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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement submitted by International Probono Legal Services Association Limited, a non-governmental organization in special consultative status*

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2025]

* Issued as received, in the language of submission only.



The Systematic Exploitation of Children within Child Welfare Mechanisms in Germany

International Probono Legal Services Association Limited (IPLSA) and JPTi express profound concern regarding the systemic exploitation of children within Germany's child welfare system.

Adoption and foster care placements have increasingly become avenues for financial profit rather than genuine child protection. Evidence from numerous complaints and case studies indicates a pervasive practice where the Jugendamt (Youth Welfare Office), in collaboration with private entities, removes children from their families under the pretext of safeguarding, only to place them in financially lucrative adoption or foster care arrangements. This prioritisation of profit over the best interests of the child constitutes a modern form of trafficking and a severe violation of international human rights law.

The Jugendamt operates with unchecked authority, applying the constitutional principle of "well-being of the child," which offers fewer safeguards than the internationally recognised principle of the best interests of the child. Despite repeated recommendations from the Committee on the Rights of the Child (CRC), Germany has failed to fully integrate this principle into its child welfare decisions. The Jugendamt's influence over family court proceedings is significant, lacking transparency and meaningful oversight. Parents, particularly those from foreign, minority, and economically disadvantaged backgrounds, navigate an opaque bureaucratic system where decisions are made arbitrarily and without procedural protections.

Family courts often rubber-stamp the Jugendamt's decisions, undermining parental rights and rendering appeals ineffective. Such practices may amount to institutionalised child trafficking, where children are forcibly removed not for their welfare but to sustain a multi-billion-euro industry of private foster care and adoption agencies. Once in state custody, children frequently experience psychological trauma, loss of cultural identity, and, in some cases, abuse. The financial incentives embedded in this system obstruct the reunification of children with their biological families, as each removal generates continued financial gain for the involved institutions, with little state support offered for family reintegration.

Historically, the Special Rapporteur on the Sale of Children has conducted thorough investigations into commercial practices within adoption systems, emphasising the safeguarding of children's rights. Previous Special Rapporteurs have consistently highlighted the necessity for strict oversight to prevent exploitation within adoption processes. However, since taking office in 2020, Mama Fatima Singhateh has refrained from addressing these critical issues, claiming that commercial adoption practices fall outside her mandate—a departure from her predecessors' interpretations.

We call upon the Special Rapporteur on the Sale of Children to restore the mandate's original breadth, addressing the global issue of adoption commercialisation. We urge a comprehensive review of findings from this mission and a reaffirmation of the commitment to safeguarding children from exploitation in adoption processes.

Recommendations to the Human Rights Council and the Special Rapporteur on the Sale of Children:

1. Conduct an independent and transparent investigation into the Jugendamt's removal and adoption practices, ensuring compliance with international human rights standards.
2. Establish an oversight mechanism to prevent financial incentives from driving child removals and to prioritise family unity.
3. Follow up on the country visit to Germany and include the systemic commercialisation of child welfare mechanisms in the March 2026 report to the Human Rights Council.
4. Address the individual complaint regarding the two girls from a German-Russian-speaking Orthodox Christian family, ensuring their case is investigated in accordance with international human rights law.

5. Hold Germany accountable for its failure to uphold international human rights obligations and ensure that the best interests of the child are not subordinated to financial motives.

Justice pour Tous Internationale (JPTi), NGO(s) without consultative status, also share the views expressed in this statement.