused and exploited in religious or state institutions from the end of the war to the 1980s.

During this period, approximately 800,000 children grew up in institutions. They were sent into homes because they did not measure up to the contemporary society’s notions of orderly behaviour and morality. So-called “scruffy” or “rebellious” children and youths were locked away. Neighbours, teachers or even their own parents denounced them to youth officials.

“Teachers phoned the youth welfare office and reported truancies or frequent tardiness”, Rudolph Mette, a former official youth worker from Paderborn, told *Der Spiegel* magazine correspondent Peter Wensley. “Neighbours reported that the child of a single mother was unsuitably dressed, or already had a boyfriend or girlfriend at the age of 15, or went to dances and skipped school. Unsuitable dress could mean a racy petticoat or tight pants, a bulky sweater, long hair or pony tail.”

In his book *Beatings in the Name of the Lord: The Repressed History of Institutionalised Children in the Federal Republic* (2007), Wensley reported, for example, that a local court in Bad Schwalbach committed a 7-year-old boy, Thomas, and his 9-year-old brother to a secured corrective training establishment in 1964. The court had claimed: “The hearing accorded to the mother revealed that she was unable to handle the two children. ... During the hearing, the mother herself admitted that the children had no respect for her. It was also established that they called her, among other things, ‘a stupid cow’”.

Mette described the normal administrative practice of the time as follows: “The guardianship magistrates hardly ever saw the children. They made their rulings, based on the documents on hand, very rapidly—without any dissensions, without much bother”. Mette had often taken applications for corrective training to the court in the morning and was able to wait around for the judgement that day. “The magistrates always opted for the institutionalisation of the children. Always”.

In the homes, the children and teenagers could expect to be confronted with “educational methods” from a darker period of history—apparently the mentality of the Nazi era still held sway. Behind the walls of the homes, it seemed as though time had stopped. The 67-page final report of the Residential Care Committee stated: “In the case of one home, it could be proven that several weeks of trials involving sedative drugs (Truxal) were carried out in 1966, without the consent of the children or their personal guardians, and despite the initial concerns of the youth welfare office”.

The committee’s interim report had already revealed that, “There were reports of sexual assault and sexual violence of different kinds and varying duration, including brutal, repeated rapes extending over several years. The perpetrators (mainly men) were said to be primarily educators, institution directors and clergy, but also persons from outside the home, such as doctors, farmers or people in private households, to whom the young people were ‘lent out’ as workers”.

In particular, church-owned institutions had set up their own businesses, in which children and young people were forced to work.

The Dortmund Vincent’s Home, managed by the Sisters of Mercy of St. Vincent de Paul, operated its own commercial-scale laundry. There the children had to do the laundry for hotels, firms, hospitals and many private households. The Sisters gave the girls some pocket money for their service. To this day, authorities have refused to recognise these years of working as contributing to the pension entitlements of those affected. Today former children from the homes bitterly complain: “We were young, forced-labour workers”.

From the very beginning, the peat production, metalworking and forging work of the Diaconal Sanctuary at Diepholz was intended to be a pure marketing operation based on cheap labour. The 14 to 21-year-old boys had to cut and work peat in both summer and winter. Wensley reports that there were workshops for pens, paint sticks, packaging and the like in most of the homes. “In Don Bosco homes, minors produced 4,000 pens per day in ten-hour shifts. Their reward: “achievement vouchers” for five cigarettes or two bottles of Coke.

At the beginning of the 1970s, the wage for a 40-hour week in the Home for the Good Shepherd in Munster was around a mere 2 to 4 marks. Nor was any pension scheme provided for the young people there.

Until well into the 1970s, “outsiders”, “work shirkers” and “failures” had their heads shaven or were held in detention for long periods—often in windowless, prison-like cells.

Findings of the Residential Care Committee

When the fate of these children first became known to a wider public seven years ago, the petition committee of the federal parliament was forced to deal with the matter against the will of the churches and the government. The petition committee thus proposed to parliament the setting up of the Residential Care Committee. In February 2009, this was formed from members of parliament, representatives of churches, endowment foundations and charities, as well as children from care homes and former ministry officials. Antje Vollmer (Greens), a former parliamentary vice-president and university-educated theologian, was appointed to head the new committee.

The final report recommends that a mere €20 million be paid into a pension fund for the those who were not accorded pension rights due to their residence in the homes. Some €100 million is to be made available as compensation for consequential disadvantages suffered by former residents in their later lives.

However, compensation in the form of indemnity for damages can only be expected by former care home children who were victims of physical, mental or sexual violence from 1949 (foundation of the Federal Republic of Germany) to 1975.

A lump-sum compensation settlement has been ruled out. This would be “not be justified”, said Vollmer. Although it is acknowledged that children experienced injustice in the “institutional care system”, the care committee rejects the wording, “an unjust system”, as a term to describe institutional care in the first decades of the Federal Republic. Despite all assurances of “non-bureaucratic assistance” for those affected, such a designation—it is claimed—would only hamper the effective presentation of concrete evidence of the injustices suffered.

The term “forced labour”, which could reinforce possible compensation claims, is not seen as valid for the work children in care were compelled to do. In its interim report, the committee found that, “In relation to some of the work undertaken in the homes, possible health hazards were neglected. However, the goal was certainly not that of the forced labour of the Nazi period: the targeted annihilation of workers, condemned to the lethally hard physical work”.

When finance was allocated to the relief fund by the federal administration, the states and the churches, the latter were able to secure significant advantages. While €80 million will be paid into the funds from taxpayers’ money, the two Christian churches will only have to provide €20 million each.

This is so, even though about 80 percent of the homes were administered by the churches. In particular, the Catholic women’s and men’s congregations managed numerous care institutions for decades—in fact, about half of all the homes.

Herbert Steffen, the church critic who also heads the Giordano Bruno Foundation, said last year: “The churches and their charity organisations have received many billions of euros from tax payers over the past decades. They are demonstrably in possession of a colossal fortune. It would be a scandal if they now reneged on their responsibility ... to

compensate for the injustice that has befallen those who were children in their institutional homes”. This is exactly what the care committee has now recommended.

Companies for which the children were forced to work are expressly not meant to contribute to the fund. The care committee’s final report states that, “there is still too little hard evidence to make a definitive assessment of the relationship between the homes and external companies”. There is supposed to be a need for further research.

Moreover, the financing of the relief fund is still only at a provisional stage. It must first be approved by the federal and state parliaments. This was confirmed by the representative of the federal states at a press conference last Monday week, when he explained that, “The final participating state parliaments will determine” when the foundation, and therefore the relief fund, is actually to be set up. Many of the victims rightly fear a repeat of what they have experienced so far. “In 2011 there will be several state elections, and two years from now we’ll probably still have nothing”, said one of the former home children.

Gisela Nurthen was the first woman to be interviewed by *Der Spiegel* in 2003 about her years with the Sisters of Mercy in Dortmund’s Vincent de Paul’s home. She has since died.

Compensation from the proposed relief fund is also not intended for former residents of care homes in the DDR (former Stalinist German Democratic Republic, or East Germany). So far, only former inmates of the Torgau youth work depot have been compensated as a result of the SED (former Stalinist Socialist Unity Party of East Germany) Injustice Settlement Law have been compensated. Following a court decision in 2004, assessment of individual claims has also been terminated. Victims of other youth work depots and special homes for children are forced to continue fighting in court for their rehabilitation. According to records at the memorial site in Torgau, there were 32 youth work depots in the GDR in 1989. From 1964, some 4,000 young people suffered this kind of victimisation in Torgau alone.

Monika Tschapek-Güntner, head of the Association of Former Children from Care Homes, and her colleagues also reported on how they were treated by political and religious representatives during meetings of the care committee. One participant in the concluding negotiations on the final version of the report declared that his emotions had wavered “between feelings of being coerced and blackmailed”. Tschapek-Güntner felt that the attitude prevailing among negotiators was: “If you don’t accept this, then you’ll get nothing!” Jürgen Beverförden apologized to victims, saying: “I didn’t want to come out of this with absolutely nothing”.

The formerly institutionalised children were disappointed and outraged by the recommendations of the care committee. Their original claim included a lump-sum compensation of €54,000 or €300 per month, which would have necessitated a fund of €25 billion. Following the recent agreement, an estimated 30,000 beneficiaries of the planned foundation would each get about €2,000 to €3,000, said Tschapek-Güntner. It is scandalous that people, who had to experience maltreatment, torture and sexual abuse in their childhood, should be dealt with in this way.

“Actually, everyone in the Residential Care Committee should be ashamed of the outcome”, she said, going on to announce further legal action.

The authors also recommend:

The heartless of a heartless world: *The Magdalene Sisters*, written and
directed by Peter Mullan
[1 September 2003]



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