



Germany

Ratified the European Convention on Human Rights in 1952

National Judge: Angelika NÜBBERGER

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Hermann MOSLER (1959-1980), Rudolf BERNHARDT (1981-1998), Georg RESS (1998-2004), Renate JAEGER (2004-2010)

Applications processed in	2008	2009	2010	2011
Applications allocated to a judicial formation	1571	1517	1682	1754
Communicated to the Government	52	78	55	33
Applications decided:	1590	1734	1590	1141
- Declared inadmissible or struck out (Single Judge)	0	675	1487	1072
- Declared inadmissible or struck out (Committee)	1530	986	19	7
- Declared inadmissible or struck out (Chamber)	50	50	37	16
- Decided by judgment	10	23	47	46
Interim measures:	63	51	79	76
- Granted	0	0	1	1
- Refused (including out of scope)	63	51	78	75

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 25/01/2012	
Total pending Applications*	3670
Applications pending before a judicial formation:	3099
Single Judge	2824
Committee (3 Judges)	156
Chamber (7 Judges)	115
Grand Chamber (17 Judges)	4

*including applications for which completed application forms have not yet been received

Germany and ...

Its contribution to the Court's budget

For 2011 the Court's budget amounted to just over 58.9 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2011 contribution of Germany to the Council of Europe's (EUR 211.4 million) budget was **EUR 24 654 554**.

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **640** Registry staff members of whom **28** are German.

At the end of 2011, the Court had delivered 234 judgments concerning Germany, of which 159 found at least one violation of the European Convention on Human Rights.

Noteworthy cases, judgments delivered

Grand Chamber

[Vogt v. Germany](#)

26.09.1995

Applicant dismissed from civil service (Federal Republic of Germany – prior to reunification) because of her political activities within the German Communist Party (DKP).

Violation of Article 10 (freedom of expression)

Violation of Article 11 (freedom of assembly and association)

[Streletz, Kessler, Krenz, and K.-H.W v. Germany](#)

22.03.2001

The case concerned the post-reunification conviction of East German leaders for murder, because by taking part in high-level decision making they had been instrumental in the deaths of people who had tried to flee to the West between 1971 and 1989. The applicants submitted that the acts on account of which they had been prosecuted did not constitute offences at the time when they were committed and that their conviction by the German courts had therefore been unlawful.

No violation of Article 7 (no punishment without law)

[Prince Hans-Adam II of Liechtenstein v. Germany](#)

12.07.2001

The monarch of Liechtenstein alleged in particular that he had no effective access to court concerning his claim for the restitution of a painting confiscated in 1946 by former Czechoslovakia, while it was in one of the family's castles on the territory of the now Czech Republic.

No violation of Article 6 § 1 (access to court and fairness of the proceedings)

No violation of Article 1 of Protocol No. 1 (protection of property)

No violation of Article 14 (prohibition of discrimination).

[Sahin v. Germany & Sommerfeld v. Germany](#)

08.07.2003

Refusal of German courts to grant two fathers access to their children born out of wedlock.

Violation of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life)

No violation of Article 8 taken alone

[Jahn and others v. Germany](#)

30.06.2005

The applicants were required after the German reunification to relinquish, without compensation, land allocated to their ascendants in the former Soviet-occupied zone.

No violation of Article 1 of Protocol No. 1 (protection of property) taken alone and in conjunction with Article 14 (prohibition of discrimination)

[Sürmeli v. Germany](#)

08.06.2006

The case concerned the length of proceedings before the national courts. The Court concluded that a constitutional complaint to the Federal Constitutional Court could not be considered an effective remedy against excessively long court proceedings that were still pending.

Violation of Article 13 (right to an effective remedy)

Violation of Article 6 § 1 (right to a fair hearing)

[Jalloh v. Germany](#)

11.07.2006

Administration of an emetic by force to the applicant (who was suspected of drug trafficking) to make him regurgitate bags containing drugs he was believed to have swallowed when arrested. The drugs were subsequently used as evidence in the criminal proceedings against him.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Violation of Article 6 (right to a fair trial)

Mooren v. Germany

09.07.2009

Lack of speedy review of the lawfulness of the applicant's pre-trial detention – on suspicion of tax evasion – and refusal to grant the applicant's counsel access to the case file in the proceedings.

[Violation of Article 5 § 4 \(right to have lawfulness of detention decided speedily by a court\)](#)

[No violation of Article 5 § 1 \(right to liberty and security\)](#)

Gäfgen v. Germany (no. 22978/05)

01.07.2010

Convicted of kidnapping and killing a child, the applicant alleged that the police threatened him with torture to make him reveal where the child was (at a time when they believed the boy to be still alive), and that evidence obtained by coercion was used against him in trial. The Court found that the threats had amounted to inhuman treatment, but that the proceedings as a whole had been fair.

[Violation of Article 3 \(prohibition of torture and inhuman treatment\)](#)

[No violation of Article 6 \(right to a fair trial\)](#)

See also [press release in German](#)

Concerning the publication of photographs in the press: von Hannover v. Germany

07.02.2012

Complaint about the refusal of the German courts to prohibit the publication of holiday photos of the applicants (Princess Caroline von Hannover – daughter of the late Prince Rainier III of Monaco – and her husband Prince Ernst August von Hannover) taken without their consent. The impugned decisions were delivered after the Court's Caroline von Hannover judgment of 24.06.2004 (see above). The applicants relied on Article 8 (right to respect for private and family life). Jurisdiction was relinquished in favour of the Grand Chamber.

[No violation of Article 8](#)

Axel Springer AG v. Germany

07.02.2012

The case concerns the prohibition by the German courts of two newspaper articles about the arrest and the criminal conviction of a well known TV actor. The applicant company invoked Article 10 (freedom of

press). Jurisdiction was relinquished in favour of the Grand Chamber.

[Violation of Article 10](#)

See also [press release in German](#) for the cases Von Hannover and Springer

Noteworthy cases, judgments delivered

Chamber

Cases concerning parental authority and access

Kutzner v. Germany

26.02.2002

Withdrawal of parental authority because the parents did not have the "intellectual capacity required" to bring up their children.

[Violation of Article 8 \(right to respect for private and family life\)](#)

Görgülü v. Germany

26.02.2004

Refusal of domestic courts to grant the applicant custody of and access to his child, placed in foster care.

[Violation of Article 8 \(right to respect for private and family life\)](#)

Zaunegger v. Germany

03.12.2009

Impossibility for the applicant – under German law applicable at the time – to obtain joint custody of his child, born out of wedlock, against the mother's will.

[Violation of Article 14 \(prohibition of discrimination\) in conjunction with Article 8 \(right to respect for family life\)](#)

See also [press release in German](#)

Anayo v. Germany

21.12.2010

The case concerned the German courts' refusal to grant the applicant access to his biological children with whom he had never lived.

[Violation of Article 8 \(right to respect for private and family life\)](#)

See also [press release in German](#)

Schneider v. Germany

15.09.2011

The case concerned the German courts' refusal to grant the applicant access to a boy who he claims is his biological son and whose legal father is the mother's husband.

[Violation of Article 8 \(right to respect for private and family life\)](#)

See also [press release in German](#)

Other cases concerning the respect for private life

Caroline von Hannover v. Germany

24.06.2004

Failure of German courts to afford applicant (daughter of the late Prince Rainier III of Monaco) adequate protection from the publication of photographs taken without her knowledge by paparazzi and showing her in her private life.

[Violation of Article 8 \(right to respect for private and family life\)](#)

Storck v. Germany

16.06.2005

Applicant's confinement to a locked ward of a psychiatric clinic without a court having ordered her placement or treatment.

[Violation of Articles 5 § 1 \(right to liberty and security\)](#)

[Violation of Article 8 \(right to respect for private and family life\)](#)

Brauer v. Germany

28.05.2009

Inability of applicant, who was born out of wedlock before 1949 and grew up in the former GDR (Eastern Germany) while her father lived in West Germany, to exercise inheritance rights following her father's death after German reunification.

[Violation of Article 14 \(prohibition of discrimination\) in conjunction with Article 8 \(right to respect for private and family life\)](#)

Obst and Schüth v. Germany

23.09.2010

Both cases concerned the applicants' dismissal from employment with a Church for engaging in an extra-marital relationship. Mr Obst held the post of European public relations officer within the Mormon Church; Mr Schüth was the organist and choirmaster in a Catholic parish in Germany.

[No violation of Article 8 \(right to respect for private and family life\) in the case of Mr Obst;](#)

[Violation of Article 8 in the case of Mr Schüth](#)

See also [press release in German](#)

Other noteworthy judgments

Aydin v. Germany

27.01.2011

The applicant, a Turkish national of Kurdish origin, complained about her criminal conviction for having signed a declaration in support of the Workers' Party of Kurdistan (PKK), an organisation which had been banned by the German authorities.

[No violation of Article 10 \(freedom of expression\)](#)

Siebenhaar v. Germany

03.02.2011

The applicant complained of her dismissal as an employee of a Protestant kindergarten for active membership in another religious community.

[No violation of Article 9 \(right to freedom of thought, conscience and religion\)](#)

See also [press release in German](#)

Wasmuth v. Germany

17.02.2011

The applicant complained of the obligation, for the purpose of tax collection, to inform his employer and the authorities about his non-affiliation with any religious group authorised to levy church tax.

[No violation of Articles 8 \(right to respect for private and family life\) or 9 \(freedom of thought conscience and religion\).](#)

See also [press release in German](#)

Hellig v. Germany

07.07.2011

The case concerned the applicant's complaint about being placed naked in a security cell in prison for seven days.

[Violation of Article 3 \(prohibition of inhuman and degrading treatment\)](#)

See also [press release in German](#)

Heinisch v. Germany

21.07.2011

The case concerned the dismissal without notice of a geriatric nurse after having brought a criminal complaint against her employer alleging deficiencies in the care provided.

[Violation of Article 10 \(freedom of expression\)](#)

See also [press release in German](#)

Schwabe and M.G. v. Germany

01.12.2011

The case concerned the detention of two young men for more than five days in June

2007, to prevent them from participating in demonstrations against the G8 summit of Heads of State and Government held in Heiligendamm near Rostock, Germany.

[Violation of Article 5 § 1 \(right to liberty and security\)](#)

[Violation of Article 11 \(freedom of assembly and association\)](#)

See also [press release in German](#)

Concerning preventive detention:

[M. v. Germany](#) (n°19359/04)

17.12.2009

The Court concluded that the retroactive extension of the preventive detention (*Sicherungsverwahrung*), of a prisoner considered dangerous to the public violated the Convention.

[Violation of Article 5 § 1 \(right to liberty\)](#)

[Violation of Article 7 § 1 \(no punishment without law\)](#)

See also [press release in German](#)

On 13.01.2011, the Court delivered judgments in three similar applications, [Kallweit, Mautes and Schummer v. Germany](#). See also [press release in German](#).

[Grosskopf v. Germany](#)

21.10.2010

The case concerned the applicant's placement in preventive detention after having served his full prison sentence. The Court held that a prisoner's preventive detention as ordered by the sentencing court does not in itself violate the Convention.

[No violation of Article 5 § 1 \(right to liberty and security\)](#)

See also [press release in German](#)

[Haidn v. Germany](#)

13.01.2011

The case concerned preventive detention ordered subsequent to the offender's conviction *for an indefinite duration* after having served his full prison sentence.

[Violation of Article 5 § 1 \(right to liberty and security\)](#)

See also [press release in German](#)

First pilot judgment in respect of Germany:

[Rumpf v. Germany](#)

02.09.2010

The case concerned the excessive length of proceedings before the domestic courts, a recurring problem underlying the most

frequent violations of the Convention found in respect of Germany. The Court held that Germany had to introduce within one year an effective domestic remedy against excessively long court proceedings.

[Violation of Article 6 § 1 \(right to a fair hearing within a reasonable time\)](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

See also [press release in German](#)

Inadmissible

[von Maltzan and others v. Germany](#)

Decision of 02.03.2005

The cases concerned the indemnification and compensation terms for those whose property was expropriated either after 1949 in the GDR (Eastern Germany) or between 1945 and 1949 in the former Soviet Occupied Zone of Germany. The applicants relied in particular on Article 1 of Protocol No. 1 (protection of property) and Article 14 (prohibition of discrimination) taken together with Article 1 of Protocol No. 1.

[Applications inadmissible](#)

[Appel-Irrgang v. Germany](#)

Decision of 06.10.2009

The case concerned mandatory ethics classes for pupils of grade 7 to 10 in Berlin, which the applicants opposed. They relied on Article 9 (freedom of thought conscience and religion) and Article 2 of Protocol No. 1 (right to education),

[The Court held in particular that according to the law in question the ethics classes' aim was to examine fundamental questions of ethics independently of pupils' cultural, ethnic and religious origins and that the classes were therefore in conformity with the principles of pluralism and objectivity embodied in Article 2 of Protocol No. 1.](#)

[Bock v. Germany](#)

Decision of 19.01.2010

The case concerned the excessive length of proceedings before the administrative court concerning a claim for 7.99 EUR. The applicant complained under Articles 6 § 1 (right to a fair hearing within a reasonable time) and 13 (right to an effective remedy). [The Court considered the complaint an abuse of the right of application.](#)

See also [press release in German](#)

Sfountouris and Others v. Germany

Decision of 31.05.2011

The case concerned the refusal of the German courts to award compensation to descendants of the victims of an SS massacre in Greece in 1944. The applicants relied on Article 1 of Protocol No. 1 (protection of property) and Article 14 (prohibition of discrimination).

The Court declared the complaint inadmissible, holding in particular that the applicants had no legitimate expectation to be able to benefit from compensation for the damages sustained.

See also [press release in German](#)

Dojan and others v. Germany

Decision of 13.09.2011

The case concerned the complaints by five married couples about the authorities' refusal to exempt their children from mandatory sex education classes and other school activities which they alleged had constituted a disproportionate restriction of their right to educate their children in conformity with their religious convictions.

The Court declared the complaint inadmissible, holding in particular that there was no indication that the classes and activities at issue had put into question the parents' sexual education of their children based on their religious convictions. Neither had the school authorities manifested a preference for a particular religion or belief within those activities.

See also [press release in German](#)

Baudler, Reuter, and Müller v. Germany

Decisions of 6 December 2011

The cases of *Baudler* and *Reuter* concerned decisions by the Protestant Church to place one clergyman on leave of absence and to oblige another to take early retirement. The case of *Müller* concerned a decision by the Salvation Army to terminate the missionary service of two officers. Relying on Article 6 § 1 (right of access to a court), the applicants complained that they did not have access to a court in order to obtain a review of the ecclesiastical measures taken, because the national courts had ruled that the impugned decisions were an internal Church matter and therefore not subject to judicial review.

The Court declared the complaints inadmissible, holding in particular, in the cases of *Baudler* and *Reuter*, that the proceedings instituted by the applicants

had not related to a right recognised under German law such that Article 6 of the Convention could be brought into play. In the case of *Müller*, the Court concluded that the applicants could not argue that they had been deprived of the right to obtain a decision on the merits of their claim.

Noteworthy pending cases

Stübing v. Germany

Communicated to the Government in June 2010

The applicant grew up separately from his sister and, as an adult, had a relationship with her for several years, from which four children resulted. Relying on Article 8 (right to respect for family life), he complains of his criminal conviction for sexual intercourse between relatives.

Koch v. Germany

Declared admissible 31.05.2011

The case concerns the German authorities' refusal to grant the applicant's wife authorisation to acquire a lethal dose of drugs enabling her to commit suicide. She subsequently committed suicide in Switzerland, assisted by the organisation *Dignitas*. The applicant relies on Articles 8 (right to respect for private and family life) and 13 (right to an effective remedy). A hearing was held on 23 November 2010.

See also [press release in German](#)

Klausecker v. Germany

Communicated to the Government in May 2010

Having lost one eye, one hand and part of the fingers of his other hand in an accident, the applicant was refused employment with the European Patent Office (EPO), despite having passed the professional tests for a post as a patent examiner, as he did not meet the physical requirements of the post. Relying on Article 6 § 1, he complains that he did not have access to a court in order to protect his right not to be discriminated against, in particular because the EPO had immunity from the jurisdiction of the German courts.

Gebert, Schnepf, Bernschneider and Klöppel v. Germany

Communicated to the Government in August 2010

All four cases concern preventive detention ordered subsequent to the offenders' conviction.

Herrmann v. Germany

[Chamber judgment 20.01.2011](#) – case pending before the Grand Chamber

The case concerns the applicant's complaint about being obliged to tolerate the hunt on his premises even though he is opposed to hunting on moral grounds. He relies on

Article 1 of Protocol No. 1 (protection of property), alone or taken together with Article 14 (prohibition of discrimination), and on Article 9 (freedom of thought conscience and religion). The case was referred to the Grand Chamber at the applicant's request. A hearing was held on 30 November 2011.

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