

Mandates of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

Ref.: AL DEU 4/2025
(Please use this reference in your reply)

13 August 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/26, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the allegations of sexual abuse against a child (aged 6), lack of access to care and rehabilitation services, lack of access to justice, and neglect of the well-being of the child in alternative care placement.**

According to the information received:

██████████ was married to ██████████ in 2017. They have a son together, ██████████, who was born in 2019.

The relationship between ██████████ and ██████████ has been marred by allegations of domestic violence. In July 2021, ██████████ alleges that she reported to the Bremen Police an incident of domestic violence against her by ██████████, resulting in a broken finger. The police reportedly brought her and ██████████ to a shelter for women in Bremen, where they stayed for 11 days. They returned home after ██████████ days, ██████████ promised not to repeat such behaviour. ██████████ also alleged that she had no option but to return as she was unemployed and could not afford a place of her own.

In October 2021, ██████████ received a job offer from a company in Kraków, Poland, to start in March the following year. She reportedly did not wish to leave ██████████ behind due to ██████████ alleged history of domestic violence, mental health conditions and addictions. She claimed that she had expressed her intention to bring the child with her when she moved to Poland to ██████████ and he did not object.

In March 2022, ██████████ started the onboarding process for her new job in Kraków while making arrangements for ██████████ to come with her there soon after. She then came back home to Bremen to pick up ██████████. However, ██████████ reportedly got violent with her, which led ██████████ to call the police. The police came to their place and reportedly suggested that the matters be resolved through legal means. As a result, ██████████ moved out with ██████████ and stayed in a hotel in Bremen. Following up to this, ██████████

reportedly filed for sole custody for ██████ in the Bremen District Court in order to ensure that the child resides with him in Germany. As a result of this, ██████ was unable to move to Poland with ██████ and lost her job there.

In April 2022, at the court hearing on the custody case, the judge ordered ██████ to vacate his apartment in order to allow ██████ and ██████ to come back and live there, which he complied with.

During subsequent court hearings, it was reported that ██████ repeatedly requested for mediated visits between ██████ and ██████, to ensure the child's safety. This request was not heeded to. Instead, allegedly as a response to ██████ display of frustration, the Court ordered that she undergo psychiatric assessment.

On 23 July 2022, after coming back from a visit with his father, ██████, then 3 years old, reportedly began to display hypersexualized behaviour, allegedly recreating experiences from his father's visit, which were documented in photographs and videos by ██████. She immediately called ██████ pediatrician.

Two days later, ██████ brought ██████ to the pediatrician. After observing ██████, the pediatrician reportedly called Bremen Youth Welfare Office and advised that contact between ██████ and his father be suspended. The pediatrician also asked ██████ to bring ██████ back after three weeks. During the second visit, another pediatrician examined ██████ physically, including his genital area, and wrote a report on the findings. The pediatrician reportedly communicated the report to the Bremen Youth Welfare Office, but did not provide ██████ with a copy of the report citing data protection as the reason.

On 28 July 2022, ██████ filed a complaint of child sexual abuse to the Bremen Police. Three months after the complaint was filed, on 20 October 2022, the Bremen Public Prosecutor informed ██████ that the investigation on the allegation of sexual abuse of ██████ by his father was discontinued owing to the lack of evidence. The Prosecutor's Office did not interview ██████ on the grounds that he was too young to provide any testimony, neither were either of the parents interviewed about the issues raised in the complaint filed.

On 3 August 2022, ██████ filed for suspension of ██████ visitation with ██████ at the Bremen District Court.

In a ruling dated 30 August 2022, the judge decided that pending the resolution of the sexual abuse allegation, ██████ would maintain his visitation rights with ██████, albeit mediated. However, the judge did not order any provision of care and support for ██████ to respond to any potential trauma induced from the alleged sexual abuse.

Meanwhile, ██████ moved to Berlin with ██████ to start a new job on 1 September 2022.

On 6 September 2022, ██████████ brought ██████████ to the hospital in Berlin to receive what she considered would be appropriate care after the authorities in Bremen failed to provide her son with the requisite trauma support. Instead of providing immediate care, the hospital staff reportedly informed Bremen Youth Welfare Office of the situation. The hospital also reportedly stated that any intervention for ██████████ would need to await confirmation or clarification from the Youth Welfare Office staff in charge of his case.

On the same day, following the report filed by Bremen Youth Welfare Office, the Bremen District Court issued a temporary injunction to remove ██████████ from the custody of ██████████ on the grounds of an 'imminent danger to the child'.

On 15 September 2022, the Berlin-Lichtenberg Youth Welfare Office came without notice and took ██████████ away from ██████████, using the Bremen District Court order as the basis for the action. ██████████ was reportedly put in a facility under ██████████. ██████████ was only allowed to see her son once a week.

During her visits to ██████████ from September 2022 to March 2023, ██████████ reportedly observed consistent injuries to ██████████'s body, particularly to his head and neck. She also alleged that ██████████'s health continuously deteriorated as he reportedly lost weight, looked dehydrated and starved, and had unhygienic hair and teeth. ██████████ had repeatedly brought this to the attention of ██████████ Berlin-Lichtenberg Youth Welfare Office and the Bremen District Court, but to no avail. Instead, in response, she alleged that her visitation right to ██████████ was suspended by ██████████ several times.

On 25 March 2023, ██████████ alleges that she filed a report with the Berlin Police because of the lack of follow-up to the reports she made on the alleged abuse and neglect of her son. Six months later, on 5 September 2023, the Berlin Public Prosecutor wrote a letter informing ██████████ that the investigation was discontinued as no perpetrator was identified.

During one of her visits to ██████████, sometime in November 2023, as she was changing ██████████'s diaper, she reportedly noticed that his genital appeared unusual, suggesting sexual abuse. ██████████ also allegedly told her that he was scared of the crocodile that came into his room and caught him. Alarmed by the risks that her son was being sexually abused at ██████████, ██████████ reportedly brought this to the attention of Berlin-Lichtenberg Youth Welfare Office and the Bremen District Court. She received no response.

Throughout ██████████ visits to ██████████, the accompanying social workers contracted by ██████████ reported that they always had a good time together. On multiple occasions, at the end of their meetings, ██████████ was reportedly upset about having to separate from his mother. The social workers reportedly recommended more frequent and longer visits for ██████████, stating that any suspension or break in contact would adversely affect ██████████ wellbeing.

In the meantime, █████ continued to visit █████ until an incident occurred, which led to the suspension of his visitation by █████. On 14 May 2024, █████ challenged the suspension at a hearing at the Bremen District Court and alleged that █████ staff had been sexually abusing █████. █████ reportedly reminded the Court that she had submitted the same concerns to the Court since November. The Court reportedly did not take any action to address the concerns raised by both parents.

On the same day, on 14 May 2024, due to the lack of follow-up to the alleged sexual abuse of her son at █████, █████ decided to file another report with the Berlin Police. She has received no response to date.

On 28 June 2024, allegedly frustrated by the lack of action by the competent authorities in protecting █████, █████ decided to take █████ to Bologna, Italy, where her mother lives. They went to the International Protection Office in Bologna to seek help and protection for █████. However, the police there informed them of an alert of missing child in Germany, and the police had to return █████ to Germany.

After █████ was transferred back to Germany, the Bremen District Court suspended █████ contact with her son on the basis of allegedly kidnapping her child.

To this date, more than one year later, she has reportedly not been allowed to see her son. Not knowing his whereabouts nor his well-being, █████ fears for her son's safety.

Without wishing to prejudge the veracity of these allegations at this stage, and without implying any definitive conclusion, we express our concern at the alleged violations of the child's right to safety and protection from sexual abuse, right to integrity and access to justice.

The information received indicates a risk that the child may continue to be in grave danger at the hands of alleged perpetrators and that complaints of abuse may have been ignored or not taken seriously by the competent authorities. It is important to take special precautionary measures when the alleged perpetrator is a parent or is a caregiver including in an institutional setting.¹ Any such measures should involve careful consideration of the fact that the child's situation will not worsen and that any trauma experienced by the child is not aggravated.

We also note that the information received raises questions as to whether relevant authorities ensured to provide child sensitive, gender-responsive, trauma-informed protection measures to the alleged child victim. All child victims should have access to services that factor in their age, sex, gender, level of maturity and the nature of the trauma they have suffered or continue to suffer.² A child victim of sexual abuse is often deeply traumatized and may have difficulty processing what happened. Trauma-informed services are therefore just as important as child-friendly and child-

¹ [CRC/C/156](#), para. 97(e).

² [A/HRC/49/51](#), para. 82.

sensitive ones.³ Moreover, in her report, Special Rapporteur on the sale, sexual exploitation and sexual abuse of children examined how boys often remain the hidden group of victims.⁴ Research has shown that male victims of child sexual abuse and exploitation are commonly overlooked by practitioners, and they may be slower or less likely to identify male victims or to provide boys with support services.⁵

It would appear that no effort has been made or measures put in place for a child who was allegedly sexually abused to be given an opportunity to share his experiences during the investigative process or for qualified personnel to detect these alleged signs of abuses. Child victims should be able to effectively seek justice for the harm that they have suffered.⁶ It is undeniable that children who have suffered some form of ill-treatment or sexual abuse and who are not given the opportunity to be heard or provided with the requisite therapeutic care will carry the pain of this trauma for the rest of their lives. It is even worse when the child is as young as [REDACTED]. According to the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, age should not be a barrier to a child's right to participate fully in the justice process.⁷ The child should be treated as a capable witness, subject to examination, and his testimony should not be presumed invalid by reason of his child's age alone as long as his age and maturity allow the giving of intelligible and credible testimony. The case presented above suggests that no attempt was made to find out from the child what happened to him and that police, prosecutors, social workers, psychologists and judges involved may not be adequately familiar with the child-centered approach in order for them to respond appropriately the allegations of child sexual abuse.

The information received also raises questions as to whether relevant authorities ensured to safeguard the child's best interest. Despite the child's reported consistent plea to stay with his mother, he continued to remain under the care of an institution and deprived access to his mother. The Committee on the Rights of the Child, during its review of Germany in 2022, expressed concern on the increasing number of children living in alternative care, in particular in closed institutions, and the placement of children in alternative care without proper assessment of their best interests.⁸ The Committee also called on Germany to ensure that children are heard in decisions affecting them in alternative care placement and throughout their stay.⁹

We note with serious concern the subsequent full separation of contact between the mother and the child. The mother has reportedly been the main person responsible for the child's care and upbringing and consequently, any break in contact between the child and his mother may cause irreversible emotional and mental trauma for the child which would be compounded by the alleged sexual abuse he is currently being subjected to. This vulnerability is exacerbated when the child is subjected to frequent displacement and unpredictability, particularly when both parents are unable to assume normal parental roles, as children have the right and the need for stability in a family environment where they feel secure and nurtured. The loss of parental authority and care can have an impact on the child's right to healthy development and effective

³ Ibid.

⁴ [A/76/144](#), para. 45.

⁵ Ibid, para. 64.

⁶ [A/HRC/49/51](#), para. 75.

⁷ [ECOSOC Resolution 2005/20](#), art. 18.

⁸ [CRC/C/DEU/CO/5-6](#), para. 26.

⁹ Ibid, para. 27(d).

relationships with both parents. Decisions to withdraw parental authority can generate negative experiences due to changes in the child's environment, and the child may be revictimized by this action.¹⁰

We also express concern about the apparent discrimination against the mother, that instead of being listened to and having her credible complaints seriously examined as they concern the safety and well-being of her young child, she is accused of having mental issues. The case, if proven to be true, illustrates a concerning situation in which protective parents, mainly women, find themselves when they denounce the physical or sexual violence, including incest, suffered by their children. In fact, several of the complaints received under the mandate of sale, sexual exploitation and sexual abuse of children highlight the fact that people who report alleged child sexual abuse are accused of lying or manipulating the children, and risk prosecution or administrative sanctions for defamation if their allegations do not lead to prosecution of the alleged perpetrators.

The Special Rapporteur on violence against women and girls, its causes and consequences has received reports of cases from countries where allegation of physical and/or sexual violence has been ignored and where mothers making such allegations have been penalized by law enforcement and/or the judiciary responsible for determining custody cases.¹¹ Protective mothers who insist on presenting evidence of domestic violence or child abuse may be seen as attempting to alienate children from the other parent, which could result in the loss of primary care or contact with their children.¹² Reframing a mother as a liar who “emotionally abuses” her children may divert the attention of courts away from the question as to whether the child is being abused by the father and replaces it with a focus on a supposedly deluded mother.¹³

Finally, concerning the transfer of the child from Italy back to Germany – presumably under the Convention on the Civil Aspects of International Child Abduction (hereafter ‘Hague Abduction Convention’), we would like to draw your attention to a letter sent by a number of special procedures to the Secretary General of the Hague Conference on Private International Law in September 2023,¹⁴ where the independent experts expressed concern “that a child’s return order frequently compels an abuse survivor to return to life-threatening violence and harm or to be separated from her child”. They further recommended the need to improve the implementation of the Hague Abduction Convention to safeguard survivors of domestic abuse and their children. As the experts have indicated, courts and States must assess that risks to the child and taking parent are properly assessed and that children’s wishes and feelings are heard and taken into account in all cases involving domestic abuse, in line with the States Parties’ obligations under the United Nations Convention on the Rights of the Child. Finally, we have encouraged States to make more use of article 20 of the Hague Abduction Convention, which provides that a court may refuse to return a child if the return “would not be permitted by the fundamental principles of the requested State, relating to the protection of human rights and fundamental freedoms”. Therefore States are encouraged to explicitly recognize that domestic abuse can give rise to a ‘grave risk of harm’ and ‘intolerable situation’ in accordance with article 13(1)(b) of the Hague

¹⁰ See [AL FRA 8/2023](#), p. 12

¹¹ [A/HRC/53/36](#), para. 1.

¹² Ibid, para. 16.

¹³ Ibid, para. 40.

¹⁴ <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/20230919-Joint-Letter-Hague-Conference-Private-International-Law.pdf>.

Abduction Convention and that removal is not ‘wrongful’ when the taking parent is fleeing domestic abuse.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please outline the measures taken to protect the child from any risk of sexual abuse or continued sexual abuse, in line with the principles of do no harm, precaution and the best interests of the child.
3. Please provide information on any child sensitive, sex and gender-responsive, trauma-informed protection and rehabilitation support and services that have been made available to the alleged child victim of sexual abuse.
4. Please indicate what measures have been taken to verify the allegations of sexual abuse of the child by his father as well as by the staff of [REDACTED], including if appropriate investigations have been undertaken.
5. Please provide information on how the decision taken to impose separation of contact between the child and his mother is in line with the best interest of the child.
6. Please indicate what measures have been taken to ensure that the child’s views are taken into account on care-related decisions and processes.
7. Please outline the measures that were or are being taken to ensure that the child receives suitable, high-quality care in line with human rights standards in his alternative care placement, his needs and best interests, including the available monitoring mechanisms.
8. Please indicate what measures is being taken to ensure that the child’s access to education and healthcare is guaranteed during alternative care placement.
9. Please provide information on the availability of qualified personnel at alternative care placement to help detect signs of abuses, especially those affecting young children.
10. Please provide information on the availability of child-sensitive victim identification, assessment and referral procedures in place and standard operating procedures for coordination among law enforcement, child

protection services and other service providers.

11. Please outline the details of legislative, administrative and judicial measures which address the specific needs of children, in accordance with their best interests, in custody proceedings, and which also enable effective investigation of any criminal allegations arising from such proceedings.
12. Please indicate measures that Germany put in place to ensure implementation of the Hague Abduction Convention, especially in assessing the risks of domestic abuse to children prior to returning them to their country of habitual residence under the Convention, in order to ensure that they are not subjected to any violence or harm, on the basis of articles 13(1)(b) and 20 of the Convention.
13. What measures have been taken to ensure that the mother is not subject to discrimination, retaliation, or unfounded accusations when reporting alleged abuse and violence concerning her child? What safeguards are in place to ensure that mothers reporting domestic violence or child abuse are not penalized by judicial or administrative authorities for seeking protection?
14. Please provide details as to whether the mother has access to justice and fair legal procedures, including appropriate mental health evaluations free from bias or punitive intent.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please note that a copy of this letter was sent to the Government of Italy for information.

Please accept, Excellency, the assurances of our highest consideration.

Mama Fatima Singhateh
Special Rapporteur on the sale, sexual exploitation and sexual abuse of children

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Article 3(1) of the Convention on the Rights of the Child (CRC), which your Excellency's Government ratified on 6 March 1992, states that '[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.'

Article 6(2) of the CRC calls for States Parties to ensure to the maximum extent possible the survival and development of the child.

Article 8(1) states that States Parties shall respect the right of the child to preserve family relations and article 9 that States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

Article 12 of the CRC provides that States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child and to have those views given due weight in accordance with the age and maturity of the child. It also provides that children shall have the opportunity to be heard in any judicial or administrative proceedings affecting them, either directly or through a representative or an appropriate body.

Article 19 of the CRC provides for the right of the child to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Article 34 also states that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse and article 35 stipulates that States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 39 of the CRC affirms States Parties' obligation to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse.

Article 8 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified by Germany on 15 July 2009, provides that States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the Protocol at all stages of the criminal justice process, including by: (a) recognizing the vulnerability of child victims and adapting proceedings to take into account their special needs,

including as witnesses; (b) informing child victims of their rights, their role and the scope, timing and progress of the proceedings, as well as the disposition of their case; (c) allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are at stake, in a manner consistent with the procedural rules of national law; (d) providing appropriate support services to child victims throughout the legal process; (e) protecting, where appropriate, the privacy and identity of child victims and taking measures in accordance with national law to prevent the inappropriate dissemination of information that could lead to the identification of child victims; (f) providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses, from intimidation and retaliation; (g) avoiding unnecessary delays in the disposition of cases and the execution of orders or decrees granting compensation to child victims. The article also specifies that States Parties must ensure that the best interests of the child are a primary consideration in the treatment by the criminal justice system of child victims of the offences described in the Protocol. In addition, States Parties should take measures to ensure appropriate training, in particular legal and psychological training, for those working with victims of offences prohibited under the Protocol. States Parties should, where appropriate, adopt measures to protect the safety and integrity of persons and/or organisations involved in the prevention and/or protection and rehabilitation of victims of such offences.

Moreover, article 9 of the Optional Protocol provides that States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery. The article also calls on States to ensure that all child victims of the offences described in the Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

Article 2 of the International Covenant on Civil and Political Rights, to which Germany is a party since 17 December 1973, stipulates that States Parties shall ensure that any person whose rights or freedoms as recognized by the Covenant are violated shall have an effective remedy. The article also states that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy. Article 24 also states that every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

Additionally, article 8 of the Universal Declaration of Human Rights guarantees everyone's right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 5 of the Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW'), ratified by Germany on 10 July 1985, guarantees that States Parties shall take all appropriate measures: (a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and

women ; and (b) to ensure that family education includes a correct understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interests of the child shall be a primary consideration in all circumstances.

Article 16 of CEDAW provides that States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) the same right to enter into marriage; (b) the same right freely to choose a spouse and to enter into marriage only with their free and full consent; (c) the same rights and responsibilities during marriage and at its dissolution; (d) the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; (e) the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights; (f) the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount; (g) the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; (h) the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for valuable consideration.

We would like to recall the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ('Lanzarote Convention'), which entered into force in Germany on 1 March 2016. Article 4 stipulates that States Parties shall take the necessary legislative or other measures to prevent all forms of sexual exploitation and sexual abuse of children and to protect children. Article 12 affirms States Parties' obligations to take the necessary legislative or other measures to ensure that the confidentiality rules imposed by internal law on certain professionals called upon to work in contact with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse.

With regard to assistance to victims, the Lanzarote Convention has stipulated in article 14 that States Parties shall take the necessary legislative or other measures to assist victims, in the short and long term, in their physical and psycho-social recovery. Measures taken shall take due account of the child's views, needs and concerns. When the parents or persons who have care of the child are involved in his or her sexual exploitation or sexual abuse, the intervention procedures taken shall include among others the possibility of removing the alleged perpetrator.

Article 30 of the Lanzarote Convention also affirms States Parties' obligations to take the necessary legislative or other measures to ensure that investigations and criminal proceedings are carried out in the best interests and respecting the rights of the child. States Parties shall also adopt a protective approach towards victims, ensuring that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate. The investigations and criminal proceedings shall be treated as

priority and carried out without any unjustified delay. Article 35 stipulates how interviews with the child shall be undertaken: (a) interviews with the child take place without unjustified delay after the facts have been reported to the competent authorities; (b) interviews with the child take place, where necessary, in premises designed or adapted for this purpose; (c) interviews with the child are carried out by professionals trained for this purpose; (d) the same persons, if possible and where appropriate, conduct all interviews with the child; (e) the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of criminal proceedings; (f) the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

Article 13 of the Convention on the Civil Aspects of International Child Abduction ('Hague Abduction Convention'), which Germany and Italy ratified in 1990 and 1995 respectively, provides that the judicial or administrative authority of the requested State is not bound to order the return of the child if the person who opposes its return establishes that there is a grave risk that the return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation. The order of return may also be refused if the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views. Furthermore, article 20 stipulates that the return of the child may be refused if this would not be permitted by the fundamental principles of the requested State relating to the protection of human rights and fundamental freedoms.

In its review of Germany in 2022, the Committee on the Rights of the Child ([CRC/C/DEU/CO/5-6](#)) notes that while the Act on Procedure in Family and Non-Contentious Matters allows for certain proceedings concerning children to be expedited, it is concerned that the principle of the best interests of the child is not being applied in all proceedings affecting children. The Committee recommends that Germany: (a) ensure that the principle of the best interests of the child is consistently applied in all policies, programmes and legislative, administrative and judicial proceedings affecting children, including in relation to trafficking and migration and asylum procedures; (b) strengthen the provision of training and guidance to all relevant professionals for assessing and determining the best interests of the child and for giving it due weight as a primary consideration (para. 16).

The Committee is also concerned that children's views are not always taken into account in courts and administrative proceedings. The Committee recommends that the Germany: (a) ensure that all children, including children under 14 years of age, can express their opinions and be heard in all decisions affecting them, including in courts and administrative and civil proceedings, and establish legal standards for ensuring that such proceedings are child-friendly; (b) strengthen measures to promote the meaningful and empowered participation of children, including children in disadvantaged situations, in family, community and school settings, and in policymaking at the federal, Land and municipal levels, and ensure that children's views are taken into account by the relevant authorities; (c) ensure that all relevant professionals working with and for children systematically receive appropriate training on the right of the child to be heard and to have his or her opinions taken into account, in accordance with the child's age and maturity (para. 17).

With regard to violence against children, the Committee remains seriously concerned about the high prevalence of cases, including sexual exploitation and online violence. It urges Germany to among others ensure the effective investigation of and intervention in all cases of sexual exploitation and abuse of children in and outside the home, in the digital environment, in religious and educational institutions and in child and youth welfare facilities, including by designating specialized law enforcement and prosecution services to investigate such offences against children; strengthen measures for ensuring that children who are victims or witnesses of violence have prompt access to child-friendly, multisectoral and comprehensive interventions, services and support, including forensic interviews and psychological therapy, such as through Childhood-Häuser, with the aim of preventing the secondary victimization of those children, and ensure that such services and support are also available for, and address the specific needs of, children in disadvantaged situations; strengthen efforts to train professionals working with and for children, including as part of the mandatory training of teachers and social workers, to identify and adequately respond to cases of violence, including sexual exploitation (para. 23).

The Committee is also concerned about the increasing number of children living in alternative care, in particular, in closed institutions, the placement of children in alternative care without proper assessment of their best interests and regional disparities in the quality of and access to services provided by local child and youth welfare offices among others (para. 26). The Committee recommends that Germany strengthen alternative care settings with a social space orientation that can provide individualized needs-based support involving a combination of interlinked supportive measures and ensure that children are heard in decisions affecting them in alternative care placement and throughout their stay, and also ensure that relevant authorities and professionals have the technical capacities required to guarantee respect for children's views in alternative care (para. 27).

We wish to draw your attention to the *Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* ([CRC/C/156](#)). The Committee on the Rights of the Child recognizes that the gender dimension of sexual offences against children is an important aspect with respect to the implementation of the Optional Protocol. While the majority of victims are girls, recent research has shown that a significant proportion of children depicted in online child sexual abuse material are boys. There are still very few support structures for boys who are victims of sexual exploitation and sexual abuse (para. 4). Furthermore, the Committee reminds States parties of their obligation to take special precautionary measures, as needed, when the alleged perpetrator is a parent, a family member, another child or a primary caregiver. Such measures should involve careful consideration of the fact that a child's disclosure should not worsen her or his situation and that of the other non-offending members of the family, and should not aggravate the trauma experienced by the child. The Committee encourages States parties to consider removing the alleged perpetrator rather than the child victim, since removal can be experienced by the child as a punishment (para. 97). With regard to child victim's right to recovery, family and social reintegration and compensation, the Committee urges States Parties to ensure that the relevant services for medical care, social reintegration and physical and psychological recovery of victims are accessible free of charge throughout the country to all children who need them, and that persons providing such services have certified training and the

necessary expertise (para. 100).

In its general comment No. 5 of 2003 ([CRC/GC/2003/5](#)), the Committee on the Rights of the Child has stated that for rights to have meaning, effective remedies must be available to redress violations. This requirement is implicit in the Convention and consistently referred to in the other six major international human rights treaties. Children's special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights. So, States need to give particular attention to ensuring that there are effective, child-sensitive procedures available to children and their representatives. These should include the provision of child-friendly information, advice, advocacy, including support for self-advocacy, and access to independent complaints procedures and to the courts with necessary legal and other assistance. Where rights are found to have been breached, there should be appropriate reparation, including compensation, and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration.

We would like to draw your attention to *Recommendations emanating from the 2021 day of the general discussion on children's rights and alternative care* ([A/77/41](#)), as endorsed by the Committee on the Rights of the Child. States should develop and implement safe and accessible mechanisms to ensure that children are able to consistently and meaningfully engage with decision-makers and have their views taken into account in care-related decisions (para. 8). States should also establish policies to ensure that separation of a child from his or her family is temporary and for the shortest possible duration, family reunification being the goal when separation has already occurred, unless it is deemed by a competent authority not to be in the best interests of the child. When family separation is long-term, the alternative care arrangement should give the child a sense of security, continuity, stability and belonging, by providing certainty about the child's living arrangement and caregivers (para. 14).

Moreover, regarding child-friendly justice system, the Recommendations stipulate that States should ensure that all children in alternative care have access to safe, independent, effective and child-friendly complaint procedures with age-related and disability-related accommodations and should systematically publish data on complaints and actions taken to address them (para. 22). States should develop mandatory and independent monitoring systems to prevent, receive reports of, investigate and address, in a timely manner, suspected cases of violations of children's rights in the context of alternative care (para. 23). States should implement policies that require systematic support for survivors of abuse, neglect and other forms of exploitation and ill-treatment in the context of alternative care, including access to education, housing, health care, mental health services and support for seeking redress (para. 24). States should remove systemic barriers to justice for children, including limited prescription periods, restrictive legal capacity and standing rules, in civil, criminal and administrative settings and provide independent, free, accessible and high-quality legal services and mechanisms (para. 25).

Regarding alternative care services, under the Recommendations, States should establish or strengthen gatekeeping mechanisms to ensure that all decisions regarding the placement of children in alternative care are based on necessity and to ensure that, when placements are necessary, decision-making thereon reflects the most suitable option for the individual child, takes the child's views into account and prioritizes

family-based care within the community (para. 26). States should provide alternative care services that are in line with international law and meet international standards, including the delivery of safe, non-discriminatory, individualized and holistic care, including mental health care, by upholding children's right to participate in alternative care decisions, ensuring the preservation of children's identities and family and community relationships, eliminating abuse, neglect and other forms of ill-treatment and paying particular attention to all children at heightened risk of discriminatory treatment (para. 27).

The Recommendations also encourage strategies to ensure deinstitutionalization. More specifically, States should develop and implement time-bound and adequately budgeted national deinstitutionalization strategies. They should emphasize redirecting resources from institutional care towards family-based and community-based care, by increasing access among families to the social and financial support needed to appropriately care for children, including children with disabilities, at home and within the community, ensuring access to community-based universal health care, education and targeted, inclusive, non-stigmatizing services and managing the transfer of children from institutions into family-based and community-based settings (para. 42).

We wish to also refer to the *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime* ([ECOSOC Resolution 2005/20](#)) which state that while the rights of accused and convicted offenders should be safeguarded, every child has the right to have his or her best interests given primary consideration. This includes the right to protection and to a chance for harmonious development: every child has the right to life and survival and to be shielded from any form of hardship, abuse or neglect, including physical, psychological, mental and emotional abuse and neglect; and every child has the right to a chance for harmonious development and to a standard of living adequate for physical, mental, spiritual, moral and social growth. In the case of a child who has been traumatized, every step should be taken to enable the child to enjoy healthy development (para. 8(c)). The Guidelines also affirm children's right to participation – that every child has, subject to national procedural law, the right to express his or her views, opinions and beliefs freely, in his or her own words, and to contribute especially to the decisions affecting his or her life, including those taken in any judicial processes, and to have those views taken into consideration according to his or her abilities, age, intellectual maturity and evolving capacity (para. 8(d)).

The Guidelines provide that age should not be a barrier to a child's right to participate fully in the justice process. Every child should be treated as a capable witness, subject to examination, and his or her testimony should not be presumed invalid or untrustworthy by reason of the child's age alone as long as his or her age and maturity allow the giving of intelligible and credible testimony, with or without communication aids and other assistance (para. 18). Moreover, professionals should make every effort to enable child victims to express their views and concerns related to their involvement in the justice process, including by: (a) ensuring that child victims are consulted; (b) ensuring that child victims are enabled to express freely and in their own manner their views and concerns regarding their involvement in the justice process, their concerns regarding safety in relation to the accused, the manner in which they prefer to provide testimony and their feelings about the conclusions of the process; (c) giving due regard to the child's views and concerns and, if they are unable to

accommodate them, explain the reasons to the child (para. 21). With regard to reparation, the guidelines stipulate that child victims should, wherever possible, receive reparation in order to achieve full redress, reintegration and recovery. Procedures for obtaining and enforcing reparation should be readily accessible and child-sensitive (para. 35).

The guidelines specifically include recommendations on children's right to special preventive measures. In addition to preventive measures that should be in place for all children, special strategies are required for child victims and witnesses who are particularly vulnerable to recurring victimization or offending (para. 38). Professionals should develop and implement comprehensive and specially tailored strategies and interventions in cases where there are risks that child victims may be victimized further. These strategies and interventions should take into account the nature of the victimization, including victimization related to abuse in the home, sexual exploitation, abuse in institutional settings and trafficking. The strategies may include those based on government, neighbourhood and citizen initiatives (para. 39).

With regard to training of professionals, the guidelines call for adequate training, education and information to be made available to professionals, working with child victims and witnesses with a view to improving and sustaining specialized methods, approaches and attitudes in order to protect and deal effectively and sensitively with child victims and witnesses (para. 40). Professionals should be trained to effectively protect and meet the needs of child victims and witnesses, including in specialized units and services (para. 41).

This has been affirmed by the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children in her report on *A practical approach to addressing the sale and sexual exploitation of children* ([A/HRC/49/51](#)) where she outlines the importance of training of members of different professions, including teachers and social workers, frontline service providers, legal professionals such as lawyers, prosecutors and judges, and in particular law enforcement agents. She emphasized the need for States to scale up training opportunities to make sure that every professional coming into contact with a child has basic knowledge about children's rights, child protection and, in particular, knows where to look for assistance in case a suspicion exists that a child may be a victim of sexual exploitation. This includes persons working within an institution who may come into contact with child victims, such as law clerks working within the court system, teachers, nurses and other medical staff, sports coaches and cultural and religious leaders. Such training should be added as permanent modules within the mandatory curricula of professional certification courses for the relevant professional groups (para. 68).

The Special Rapporteur also highlights that making justice mechanisms freely accessible to all child victims constitutes a first real step towards providing adequate rehabilitation to child victims. Child victims not only need to access justice mechanisms, but be able to effectively seek justice for the harm that they have suffered. An indispensable part of this is to inform children about their rights in a language adapted to their age and level of maturity, and to actively listen to the child's voice. The child has a right, but not a duty, to participate in judicial proceedings and should have a representative who understands the specific situation of the child and defends their rights. The child also has a right to be accompanied by a trusted person of their own

choice. A child should not be forced to face their offender and should not be brought into the court room unless it is considered in their best interests. Other means to guarantee a fair trial for the defendant should be used, such as child-friendly pretrial hearings that can serve as evidence in court. Where a child participates in the criminal justice process, the secondary traumatization of that child should be avoided at all costs (paras. 74-75).

In the same report, the Special Rapporteur underscores one of the key aspects of providing support and rehabilitation services to child victims, which is that such services should be freely available, accessible and not conditional on participation in law enforcement investigations or criminal proceedings. All child victims should have access to child-friendly and child-sensitive services that factor in their age, sex, gender, level of maturity and the nature of the trauma they have suffered. A child victim of sexual exploitation is often deeply traumatized and may have difficulty processing what happened. For instance, feelings of self-blame, guilt and shame may be exacerbated by the involvement of some form of remuneration, even when such remuneration did not go to the child but to the exploiters. Trauma-informed services are therefore just as important as child-friendly and child-sensitive ones (para. 82).

We would also like to draw your attention to the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children's report on *Gender dimension of the sexual exploitation of children and the importance of integrating a child-centred and gender-inclusive approach to combating and eradicating it* ([A/76/144](#)). In terms of child protection and access to justice, the report examines how gender may play a role in the identification of child sexual abuse and exploitation and how such allegations are received and handled by professionals. This potentially affects the type of support services a child victim is afforded, which are often believed to be designed for girls only (para. 4). Estimating the magnitude or prevalence of child sexual exploitation and abuse is an impossible task, mainly because of the unknown dark figure of those who never disclose their abuse to anyone. Nevertheless, within the realm of what is known, it is clear that gender differences exist in relation to prevalence. Girls are estimated to be two to three times more likely to be sexually abused than boys, although recent research has highlighted the extent of abuse against boys in specific settings such as single-sex residential institutions and church-based and sports institutions (para. 43). It must however be acknowledged that the estimates that boys are less exposed to sexual abuse and exploitation than girls are confounded by underreporting, unsubstantiated cases and social stigma about the abuse of boys. Males have therefore been referred to as a hidden group (para. 45).

We wish to recall that the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children in her report on *Reparation for child victims and survivors of sale and sexual exploitation* ([A/HRC/52/31](#)) has expressed regret that despite the significant work carried out in the area of victim-centred approaches to reparation and transitional justice, child victims and survivors of sale and sexual exploitation have hardly ever been afforded due reparation for violations committed against them as enshrined under international and regional human rights instruments (para. 8). The report also recognizes that while children may be entitled to remedies or reparations under law and policy, victims and survivors have been left waiting for reparation, and without access to comprehensive services, medical treatment, psychological care and livelihood support, until the conflict ends. The Special Rapporteur encourages the

development of transitional processes and the implementation of interim relief measures in such situations (para. 88).

We also wish to draw your attention to the Special Rapporteur on violence against women and girls, its causes and consequences' report on *Custody, violence against women and violence against children* ([A/HRC/53/36](#)). The report examines the gendered application of the Hague Convention on the Civil Aspects of International Child Abduction, which Germany ratified on 27 September 1990. The Special Rapporteur points out that the Hague Convention covers international parental child abduction and provides an expeditious process for the return of a child internationally abducted from his/her habitual residence in the territory of one State party by a parent to the territory of another State party to the Convention so that the courts in that jurisdiction can settle a custody dispute. However, the Convention does not mention domestic violence, neither does it include protections for abused mothers. As a result, when mothers flee with their children across international borders, they become vulnerable to being treated as an “abducting” parent by the courts under the Convention. (Para. 36). Furthermore, around three-quarters of all cases filed under the Hague Convention are against mothers, most of whom are fleeing domestic violence or seeking to protect their children from abuse. Article 13 of the Convention states that an order for the return of a child can be rejected if there is a “grave risk” of harm. However, courts have been reluctant to accept exposure to domestic violence as a reason not to return children to another State party. In some cases, courts have returned children to their country of habitual residence even where they have found that violence has occurred against the children, frequently compelling women and children to return to abusive and life-threatening situations (para. 37). The Special Rapporteur also highlights the link between parental alienation and child sexual abuse. By reframing a mother as a liar who “emotionally abuses” her children, the parental alienation label diverts the attention of courts away from the question as to whether a father is abusive and replaces it with a focus on a supposedly lying or deluded mother or child (para. 40).