



Permanent Mission
of the Federal Republic of Germany
to the Office of the United Nations and
to the other International Organizations
Geneva



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Ref.: Pol
Note No.: 454 /2025

Note Verbale

The Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and referring to the Note Verbale, dated 13 August 2025 - JAL DEU 4/2025.

The Permanent Mission of the Federal Republic of Germany is pleased to transmit herewith the response of the Government of the Federal Republic of Germany.

The Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the United Nations (Office of the High Commissioner for Human Rights) the assurances of its highest consideration.

Geneva, 14. Oktober 2025



To the
Office of the High Commissioner for Human Rights
Palais Wilson
Geneva

01.10.2025

**Joint Communication from Special Procedures
AL DEU 4/2025**

Statement by the Federal Government of Germany

We regret the stressful situation Ms. [REDACTED] finds herself in and the concern about her son's well-being.

However, the Federal Government can only comment on the allegations in part, as it is still in consultation with the competent authorities in the states of Berlin and Bremen regarding the specific case in question – also in order to determine how a public statement can be made while taking into account data protection for those affected and victim protection.

We can therefore only respond to your questions in general terms and with reference to the basic structures for the protection of children. Following her visit to Germany in 2024, the Federal Government is already in contact with the UN Special Rapporteur on the sale, sexual exploitation and sexual abuse of children regarding child protection structures in Germany.

The role of the Federal Ministry of Education, Family Affairs, Senior Citizens, Women and Youth (Bundesministerium für Bildung, Familie, Senioren, Frauen und Jugend - BMBFSFJ) is to create positive conditions for the development and education of children, adolescents and young adults with the help of federal legislation in the field of child and youth welfare.

The federal legal basis for the activities of youth welfare offices is the Social Code – Book Eight – Child and Youth Welfare (SGB VIII). The execution and implementation of child and youth welfare tasks, in particular the decision in each individual case, is the responsibility of the respective youth authorities in the individual federal states due to the competence regulations of the constitution (Basic Law for the Federal Republic of Germany). The youth welfare offices are subject to the legal supervision of the supervisory authorities determined by state law.

The youth welfare offices offer various educational assistance services for children, young people and parents. State benefits are intended to support parents, but their cooperation is required. However, the type of assistance that is appropriate and necessary for the child or family in each individual case can only be determined in

consultation with the local youth welfare office. The welfare of the child and the educational needs in each individual case are the primary factors in this decision.

If parents are dissatisfied with the work of the youth welfare office, they also have the option of seeking advice from a family counselling centre run by an independent youth welfare organisation. Further information on the options for educational and family counselling and the names of relevant counselling centres near the respective place of residence can be obtained from the Federal Conference for Educational Counselling (Bundeskonferenz für Erziehungsberatung e.V. - www.bke.de).

In addition, Section 9a of SGB VIII obliges the federal states to ensure a needs-based structure of independent ombudsman services. The ombudsman services serve as contact points for young people and their families for mediating and resolving conflicts in all child and youth welfare cases. The aim is to strengthen support structures to safeguard the rights of children, young people and their families. Further information, including details of ombudsman services in the respective region, can be found on the website of the Federal Ombudsman Network (Bundesnetzwerk Ombudschaft - <https://www.ombudschaft-jugendhilfe.de/>).

In addition, anyone is free to contact the competent supreme state youth authority with regard to the working methods of the youth welfare office in a specific case. Complaints can also be submitted here in individual cases.

In the case described, the child was also taken into care. In Germany, legal guardians can object to the youth welfare office taking a child into care in accordance with Section 42 (3) sentence 2 of SGB VIII. Such an objection by the parents means that the youth welfare office must either return the child to the parents or obtain a decision from the family court. Parents therefore always have various options for complaint or review at their disposal.

In addition to the allegations against the youth welfare office, the descriptions in the specific case also concern problems in the context of family court proceedings. Court proceedings can be stressful for children and young people. In child custody proceedings, for example, decisions are often made that have a significant impact on children, young people and their families. This makes it all the more important that children and young people are treated as independent individuals in the proceedings and that their wishes and concerns are heard.

The topics of 'child-friendly justice' and 'trauma-informed action in proceedings' have become increasingly important in recent years. The Federal Government has therefore introduced a number of measures in recent years:

In order to further strengthen the rights of children involved in family court proceedings, the legislature has laid down specific provisions in the Act to Combat Sexual Violence of 16 June 2021 (Federal Law Gazette I p. 1810). For example, family court judges must have, or acquire as soon as possible, relevant legal knowledge as well as verifiable basic knowledge in the fields of psychology, in particular child development psychology, and communication with children when they are assigned to a family law department (Section 23b (3) sentences 3 and 4 of the Courts Constitution Act – Gerichtsverfassungsgesetz – GVG).

The legal representatives appointed to support children and protect their interests must also have verifiable basic legal knowledge, knowledge of child developmental psychology and child-friendly communication techniques, and must undergo further training at least every two years (Section 158a (1) of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit - FamFG)).

Finally, with the Act to Combat Sexual Violence against Children, the legislature has also redesigned the child hearing to ensure that the child's wishes can be taken into account even better in child custody proceedings. In addition to the obligation to hear the child in person, regardless of age, the court is also expressly required to form its own impression of the child (Section 159 (1) FamFG).

This is because gaining a personal impression of the child is an important source of information in the context of the judicial investigation of the facts and can be a relevant factor in determining the welfare of the child. If a child is not heard, this must be justified in the final decision in accordance with Section 159 (3) FamFG.

An appeal against this final decision is admissible under Section 58 FamFG. Here, too, the legal system provides legal review options.

In order to better protect children from sexual abuse, Germany passed the Act to Strengthen Structures against Sexual Violence against Children and Young People (UBSKM Act), which came into force in large part on 1 July 2025. This strengthens structures that help to prevent sexual violence: through a person elected by parliament as an independent federal commissioner, as well as a survivors' board

and an Independent Federal Inquiry into Child Sexual Abuse in Germany. In the future, the Federal Commissioner and the Federal Inquiry into Child Sexual Abuse in Germany will report regularly on the extent of child sexual abuse and the current status of protection, assistance and research in Germany so that more targeted action can be taken.

The Child and Youth Empowerment Act (2021) already defined the development, application and regular review of violence protection concepts as a mandatory task for child and youth welfare institutions requiring operating licences.

In practice, this means that institutions for children and young people, such as residential care homes or day-care centres, must develop, apply and regularly review a violence protection concept. Children and young people must also have the opportunity to address any complaints to bodies outside the institution itself. This must be guaranteed in the institution's concept and provided for from the outset. The 2025 Act on Strengthening Structures against Sexual Violence against Children and Young People (UBSKM Act) extended the mandatory application of protection concepts to all areas of child and youth welfare.

Further allegations in the case described concern the criminal proceedings. According to Ms [REDACTED] descriptions, she reported the matter to the police because she suspected that her son had been sexually abused at the child protection centre. When the police or public prosecutor's office in Germany is notified of a suspected criminal offence, they are obliged to initiate criminal investigations on the basis of the applicable principle of legality. If no perpetrator can be found in the course of these investigations, or if the law enforcement authorities assess that the suspicion cannot be substantiated, the criminal proceedings are discontinued in accordance with Section 170 (2) of the Code of Criminal Procedure (Strafprozessordnung - StPO). If the applicant does not agree with this procedure, there is still the possibility of filing a complaint and, if necessary, forcing criminal proceedings in accordance with Section 172 StPO.

In addition, the Federal Ministry of Justice and Consumer Protection (Bundesministerium der Justiz und für Verbraucherschutz – BMJV) promotes interdisciplinary exchange between psychology and law on the subject of credibility assessment. The aim is to ensure that victims of crime, including minors, have adequate access to therapy and do not have to fear that this therapeutic support will undermine their credibility in criminal proceedings.

The issue of mothers being supposedly disadvantaged in family court proceedings when they allege sexual abuse against the child's father has already been brought to our attention in isolated cases. This issue has also been discussed in various rounds with experts (judges, lawyers, academics). However, there is currently no representative research on how widespread or systematic this problem actually is.