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1. Executive Summary

In spite of more than twenty sentences against the Federal Republic of Germany by the European Court of Human Rights in matters of Family Justice, violations of children's and parents' Human Rights still occur frequently in Germany. The legal rules about parental authority and visiting rights are still being frequently violated by family courts. A specific German feature is an authority called "Jugendamt" which is not subject to any efficient supervision. In the light of the UN's Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, several practices of the Jugendamt and the judiciary have to be qualified as Psychological Torture¹.

This situation has even deteriorated since the 1st, 2nd and 3rd UPR cycles. There is still no political intention to modify the situation. The undersigned declare that the facts stated in these annexes are still valid. Germany has failed to fulfil its commitment to establish a form of effective control over the Jugendamt. This means that the youth welfare office is not subject to the professional supervision of higher authorities with regard to the appropriateness of its measures.² In addition, initiatives of the legislating authorities to further reduce parents' and children's rights have been noted as well as new tendencies of the judiciary to the same effect.

This report outlines the violations of Human Rights, details the legal basis as defined by International Conventions and German National Law and points out remedial actions for this situation.

2. Violated Human Rights and International Agreements

United Nations – Universal Declaration of Human Rights:

Art. 12, 16 (3), additionally Art. 3, 5, 7, 10 and 25 (2);

UNICEF – Convention on the Rights of the Child:

Art. 16, 9, 5, Art. 3 (2) and (3), 6, 8 (1), 12, 18, 19, 20 (1), 23, 25, 27 (3), 29 (1c), 35, 37 and 39

United Nations – Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Art. 2 and 16, additionally Art. 4, 5, 14 and 15;

Charter of Fundamental Rights of the European Union

Art. 7, 20, and 24, additionally Art. 1, 3 (1), 4, 6, 7, 21, 23 and 26;

European Convention on Human Rights

Art. 6, 8, 13 and 46, additionally Art. 3, 5 (1) and 14;

Council of Europe

Recommendation (2008) 17 Addendum IV - Elements for European Guidelines for Child-Friendly Justice

Recommendation (2006) 8 – Assistance to Victims of Crimes

German Constitution (Grundgesetz)

Art. 6, 20 (3), 97 (1), additionally Art. 1 (1) and (3), 2, 3, 5 (1), 17, 19 (1), (2) and (4), 101, 103.

3. Outcome of the 3rd cycle of the UPR

Many of the facts enumerated in this section have already been submitted to the UNHRC in the framework of the previous cycles of the UPR³. These facts are still valid. Germany has not fulfilled its commitment to establish an effective professional control over administrative decisions of the Jugendamt.

The recommendations contained in section II of the Report of the Working Group⁴ include:

155.149 to 155.162 all claiming, in different wording, efficient protection against child trafficking and the rehabilitation of victims thereof;

155.166 “Provide protection to the family, as it is the natural and fundamental group unit of society;”

155.198 “Ensure that the Criminal Code protects all children under the age of 18, from all violations as appears in the Convention on the Rights of the Child;”

155.199 “Continue implementing policies designed to protect youth rights and ensure access to welfare for young people and children without exception;”

155.200 “Establish an independent ombudsman office for children with authority to collect and investigate reports of violations and abuses of the rights of the child;”

155.206 “Continue efforts to strengthen measures for the protection of children;”

In its Views on conclusions and/or recommendations in the Universal Periodic Review on 8 May 2018⁵, Germany has stated:

“Germany has chosen to either support or note all recommendations. Germany considers that in a number of cases, current German law and practice – partially or as a whole – already reflect the content of recommendations made. Therefore, the Federal Government does not see the need for additional action in all cases in which recommendations have been supported.”

All recommendations quoted above, except 155.200, have been supported by Germany, Germany thus alleging that these recommendations have already been fulfilled. This report will show that this does not reflect reality.

Recommendation 155.200 has only been noted by Germany. Its comment reads as follows: Germany thus pretending that all these recommendations have already been fulfilled. This report will show that this does not reflect reality.

“The establishment of child-friendly contact and complaints centres that children can contact themselves on all matters that concern them is a useful measure and is viewed favourably. These include, for example, children’s representatives, children’s offices or complaints centres/ombudsman offices that have become established in Germany, above all in the area of child and youth welfare. ...”

In short, Germany pretends that all these recommendations have already been fulfilled. This report will show that this does not reflect reality.

4. National Mid-Term Report

The German government has presented its Fourteenth Human Rights Report as Mid-term Report for the 3rd cycle of the UPR. This report contains the usual statements, none of which is supported by any evidence. In the light of the everyday experience of parents and children the submitters have to state that a number of these allegations do not reflect reality. Unlike the government we have provided evidence for the statements made in this submission, and we will be happy to provide complementary information upon simple request.

p. 37 *The German Government will continue to guarantee independent supervision of the implementation of the Convention on the Rights of the Child ...*

Wrong. This submission shows that the Rights of the Child are being violated in many respects.

p. 44 *Combating human rights violations*

Incomplete. This section only deals with racism, antisemitism and other forms of hatred against particular groups. The systematic violations stated by the ECHR and the European Parliament are not even addressed.

p. 58 *In its efforts to promote the rule of law at international level, the German Government pays special attention to the fight against impunity for the most serious crimes ...*

Wrong. Agents of the Jugendamt may continue to make false assertions to the Family Courts, depriving parents of their children without justification. Letters from the Federal Ministries indicate that there is no political intention to change this situation. The Committee on Petitions of the European Parliament has stated in 2009 that there is no remedy against illegal actions of the Jugendamt.

The right to challenge a judge for bias and the punishment of a judge for perverting the course of justice have been hollowed out beyond recognition by the judiciary.

p. 63 *Torture is constitutionally absolutely forbidden in Germany under Article 104 (1), second sentence, of the Basic Law.*

Wrong. Art. 104 GG only targets persons under detention. There is no protection of torture e.g. for children in order to extract statements from them.

p. 73 *Combating poverty (including child poverty)*

Incomplete. Poverty is often inflicted by decisions of the family courts on maintenance, by attributing fictitious incomes to the obligor before calculating the maintenance.

According to government consultants, the social assistance rate (formerly known as Hartz IV, now Bürgergeld) is not even enough for a healthy nutrition⁶. For years, this rate has been increased at a lower rate than the inflation rate. This results not only in poverty, but also in ill public health.

p. 92 *Violence against women and girls*

Incomplete. The section neglects the fact that, according to government statistics, 19.5 % of domestic violence are male⁷. The offer of shelters for men is by far insufficient⁸.

p. 112 *Access to justice*

Incomplete. The section does not mention that access to justice is more and more subject to complicated formal rules that can be interpreted in different ways and generally are to the disadvantage of the citizen. When suing a Jugendamt, victims are denied the access to their own Jugendamt files, thus being unable to take appropriate defense against false allegations.

Errors committed by the judiciary, especially (but not exclusively) errors in the proceeding minutes, are regularly imputed on the right-seeking citizen, resulting in a loss of procedural rights. Examples hereof can be provided.

Access to the Constitutional Court has become a Lottery with only 2.5 % chances of success.

p. 212 *The right of all children to grow up and live in the conditions prescribed by the Convention*

once again remains an unachieved aim at the end of this reference period.

Very thin ice. This section ignores completely, that in Germany children are being arbitrarily taken out of their families and placed in foster homes and families, sometimes even sent abroad where no adequate schooling is provided, all this on a regular basis (47.500 children in 2021⁹, i. e. one child every five minutes) .Germany would have been well advised to heed the maxim “Let him who is without sin throw the first stone.”

5. Evolution of the situation since the 3rd cycle

This section deals with additions and modifications of the situation since the 3rd cycle of the UPR on Germany in 2018.

Please refer to our submissions to the 2nd cycle of the UPR on Germany (Annex 2) for the original text of section 4 containing a detailed analysis of the situation, and the additions made in our submission to the 3rd cycle (Annex 3). All indications in those sections are still valid.

In our submissions to the first three cycles of the UPR on Germany we have provided ample evidence that the recommendations to Germany in these cycles have by far not been fulfilled. Please refer to these submissions attached as annexes 1 to 3. Human rights are still violated on a systematic basis by the Jugendamt and Family Courts. Since 2018, the general situation has not changed significantly and has even deteriorated in some respects:

1. The European Parliament has again lined out the huge number of petitions against the German Jugendamt and even undertaken a third fact finding mission to Germany in this respect on 03/04.11.2022¹⁰.
2. After a drawback which seems to be imputable to the Corona pandemic, the number of children who are taken into custody has risen again by 5 % in 2021¹¹. Several publications indicate that in two thirds (67 %) of all cases this measure was not sufficiently justified^{12,13,14}
3. On 03.06.2021, Ombudsman offices have been included into the German Law¹⁵. These offices are only entitled to investigate the acts of the Jugendamt. Unlike the Jugendamt, they do not have the right to file a complaint to the Family Court if they find that a court decision has been made as a consequence of faulty acts or declarations of the Jugendamt. Therefore, the Ombudsman offices do not have any effective power against the Jugendamt and will remain “toothless tigers”.
4. Section C. 2 (b) item 41 of Germany’s national report to the 3rd cycle of the UPR⁵ reads: *“The decisions of the Youth Welfare Offices can be brought before independent courts. When assessing the legality of decisions, the courts have to take account of the European Convention on Human Rights (as interpreted by the European Court of Human Rights), which is applicable German federal law and which must also be taken into account when interpreting fundamental rights due to the jurisprudence of the Federal Constitutional Court.”* In practice, this rule is frequently violated. In the reference period from 2018 to 2023, Germany has again been sentenced by the ECHR, for violation of the Convention¹⁶.

This submission does not contest the theoretical rules applicable in Germany, but the fact that these rules are very often ignored whereby the national judiciary does not provide effective means of remedy. Furthermore, the Administrative Courts will most often refuse to “intervene” in Family matters, even when they are competent according to the Law and the decisions of the Constitutional courts.

In our submission to the 3rd cycle of the UPR, we have pointed out that the rules of access to the German Constitutional Court (CC) have gradually become so complex that even specialized lawyers have difficulties to apply them. Even if all rules are observed correctly, the CC only decides in 2.5 % of the applications, dismissing the other 97.5 % without a decision¹⁷. In contradiction to the government's pretenses, such a rejection rate of the CC represents a very small rate of guarantee for Basic or Human Rights in Germany, especially as it seems that the 2,5 % that are accepted appear to be picked randomly.

5. On 15.01.2015 the ECHR ruled that Germany had not, in spite of being sentenced more than 20 times, established an effective legal remedy against excessive duration of court procedures. It stated that the rules of art. 198 ff. GVG do not protect the victims effectively. Furthermore, victims of such durations are not granted an adequate compensation for the destruction of their family life. Instead of applying this sentence and creating rules for preventing excessive duration, German courts have begun to deny victims even the small compensation granted hitherto. In 2019, the Federal Court (BGH) had ruled that the right to compensation grants the parties to the proceedings, irrespective of faulty handling by the court, the right to appropriate compensation for disadvantages suffered as a result of the unreasonable duration of court proceedings¹⁸. In 2022, the BGH has changed this maxim to "Compensation for excessive duration of proceedings is only available if a court acted unreasonably."¹⁹ Corresponding claims have become difficult to substantiate. In most cases the victims of excessive duration will have to pay the cost of their unsuccessful claim for compensation. The violation of the rules of the ECHR is obvious.
6. Family courts may reject medical or psychological findings and diagnoses (and frequently do so) even if emotional child abuse or psychological child maltreatment is obvious to everyone and even if the mental or physical health of a child has already been harmed.

In general, family judges and Jugendamt agents do not possess any specific psychological formation^{20, 21}. Nevertheless they may - without the need to justify this - reject findings or recommendations of a medical or psychological expert on the child's situation. This implies a generalized constellation in which psychologically non-qualified people decide whether psychologically high-qualified expertise is considered or not.

7. Studies by scientific and non-governmental organizations have repeatedly stated and criticized the finding that psychological experts report to have been influenced by judges - prior to the assessment regarding the child - what the 'expected' outcome of the assessment should be²².
8. The core problem arises from the fact that the role of the Jugendamt in court proceedings is insufficiently defined, and, where it is defined, it is not in compliance with the constitution. In all court proceedings involving children the Jugendamt has to be "heard" or "involved" by the Family Court.²³ According to the general legal opinion, the agents of the Jugendamt are neither experts nor witnesses to any specific case. Furthermore, they do "not comment on facts, but give their personal impressions and evaluations"²⁴. In this context, it is not clear why the Jugendamt should be heard at all. Many citizens would like to express their personal impressions in court. But "personal impressions", be it on behalf of Jugendamt agents, cannot be the basis of a court decision.

When the Jugendamt is heard, it sits with the other parties. On its request, it becomes a party to the proceedings. But in any case, it has the same rights as the other parties, it may even file a complaint in cases to which it has not been a party. But, unlike the other parties, the Jugendamt is not bound by the decisions of the Family Court²⁵, thus

becoming a kind of “Super Judge” acting only upon will or believes. The attempt to contest an act of the Jugendamt in court is a fight against windmills.

In recent years the role of the Jugendamt has changed significantly. It is now called upon to act as an active youth welfare service in a comprehensive sense and to help steer court proceedings by way of factual and procedural motions.²⁶ The youth welfare offices thus becomes an important cooperation partner who can decisively influence the success of family court proceedings. The function of the family court judges is therefore mostly designed in such a way that they structure the court disputes and accompany them procedurally, and use judicial decisions rather cautiously.²⁷

This is an extreme violation of the principle of Separation of Powers: The Jugendamt (member of the Executive Power) “steers” and “influences” decisions of the Judicative Power, basis of all democratic constitutions. In a letter of 22.08.2019, the office of the German President confirmed: “In the political system of the Federal Republic of Germany (...) one generally speaks of an 'entanglement of powers' and not of a system of 'separation of powers'. A complete separation of the various powers hinders the effectiveness of state action, so that certain interlockings have become established and have proved their worth”²⁸ This violates the cornerstones of a democratic constitutional state. Parents and children are defenseless against such a coalition.

9. The same applies to the division of power between the Executive and the Judicative Powers. In Germany judges are appointed, evaluated and promoted by the Ministry of Justice – another example of the “interlocking” quote by the President’s office. The judiciary is externally determined. It is controlled by another state power - the executive - headed by the government. Its interest is primarily directed towards maintaining power. This extraneous interest poses a threat to the independence of the judiciary: Judges should not be servants of power, but servants of the law. Therefore, judges must be free from power interests. In Germany they are not.

Already in 1953 the 40th German Jurists' Conference urged: "*Legislative measures to institutionally secure the independence of the discerning judge, both by the manner of his selection and promotion and by his position vis-à-vis the administration, are necessary for the implementation of the Basic Law.*"²⁹ In 2009, the Council of Europe's Committee on Legal Affairs and Human Rights recommended a series of measures to strengthen the independence of judges and prosecutors across Europe in order to put an end to politically motivated interference in individual cases³⁰. The Committee called on Germany to establish "judicial councils" to give judges and prosecutors more weight in the application of the judiciary and to prevent ministers of justice from being able to give instructions to the prosecuting authority. The recommendations were adopted by the Parliamentary Assembly of the Council of Europe on 30 September 2009 as Resolution 1685-2009, but were not implemented by the German side. Therefore, in May 2019, the ECJ ruled that German prosecutors do not meet the requirements of independence from the government to apply for an EU arrest warrant.³¹

10. Section C. 2 (b) item 41 of Germany’s national report to the 3rd cycle of the UPR⁵ reads: “*In Germany, protection from torture is guaranteed both by the administration and in (including the Federal Constitutional Court) to reject extradition or expulsion to a country if there is a concrete danger of torture or inhuman or degrading treatment or punishment there.*” Amnesty International declares: “*In many countries, protection against torture exists only on paper. Many countries spend more energy covering up torture than fighting it.*”³² The notion of “torture” does not figure in the German Penal Code. It has to be substituted other offences such as bodily harm. In contrast to the German declaration, the European Court of Human Rights has even sentenced Germany

for torture.³³

In recent years the Federal Constitutional Court has ruled that a child's declaration to not wanting to see one of its parents is binding for the courts even if there is evidence that the child's will has been manipulated over a considerable amount of time³⁴. This is nothing else but the rewarding of psychological torture and brainwashing. In his Report on psychological torture and ill-treatment of 20.03.2020, the Special Rapporteur on Torture Prof. Nils Melzer has detailed the aims and methods of Psychological Torture. He has stated – among others, that the arbitrary deprivation of contact with close relatives qualifies as psychological torture. In an interview he lined out that torture is always purposeful. *“The essential nature of torture is to affect and break a person’s mind. ... So psychological torture is a very targeted method at systematically destroying these aspects of the self and therefore much more effectively, even achieve the breaking of someone’s mind. Psychological torture really is not less serious than physical torture, but very often it has even more long lasting consequences than physical ill treatment.”*³⁵

These methods – especially alienation and deprivation - are frequently used by the Jugendamt in order to alienate children from their parents or one parent and vice versa. We can provide a video showing a father being denied the right to see his child because he criticized the Jugendamt in public.³⁶

For further details please refer to section 4.6 “Torture” of our submission to the 3rd cycle of the UPR (Annex 3).

11. Section C. 2 (b) item 40 of Germany’s national report to the 3rd cycle of the UPR⁵ reads: *“A nationwide cooperation concept ‘Protection and help in cases of trafficking and exploitation of children and young people’ is in the process of being drafted. One of the goals is to guarantee adequate protection and comprehensive assistance for potential and actual victims of human trafficking in minors.”*

This declaration gives us reason to remind that child trafficking can also be perpetrated by the Jugendamt and its agents themselves. The phenomenon is ongoing and will persist as long as Agents of the Jugendamt are allowed to work in their spare time in Personal Union as senior members or even directors of an association or a company that owns and operates homes, enabling them to send a child to a home in their function with the Jugendamt for whom their association will then perceive monthly payments by that same Jugendamt.

Please refer to section 4.3 of our submission to the 3rd cycle of the UPR for more details on this intolerable violation of Human Rights by agents of a child protection authority.

Until today, the minutes of court hearings do not reproduce the statements and depositions made by the parties but give only summaries of the procedural requirements. Especially in the hearings of very young and/or disabled children, facts and desires will often be expressed non-verbally by “body language”. Psychologists have been demanding for a long time that the hearings of children be registered on audio, or even better, video devices (Digital Process Recording – DPR) in order to assess the attitude of the child.

In 2020, the Federal Minister of Justice Christine Lambrecht stated *“The introduction of documentation of the contents of the main court hearing is possible both legally and from a technical and organizational point of view. Above all, documentation in criminal court main hearings offers a great opportunity for improved truth-finding in criminal proceedings.”* For the reasons quoted above this very important tool should not be limited to hearings in the criminal court, but also extended to family courts. At the same time, this measure would prevent judges from asking (consciously or not) so-called leading questions (*“Why do you want to live with your father? A child needs its mother.”*), as has

been observed in a number of cases.

12. In item 4.5 of our submission to the 3rd cycle of the UPR, we have denounced that, according to a broad majority of lawyers, German judges have been neglecting their commitment to the law since a long time. This concerns especially judges of Family Courts. Neither the wording nor the spirit of the German family code are respected any more: Judges tend increasingly to "interpret" the situation based on their own rules or on 'common practice'; they ignore or excuse criminal behavior of a parent if he/she is regarded as the 'better' parent, or if the Jugendamt has violated or over-powered legal requirements. For given cases, Courts sometimes even contradict their own previous decisions and punish parents for having obeyed these sentences. This phenomenon is spreading increasingly. There is no legal certainty in Germany any more. Criminal acts are hushed up while innocent parents are arbitrarily bereft of contact with their children. Examples of such cases and of affected parents question the application of the law by German family courts.

In a number of cases, persons who criticize or even sue the Jugendamt because of illegal activities are economically ruined by the judiciary by methods that can only be classified as criminal. A detailed documentation is currently in preparation.

13. Misinformation of international Human Rights bodies and the General Public is systematic. It has been noted that Germany's response to enquiries by international bodies such as the HRC or the European Parliament often do not correspond with reality. The same applies to national enquiry bodies, such as Committees on Petitions and others. There seems to be no consciousness of injustice in the administrations when giving untrue answers. For this reason the Professor of Law Ferdinand von Schirach claims for the implementation of new basic rights, particularly no 4: "Everybody has the right to claim that statements by public agents are true." and no 6: "Anyone can bring a fundamental rights action before the European Courts for systematic violations of this Charter."
14. The federal government has repeatedly ignored findings from scientific and social studies. The so-called PETRA-study on the benefits of shared parenting, although completed in 2019, was withheld from the public. In May 2020, the project management published the statement "*Contrary to expectations, work on the study Child Welfare and Access Rights had to be continued because the client (Federal Ministry of Family Affairs) wanted modifications to be made.*"³⁷ (evidence of manipulation of a terminated scientific study). In August 2021, the Federal Ministry of Family, Seniors, Women and Youth was sentenced by court to publish the results of the study^{38,39}. Instead of publishing the study (financed by the taxpayer) the ministry has filed a complaint against the court decision.

A previous study on the benefits of shared parenting was completely removed from governmental websites⁴⁰; other studies dealing with the problem of emotional child abuse among high-conflict parents are ignored⁴¹.

6 Facts

The facts enumerated in sections 4.1 to 4.6 of our submission to the 3rd cycle of the UPR are still valid. In order to avoid repetitions, please refer to Annex 3 of this document.

7. Recommendations

In order to guarantee the observation of Human Rights in German family affairs, the legal position of the Jugendamt and its agents must be profoundly modified. Based on the experience

since the last UPR on Germany, it would be advisable to completely abolish the Jugendamt and to assign the essential tasks to other authorities having a structure in compliance with national law as well as with the international conventions on Human Rights. The degree of disorganisation has become so immense that a reform of the existing structures seems impossible.

The necessary modifications will have to account for the following:

- Install a professional control (“Fachaufsicht”) over the Jugendamt.
- Make the control structures effective and easily accessible to the public.
- Apply all rules of German national law to the Jugendamt and its agents and to the Verfahrenspfleger and Umgangspfleger in order to make them responsible for their actions. Tolerate no exceptions.
- Make the use of Digital Process Recording (DPR) compulsory in all family court proceedings
- Separate all instances responsible for the best interest of the child from organizations bearing an economic interest in hosting children, such as homes, foster families etc.
- Reinforce observation of Human Rights by the legislator
- Re-instore the commitment to the Law and observation of the Law by the judiciary.
- Guarantee full access to all Jugendamt and court files to all parents.
- Re-instore application of the rules on challenging a judge on grounds of bias (art. 42 ff. ZPO) and miscarriage of justice (art. 339 StGB).
- Establish objective rules for the choice of Experts and Children’s Attorneys, establish compulsory rules for their qualification and execution of their tasks
- Apply recommendations on Assistance and compensation to Crime Victims
- Create a committee for investigating previous affairs rapidly and effectively, reinstating all parents and children whose Human Rights have been violated into their previous rights
- Monitor the respect of International Human Rights Conventions by the judiciar
- Grant a just compensation to all victims of Violations of Human Rights
- Assume the cost of all medical and psychological treatments that will be necessary to heal the victims and prevent them from committing suicide as has happened before

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This submission has 4 annexes.

Endnotes

- 1 UN document A_HRC_43_49
- 2 Haufe.de: Jugendamt, https://www.haufe.de/sozialwesen/sgb-office-professional/jugendamt_idesk_PI434_HI2767796.html#:~:text=Jugendhilfe%20ist%20eine%20weisungsfreie%20Pflichtaufgabe,der%20Zweckm%C3%A4%C3%9Figkeit%20seiner%20Ma%C3%9Fnahmen%20unterliegt
- 3 cf. Annexes 1 to 3
- 4 UN document A/HRC/39/9
- 5 UN document ^{A/HRC/39/9/Add.1}
- 6 Groko ignoriert eigene Berater*in-nen: Kein gesundes Essen mit Hartz IV, taz, <https://taz.de/!5759046><><https://taz.de/Groko-ignoriert-eigene-Beraterinnen/!5759046>>5759046
- 7 Männer vor häuslicher Gewalt schützen, <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/maenner-vor-haeuslicher-gewalt-schuetzen-201318>
- 8 Pressemitteilung: Doppelt so viele Männer* hätten 2021 Zuflucht vor häuslicher Gewalt finden können, www.maennergewaltschutz.de/neuigkeiten/pm-nutzungsstatistik/
- 9 German Federal Statistical Office, https://www.destatis.de/DE/Presse/Pressemitteilungen/2022/07/PD22_315_225.html
- 10 https://www.europarl.europa.eu/cmsdata/255369/FFV%20to%20Germany_Programme.pdf
- 11 <https://www.zeit.de/news/2022-07/27/wieder-mehr-kinder-und-jugendliche-voruebergehend-in-obhut>
- 12 RuhrNachrichten 10.04.2014
- 13 Siems: Das Geschäft mit den Heimkindern, Die WELT 28.12.2015, <https://www.welt.de/politik/deutschland/article150385271/Das-Milliardengeschaeft-mit-den-Heimkindern.html>
- 14 Statistisches Bundesamt, <https://de.statista.com/statistik/daten/studie/1175170/umfrage/festgestellte-kindeswohlgefahrdung-in-deutschland/>
- 15 art. 9a SGB VIII
- 16 e.g. ECHR decision of 20.04.2021, ref. 58718/15
- 17 Statistics of the Constitutional court, www.bundesverfassungsgericht.de
- 18 BGH decision of 07.11.2019, ref. III ZR 17/19
- 19 BGH decision of 15.12.2022, ref III ZR 192/21
- 20 Hildebrandt, Fortbildung von Richterinnen und Richtern sowie Qualitätssicherung im familiengerichtlichen Verfahren, Stellungnahme vor dem Rechtsausschuss des Deutschen Bundestages, 25.09.2019, www.bundestag.de/resource/blob/658134/030d364a7c81373411f0e2ebf3f429d5/hildebrandt-data.pdf
- 21 Lies-Benachib, Fortbildung von Richterinnen und Richtern sowie Qualitätssicherung im familiengerichtlichen Verfahren, Stellungnahme vor dem Rechtsausschuss des Deutschen Bundestages, 25.09.2019, www.bundestag.de/resource/blob/657254/424b81830211048def4bac5e3ed67099/lies_benachib-data.pdf
- 22 Gresser, Gerichtsgutachten: Oft wird die Tendenz vorgegeben, Deutsches Arzteblatt 2014; 111(6): A-210 / B-180 / C-176, www.aerzteblatt.de/archiv/154014/Gerichtsgutachten-Oft-wird-die-Tendenz-vorgegeben
- 23 art. 162 FamFG

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- 24 confirmed by a letter of the Federal Ministry of Family, Seniors, Women and Youth (BMFSFJ) of 21.03.2005 (can be produced)
- 25 E.G. BGH decision of 09.06.2021, ref. XII ZB 513/20
- 26 Clearingstelle Jugendhilfe/Polizei, Infoblatt Nr. 52, „Zusammenarbeit von Jugendamt und Familiengericht“
- 27 Zentrum Bayern Familie und Soziales, Bayerisches Landesjugendamt, Sonderdruck aus dem Mitteilungsblatt Nr. 4 Juli/August 2009
- 28 The letter can be produced on request.
- 29 Hochschild, Gewaltenteilung im deutschen Bewusstsein, www.gewaltenteilung.de
- 30 Council of Europe, document 11993
- 31 European Court of Justice, decision of 27.05.2019, ref. C 508/18, OG and C 82/19 PPU/PI
- 32 Foltern für die nationale Sicherheit, Handelsblatt 13.05.2014
- 33 Decision of 30.06.2008, ref. 22978/05
- 34 e. g. decisions of 25.04.2015, ref. 1 BvR 3326/14 and 17.09.2016, ref. 1 BvR 1547/16
- 35 <https://www.youtube.com/watch?v=baw9UMTaVM0&t=17s>
- 36 This video has been erased from the YouTube platform.
- 37 <https://projekt-petra.de/files/contaoLive/images/Jahresberichte%20PP/Jahresbericht%20Projekt%20PETRA%202019.pdf>
- 38 Piltz, Familienministerium muss Studie zu Trennungskindern herausgeben, Der Spiegel, 11.02.2022, <https://www.spiegel.de/panorama/gesellschaft/familienministerium-muss-studie-zu-trennungskindern-herausgeben-a-6987d5ce-7aed-4e88-974d-f848338dd0f4>
- 39 Verwaltungsgericht Berlin, decision of 09.08.2021, ref. 2 K 281/19, <https://gesetze.berlin.de/bsbe/document/JURE210014761>
- 40 Only NGOs provide references to this study:
http://www.vaeter-aktuell.de/studien/Proksch-Studie_20020128.htm
- 41 e.g. the KiMiss study: <https://www.kimiss.uni-tuebingen.de/de/2012studie.html>