

**Statement by the Istanbul Convention Alliance
on Germany's response to the questionnaire on the
implementation of the recommendations of the Committee
of the Parties of 12 December 2022 (IC-CP/Inf(2022)8)
13. March 2026**

The *Istanbul Convention Alliance* (BIK) is an association of over 20 civil society organisations, professional associations and experts from all over Germany. The aim of the alliance is to support and promote the implementation of the Istanbul Convention in Germany and to raise public awareness of the convention.

Its members are:

- Federal Working Group of Autonomous Girls' Shelters (Bundesarbeitsgemeinschaft Autonomer Mädchen*häuser)
- Federal Working Group of Feminist Organisations against Sexual Violence against Girls and Women (Bundesarbeitsgemeinschaft Feministischer Organisationen gegen Sexuelle Gewalt an Mädchen und Frauen – BAGFORSA)
- Federal Working Group of Municipal Women's Offices and Equal Opportunities Bodies (Bundesarbeitsgemeinschaft kommunaler Frauenbüros und Gleichstellungsstellen)
- Federal Working Group on Perpetrator Work in Domestic Violence (Bundesarbeitsgemeinschaft Täterarbeit Häusliche Gewalt – BAG TäHG)
- Federal Working Group on Homelessness Services (Bundesarbeitsgemeinschaft Wohnungslosenhilfe – BAG W)
- Federal Association of Women's Counselling and Rape Crisis Centres (Bundesverband Frauenberatungsstellen und Frauennotrufe – bff)
- Berlin initiative against violence towards women - BIG (for the NGOs of the Conference of State Coordination Centres against Domestic Violence)
- Federal Association for Feminist Self-Assertion and Self-Defence (Bundesfachverband feministische Selbstbehauptung und Selbstverteidigung - BV FeSt)
- PRO ASYL Federal Working Group
- Cora – Women Help Women Association Rostock
- Umbrella Organisation of Migrant Women's Organisations (Dachverband der Migrantinnenorganisationen – DaMigra)
- National Council of German Women's Organisations (Deutscher Frauenrat – DF)
- German Women Lawyers Association (Deutscher Juristinnenbund – djb)
- Women's Shelter Coordination (Frauenhauskoordinierung - FHK)
- GESINE Intervention
- JUMEN – Human Rights in Germany
- German NGO Network against Trafficking in Human Beings (Koordinierungskreis gegen Menschenhandel – KOK)
- Medica mondiale
- Mothers' Initiative for Single Parents (Mütterinitiative für Alleinerziehende – MIA)
- Ragazza Hamburg
- S.I.G.N.A.L. – Intervention in the health sector against domestic and sexual violence
- StoP – Neighbourhoods without Partner Violence
- Association of Single Mothers and Fathers (Verband Alleinerziehender Mütter und Väter - VAMV)
- Federal Network of Women, Lesbians and Girls with Disabilities (Weibernetz)
- Central Information Office for Autonomous Women's Shelters (Zentrale Informationsstelle Autonomer Frauenhäuser – ZIF)
- Professional Association for Erotic and Sexual Services (Berufsverband für erotische und sexuelle Dienstleistungen - besd)
- Broken Rainbow
- Federal Association Trans* (Bundesverband Trans*)

- Federal Association for Feminist Self-Assertion and Self-Defence (Bundesfachverband feministische Selbstbehauptung und Selbstverteidigung - BV FeST)
- Themis Trust Centre Against Sexual Violence and Harassment (Themis Vertrauensstelle gegen sexuelle Gewalt und Belästigung)

Advisory experts: see website

Consulting Organisation:

- Reporting Body for Gender-based Violence, based at the German Institute for Human Rights

Table of contents	
Preliminary remarks.....	5
Introduction.....	5
Chapter I – Fundamental rights, equality and non-discrimination (Article 4).....	6
Questions 1-3: Gaps remain!	
Chapter II – Integrated policy measures (Article 7).....	7
Question 4: Revision of the Protection against Violence Strategy is necessary	
Questions 5 and 5.1: Not all forms of violence are adequately covered	
Question 6.1: Lack of protection specifically for women and girls in migration and asylum law	
Questions 7 and 7.1: Better involvement of civil society in future	
Question 9: Ensure continuous cooperation	
Chapter III Financial resources (Articles 7, 22 and 25).....	10
Questions 14: Ensuring the funding of NGOs	
Question 14.1: Lack of safeguards and expansion of specialist support services	
Chapter IV Data collection and research (Article 11).....	11
Questions 17-19: Closing gaps in data collection	
Question 21: Groups that are not sufficiently researched	
Chapter V Non-governmental organisations and civil society	12
(Articles 9 and 15)	
Questions 2.1, 5.1, 16.1, 23.1: Cross-cutting issue: Mandatory initial and continuing training for all actors as a basis for quality-based work	
Chapter VI Substantive law: Custody, access rights and safety	12
(Article 31)	
Question 23: Children's need for protection, including in cases of sexual and domestic violence, and of mothers who are survivors not sufficiently taken into account in custody and access rights	

Preliminary remark

The Istanbul Convention Alliance uses the gender star (*) in the middle of words in its German publications to overcome gender stereotypes and take diverse gender identities into account¹. However, in some cases, only the masculine form "perpetrator" is used to make it linguistically clear that the overwhelming majority of perpetrators are male. At the same time, it should be noted here that female perpetrators also use gender-specific violence against women and girls, in particular sexual violence against girls.

Introduction

Germany's response to the recommendations of the Committee of the Parties of December 2022 is initially impressive in its scope and its overwhelmingly affirmative response to the questions raised. However, in the Alliance's view, the positive portrayal of the implementation of the Istanbul Convention (IC) does not correspond to the actual situation in many respects.

For example, the Federal Government's Protection against Violence Strategy is described as a comprehensive and firmly established programme. However, this ignores the fact that many measures lack a direct link to gender-specific violence and that neither the time frame nor the long-term financing are specified. The implementation of the measures outlined in the strategy is often presented via temporary or already completed projects, meaning that the strategy cannot be implemented sustainably in the future.

Rather, the Federal Republic's response is an idealised description of the implementation. For example, it ignores the fact that current legislative changes, such as the Violence Assistance Act passed in 2025 and the planned amendments to the Protection Against Violence Act, which are very welcome in their intent, are currently leading or could lead to a reduction and overload of the existing support system. This is due to the increasing withdrawal of local authorities from the financing of local violence protection systems on the one hand, combined with an expansion of the legal mandate through, for example, mandatory perpetrator counselling on the other. As a result, violence protection measures focused on intersectionality and prevention, among other things, can no longer be provided. Under these conditions, the interdisciplinary work repeatedly called for in studies is also difficult to establish or to carry out.

In addition, the climate towards migrants and refugees is deteriorating significantly. Violence against LGBTIQ* people and hostility towards women with disabilities are also on the rise (Istanbul Convention Alliance alternative report, Article 4, Paragraph 3).

These contrasting developments show once again how important it is to strategically align individual measures for the protection against violence and how much the consistent implementation of these measures is jeopardised by precarious budgetary situations at the state and municipal levels.

In the following, we refer to the recommendations of the Committee of the Parties of 2022 and to some of Germany's responses to the Committee's questionnaire of 2025. We also refer to our more detailed explanations in our Alternative Report at: https://www.buendnis-istanbul-konvention.de/wp-content/uploads/2025/11/EN_ONLINE_251120_Alternativbericht_2025-2.pdf

¹ When the terms 'women' and 'girls' are used without an asterisk (*) at the end, trans women and trans girls are explicitly included.

Chapter I – Fundamental rights, equality and non-discrimination (Article 4)

Questions 1-3: Gaps remain!

According to Germany, the Violence Assistance Act (GewHG) pays particular attention to the "needs of women with disabilities, migrant backgrounds and different gender or sexual identities". However, we would like to point out that, within the meaning of the GewHG, **only women** who are victims of domestic or gender-specific violence are addressed and that the law therefore does not address different gender identities in any way. TIN* persons are also particularly affected by gender-specific violence and are therefore also covered by the Istanbul Convention. The wording "gender-specific violence [...] is violence against women [...] because she is a woman [...]" (GewHG §2 Absatz1) thus excludes persons who are read as female and experience violence because of this, but who have a different gender identity. In addition, trans women in particular are exposed to gender-specific violence, even in phases of life when they have not yet changed their civil status – when they are not legally considered women and therefore cannot access assistance under the GewHG. Trans men and persons with the civil status "diverse" receive no protection at all under the GewHG from the moment they legally change their civil status.

Apart from this, the Istanbul Convention Alliance's Alternative Report addresses the continuing discrimination against migrant and refugee women – including in the context of the upcoming implementation of the Common European Asylum System (CEAS) – as well as other vulnerable groups (including women with disabilities, older and elderly women, TIN* and queer persons, homeless women and girls, women and girls who use drugs, sex workers, Sintizze and Romnja; Istanbul Convention Alliance Alternative Report, Article 4, Paragraph 3).

New documents such as the "Guide to Protection Against Violence for People with Disabilities" published by the Federal Ministry of Labour and Social Affairs (BMAS) do not contain any concrete measures that should or even must be pursued by the Federal Government, the states, local authorities, funding or service providers. Although the guide describes helpful measures in the context of protection against violence, it remains non-binding. Furthermore, it does not refer to the Istanbul Convention, but to the implementation of Section 37a of the Social Code Book IX (SGB IX).

In its response to questions 2 and 2.1, Germany refers, among other things, to the General Equal Treatment Act (AGG) and to the services offered by the Federal Anti-Discrimination Agency (ADS). The Anti-Discrimination Agency was established to deal with cases of discrimination under the AGG and does not specifically address violence against women. Only the area of sexual harassment in the workplace is covered there. Structurally, it is not responsible for the implementation of the Istanbul Convention.

In practice, even the revised Protection against Violence Act does not offer equal intersectional protection for all women affected by violence. For women with impairments and disabilities who live in their own homes with assistance or care, there are no legal provisions for the practical implementation of the right to expel perpetrators who provide care or assistance. Without quick and guaranteed replacement care, expulsion is not possible.

For the actual intersectionality of the overall strategy, see points 5 and 5.1.

Chapter II – Integrated policy measures (Article 7)

Question 4: Revision of the violence protection strategy is necessary

In its Recommendation No. 2, the Committee of the Parties calls for the development of a long-term strategy and comprehensive and coordinated measures by Germany.

The Istanbul Convention Alliance welcomes the fact that the Federal Ministry of Education, Family, Senior Citizens, Women and Youth (BMBFSFJ) has taken the lead in presenting a strategy of the Federal Government for the protection against violence to implement the Istanbul Convention. The members of the Istanbul Convention Alliance emphasise the importance attached to the overall strategy, but at the same time express the following criticism (see also Alternative Report on the Implementation of the Istanbul Convention 2025, Article 7):

Civil society was not sufficiently involved in the development of the strategy. There is a lack of a consistent intersectional approach to particularly vulnerable groups. The few individual measures that focus on intersections such as flight/migration or disability appear to be target group-specific rather than intersectional. The vast majority of measures lack information on their possible intersectional impact.

At the same time, there is a lack of reliability across legislative periods. The overall strategy is to be "further developed at the beginning of each legislative period on the basis of the agreements in the respective coalition agreement"². Almost a year after the last elections, civil society has not seen any further development. The current coalition agreement of the Federal Government provides for a National Action Plan, but at this point in time, the Alliance has no current information on the status of the Action Plan.

Numerous measures are not financed until the end of the strategy (2030). For example, the Reporting Body for Gender-based Violence, based at the German Institute for Human Rights, has only received a funding commitment until the end of 2026. At the same time, the overall strategy provides for a monitoring procedure, under the responsibility of the National Coordination Office, to accompany the implementation of the strategy.³

The strategy blends already existing measures, short term projects and projects with no fixed timeframe.

Some of the measures listed (and budgets specified) have little relevance to the implementation of the Istanbul Convention. There are no new measures for the health sector, or only inadequate ones. Measures to reduce the exclusion of refugee women from measures of protection are completely lacking. Particularly vulnerable groups such as homeless and rough-sleeping women and women who use drugs are not mentioned.

Whether and to what extent accessible protection and counselling services are created for women with disabilities is the responsibility of the federal states. In the federal Violence Assistance Act (GewHG), accessible access is a target requirement. The Federal Government would have to establish reliable criteria for reaching particularly vulnerable groups in its funding programme from the "special fund" from 2027 onwards. We describe challenges in protecting against violence, e.g. for homeless and rough-sleeping women and older women, in the Alternative Report (Istanbul Convention Alliance Alternative Report, Article 4).

² BMBFSFJ 2025: Strategy for protection against violence under the Istanbul Convention [online] [Strategy for protection against violence under the Istanbul Convention](#) (accessed on 17 February 2026)

³ cf. *ibid.*, p. 18

With regard to the information submitted by Germany to the Committee of the Parties in December 2025, we also note the following:

Questions 5 and 5.1: Not all forms of violence are adequately covered

The Protection against Violence Strategy covers **domestic violence** relatively comprehensively.

In the area of **sexual violence**, measures are primarily aimed at children and young people. Measure 67, "Translation of a handbook on clinical care for women who experience intimate partner violence or sexual violence", was already implemented in 2015 and no further activities related to the handbook have taken place since then. At the same time, the special **needs of girls** are not sufficiently taken into account, but rather shifted to general child protection.

In the area of **sexual harassment**, there are only isolated measures and temporary projects in various areas (e.g. counselling, training for foreign and peace missions, in the workplace context) and the financing of an "Alliance Against Sexism" until 2025.

Forced marriage is addressed in the context of foreign and development policy and as part of EU Directive 2024/1712. The Protection against Violence Strategy does not assign any specific measures to combating forced marriage in Germany, even though it states that survivors of forced marriage may be exposed to intersectional discrimination and need information on protection facilities in various, easily accessible forms of communication. There are no specific measures to prevent or combat **stalking**. The rights of survivors and awareness-raising, particularly among the police and judiciary, urgently need to be increased.

The Protection against Violence Strategy does not include any measures to prevent or strengthen the rights of survivors of **forced abortion and forced sterilisation**. The coalition agreement of the current Federal Government also makes no provision for genital mutilation, forced marriage, forced abortion and forced sterilisation.⁴

The issue of **female genital mutilation** is primarily addressed through programmes abroad. The Protection against Violence Strategy only mentions three projects on FGM/C in 2023 and 2024 – the development of a short informative film, a follow-up project for its distribution, and a three-month networking project on mental health. However, it does NOT contain any further, long-term or systematic measures for survivors of FGM/C.

The Protection against Violence Strategy does not contain a coherent approach for **the prevention** of gender-specific violence. It merely lists various measures. The implementation of community-based prevention concepts such as StoP is only mentioned as an example, with no details on how this would be implemented in practice.

Question 6.1: Lack of specific protection for women and girls in migration and asylum law

It remains unclear how the rights of survivors who are affected by multiple discrimination are to be safeguarded in particular – the Protection against Violence Strategy does not take into account the rights of all. It is not transparent to what extent the national coordination office

⁴ Istanbul Convention Alliance (2025): Alternative Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. [online]: https://www.buendnis-istanbul-konvention.de/wp-content/uploads/2025/11/EN_ONLINE_251120_Alternativbericht_2025-2.pdf

for the implementation of the Istanbul Convention focuses on an intersectional approach. Restrictions are becoming more severe, particularly in the area of asylum policy – women affected by violence are also increasingly being deported.

Although the Federal Government claims to take into account particularly vulnerable groups such as refugee women with precarious or insecure residence status, residence status is an obstacle for women in accessing support and protection services on an equal basis. Article 59(2) of the Convention, which provides for an independent residence permit for victims of violence, has not been fully implemented. Civil society organisations and legal practitioners have long been calling for a reform of Section 31 of the Residence Act in line with the Istanbul Convention. As stipulated in the Convention, independent residence permits should be guaranteed for women affected by violence so that they can take advantage of all measures available to them. The marriage-dependent residence status contradicts the provisions of the Istanbul Convention. Unfortunately, the needs of refugee women affected by violence and their particular vulnerability are rarely taken into account during admission or asylum procedures, and they face considerable obstacles in accessing assistance and protection services. This must be urgently resolved in accordance with the provisions of the Convention.

The regulations required for the implementation of CEAS (Common European Asylum System) in Germany will further exacerbate the situation of refugee women affected by violence; in particular, there is reason to fear multiple violations of Article 61 of the Istanbul Convention. Numerous civil society organisations have already criticised this. Germany's report form does not mention this issue at all. The Istanbul Convention Alliance's Alternative Report highlights the problems in implementing the Istanbul Convention with regard to migrant and refugee women and proposes appropriate solutions (Articles 59–61).

According to Section 44 paragraph 2a of the Asylum Act (Aufenthaltsgesetz), the federal states (Länder) must also ensure the protection of women in accommodation facilities. However, the guideline "Minimum Standards for the Protection of Refugees in Refugee Accommodation" mentioned in Germany's report form is not binding, which means that the existence and quality of protection against violence in accommodation facilities remains inconsistent and uncertain. Not all federal states (Länder) have legally binding violence protection concepts, neither do they all provide the necessary financial resources and staff.

The Violence Assistance Act (GewHG) does not contain any specific measures for asylum seekers who are survivors of violence. Although survivors with "lacking language skills" are to be "appropriately supported" by violence support services, there is a lack of further measures to comprehensively remove barriers to access.

Various authorities in Germany are responsible for identifying survivors of gender-specific violence during admission and asylum procedures. The identification of survivors of gender-specific violence is initially the responsibility of the federal states (Länder) and, once an asylum application has been submitted, the Federal Office for Migration and Refugees (BAMF). There is no standardised nationwide procedure for the systematic identification of particularly urgent protection needs due to gender-specific violence. The practice of identifying persons in vulnerable situations varies from state to state – systematic identification does not take place in any state, which is why many survivors are not recognised as such. Due to inadequate identification by the federal state (Länder) authorities, important or relevant grounds for asylum are not forwarded to the BAMF. Although the BAMF employs particularly trained special agents for gender-specific violence, there is no legal right to a hearing conducted by them. It is also unclear to what extent they are actually deployed (see Monitor Gewalt gegen Frauen [Monitoring Violence against Women], DIMR, p. 314ff).

Questions 7 and 7.1: Better involvement of civil society in the future

A one-off consultation with civil society is not sufficient. Furthermore, not all relevant actors were included in the consultation. For example, the healthcare system in Germany is subject to self-administration. To our knowledge, the relevant actors (medical associations, medical professional associations and societies, health insurance companies, patient representatives) were not involved in the development of the Protection against Violence Strategy. As stated in the Alternative Report, the overall strategy for the healthcare system contains no new measures or only inadequate ones. There is no evidence of a systematic strategy on the part of the Ministry of Health or the federal states (Länder).

Question 9: Ensuring continuous cooperation

There are still no plans for an institutionalised and systematic cooperation between civil society and the National Coordination Office for the implementation of the Istanbul Convention, and the necessary funding has not been secured in the long term.

The Istanbul Convention Alliance recommends that the Federal Government "revise the Protection against Violence, underpin it with concrete information on the budget and reliable long-term commitments, and anchor intersectional approaches throughout. We also recommend developing indicators that can be used to monitor implementation through systematic monitoring" (Alternative Report Istanbul Convention Alliance, recommendation regarding Article 7).

Chapter III – Financial resources (Articles 7, 22 and 25)

Question 14: Ensuring the funding of NGOs

In Germany, a substantial part of the funding for the support system is based on project-related funding. This is neither long-term nor sustainable and creates considerable uncertainty for the providing organisations/NGOs. The Violence Assistance Act (GewHG) is supposed to remedy this situation from 2027 onwards and thus ensure secure funding for the support system. However, it remains unclear how future funding under the GewHG will be structured in the individual federal states (Länder) and which specialist counselling and support centres in the field of gender-specific violence will be taken into account in this context .

In addition, it is necessary to set up structures that have been lacking up to now and to create closer structural links. For example, in the health sector, there is currently only one coordination centre in one federal state (Land) and no stringent nationwide networking or networking structure for those working in the field.

The Sexual Abuse Fund (Fonds Sexueller Missbrauch), which provided very important support for survivors of sexual violence, will not be continued in 2026. No further funds have been allocated for this in the federal budget for 2026. For many survivors, the consequences of sexual violence mean a life in extremely precarious circumstances. The abolition of this low-threshold support system once again denies them prospects and recognition.

In addition, it is currently unclear to what extent the federal subsidy under the GewHG and the currently undefined federal state (Länder) subsidies would cover the municipal financing of existing violence protection systems if the municipalities were to withdraw from financing. This would also determine the extent to which an expansion of support structures under the GewHG would be possible at the federal state (Länder) level. It is to be expected that this dynamic – against the backdrop of a potentially varying municipal share – could also manifest itself very differently in the individual federal states (Länder), leading to very

heterogeneous developments in the implementation of the GewHG. Due to the trend that began last year of local authorities increasingly withdrawing from so-called voluntary services (“freiwillige Leistungen”) from 2026, this means in practice that providing organisations in the local violence protection system are already facing major challenges this year and that the survival of small organisations in particular is highly endangered. This also applies to services in the areas of prevention and networking.

The maintenance and improvement of women's shelter structures is not being prioritised – neither structural renovations, which could be financed from the special fund provided by the GewHG, nor adequate staffing.

The implementation of the GewHG at the federal state (Länder) level and the resulting enquiries in the context of the initial analysis considerably draw on the resources of women's shelter staff, which have not been taken into account in the financing budgets. This poses an acute threat to the women's shelter infrastructure.

Although €150 million from the special fund is available, the application procedure is not yet known.

Question 14.1. Lack of security and expansion of specialist support services

There is a lack of nationwide structures for specialist counselling and support services for lesbians, intersex, non-binary, transgender and agender persons who are survivors of gender-specific violence. Similarly, there is a lack of nationwide cooperation between the police, public prosecutors, courts and specialist counselling and support centres on domestic violence, which would enable them to take on the tasks of intervention centres.

Queer-sensitive accommodation options for survivors of domestic violence are currently only available in Berlin and Munich; there is a lack of nationwide structures.

There is a lack of in-service training opportunities for the police and public prosecutors on domestic violence in same-sex/queer relationships.

Furthermore, there is a continuing lack of a sufficient and customised nationwide network of specialist centres for survivors of rape and sexual violence that ensures reliable and low-threshold access to medical, forensic, psychosocial and legal support.

Instead of reliable measures, the Federal Government refers to existing structures and federal state (Länder) responsibilities. Uniform and reliable standards for relevant professional groups have not been created nationwide. As a result, the provision of care for survivors remains fragmented and dependent on their place of residence. This is not in line with the requirements of the Istanbul Convention. (Alternative Report Istanbul Convention Alliance, recommendation regarding Article 22 and 25).

Chapter IV – Data collection and research (Article 11)

Questions 17-19: Closing gaps in data collection

We refer to our comments in the Istanbul Convention Alliance Alternative Report 2025 (Article 11).

In Germany, no relevant administrative data is currently collected in the healthcare system in the categories mentioned.⁵ The DIMR's 2023 “Report on the Data Situation on Gender-Specific Violence against Women and Domestic Violence in Germany” identifies this as a

⁵ for more information, see pp. 42-43 of the Istanbul Convention Alliance Alternative Report 2025; for sexual violence, see p. 95 of the DIMR 2020 analysis on acute care after sexual violence and the RTB discussion paper “(Routine) Data Collection in Berlin Healthcare on Domestic and Sexual Violence” 2022)

significant gap. The federal government's violence protection strategy does not include any measures for data collection in the healthcare sector.

Question 21: Consider groups that have been insufficiently researched

The recently published study "Living Situation, Safety and Stress in Everyday Life" (LeSuBiA) contains significant gaps in terms of intersectional aspects in its first thematic issue. The situation of women experiencing homelessness and rough-sleeping, women with disabilities and women who use drugs is not addressed or recorded⁶. LGBTIQ* persons are not considered in a differentiated manner.

Chapter V – Non-governmental organisations and civil society (Articles 9 and 15)

Questions 2.1, 5.1, 16.1, 23.1 Cross-cutting issue: Mandatory training and continuing education for all actors forms the basis for quality-based work

Comprehensive awareness-raising in practice-relevant fields - through reliable training, further education and continuing professional development - has not been established nationwide. Content on the following topics would be necessary: a gender-specific understanding of violence against women and girls, debunking rape myths, power dynamics in domestic violence, care for survivors, and perpetrator strategies in sexual violence. Although the need for training is recognised in the action plans of the federal states (Länder) for implementing the Istanbul Convention, there are no nationwide guidelines on binding requirements, incorporation and quality standards. Standardisation is not guaranteed due to a lack of guidelines from the Federal Government.

This incorporation is particularly lacking with regard to the communication of a clear intersectional approach as a basis for the development of appropriate prevention and intervention measures that provide protection for **all** women and girls. Since principles that stand in the way of protecting refugee women and girls are still enshrined in legislation – particularly in the residence and social systems – there is a need for further in-service training and education in this field that adequately addresses the interconnection of these issues. The same applies to overlaps in the area of integration assistance for people with disabilities and customised empowerment services (Istanbul Convention Alliance Alternative Report, Article 15).

Chapter VI – Substantive law Custody, access rights and safety (Article 31)

Question 23 Children's need for protection, including in cases of sexual and domestic violence, and of mothers who are survivors not sufficiently taken into account in custody and access rights

⁶ "Population: The data collected by LeSuBiA refers to the population aged 16 to 85 living in private households in Germany. The PKS [police criminal statistic], on the other hand, records all crimes committed in Germany, regardless of the place of residence or age of the victims. Thus, the PKS also includes crimes against, for example, non-natural persons (e.g. companies), travellers, homeless persons or persons accommodated in institutions (e.g. prisoners). For various methodological reasons, it was not possible for LeSuBiA to include these groups of people." (p. 34 LeSuBiA)

The Federal Government's comments on the implementation of Article 31 of the Istanbul Convention are extremely inadequate.

The implementation measures described under 23.1 in the reporting form are unfortunately only selective and partly misleading. The E-learning project on domestic violence mentioned there is useful, but an E-learning programme and the accompanying training brochure are no substitute for comprehensive training. In particular, there is a lack of time resources for in-service training: for example, qualification measures are not taken into account in the calculation of personnel requirements of family courts.

The reference to legally standardised qualification requirements for specialists (family judges, legal representatives, experts) is misleading, as these do not include knowledge of domestic violence. In addition, Section 23b Paragraph 3 of the Courts Constitution Act (GVG) only represents a so-called directory provision ("Soll-Vorschrift") for family judges; there is therefore no obligation or even a right to qualification. **This means that Article 15 of the Istanbul Convention is not being implemented.**

Unfortunately, the consideration of domestic violence in the context of the child's welfare (as mentioned under 23.1) does not always take place, or sometimes even takes place to the detriment of the mother affected by violence and to the benefit of the violent father - in particular when pseudo-scientific concepts such as the "alienation theory" or the so-called Parental Alienation Syndrome (PAS) are applied. Although children can be involved through child hearings and legal representation, in practice their experiences of violence or their testimony of violence against their mother are not necessarily taken seriously. Instead, these are sometimes interpreted as supposed influence by the mother. As a result, there are no explicit regulations for judicial risk assessments (cf. Art. 51 Istanbul Convention). Family courts therefore make decisions to the detriment of the parent affected by violence on the grounds of doubting their parenting ability or tolerance of attachment, without thoroughly investigating partner violence.

According to the expert commission of the Tenth Family Report, the lack of data collection on family court decisions mentioned under 23.2 in the reporting form could be remedied by "a corresponding improvement in the regulations for legal fact-finding in family court proceedings, as contained in Section 476 of the Code of Criminal Procedure (StPO)"⁷.

With regard to 24.1 in the report form, it is true that the legislative materials cite domestic violence as an example of an exception to the requirement to seek agreement intended by Section 156 paragraph 1 of the Act on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG). However, this is not laid down in law ("if this does not conflict with the welfare of the child") and does not seem to be widely known or applied in practice. The exception should be expressly enshrined in law and not left to the interpretation of individual judges⁸. The Federal Government's wording in point 24.1, stating that accompanied contact is usually organised and carried out by suitable institutions, obscures the fact that there are **no legal standards regarding qualifications or procedures** for the contact attendants appointed in each case (Section 1684 paragraph 4 sentences 3 and 4 of the German Civil Code (BGB)). There are also no established standardised requirements for contact supervisors (Section 1684 paragraph 3 sentence 3 BGB), i.e. the persons who, if necessary, carry out contact even against the resistance of one parent.

⁷ BT Drs. 20/14510, <https://www.bmbfsfj.bund.de/bmbfsfj/service/publikationen/zehnter-familienbericht-254310>, p. 179

⁸ cf. Art. 48 para 1 Istanbul Convention; see also Tenth Family Report, p. 379

We welcome that the training brochure "Child custody matters and domestic violence" has been produced and distributed nationwide to family courts and that an online course is being offered by the federal states (Länder). Then again, participation is not mandatory, and the practice at family courts documented by Fegert (2025) and Hammer (2022⁹ and 2024¹⁰) has not changed during the reporting period. In view of the proven danger to survivors and children, there is an urgent need for comprehensive training based on quality criteria in accordance with the Istanbul Convention. There is hope that the reform of family law agreed upon in the coalition agreement will take appropriate account of the experiences of violence suffered by survivors in order to counteract the massive danger posed by family law decisions.

The recently published LeSuBiA study shows that 25% of respondents have witnessed violence between their legal guardians¹¹. These same individuals have often been victims of violence by their legal guardians themselves. The potential danger must be recognised and taken into account in decision-making.

Further details can be found in the Alternative Report Istanbul Convention Alliance, recommendation regarding Article 31

⁹"Family law in Germany – An inventory", Hammer study 2022

¹⁰"Power and control in family law proceedings in Germany – An analysis of media case documentation" Hammer study 2024

¹¹https://www.bka.de/DE/UnsereAufgaben/Forschung/ForschungsprojekteUndErgebnisse/Dunkelfeldforschung/LeSuBiA/lesubia_node.html