

“Mom, Dad - I want a divorce from you!”

- a proposal for long-term protection of disabled people who have experienced and survived violence in the family

Article 6 of the German Constitution states:

(1) Marriage and family are under special protection of the governmental order.

(2) The care and education of children is the natural right of parents and their primary duty. The governmental community watches over their activities.

(3) Children may be separated from the family against the will of the guardians only on the basis of a law, if the guardians fail or if there are other reasons that threaten the children with neglect.

(4) Every mother is entitled to the protection and care of the community.

(5) Legislation shall provide illegitimate children with the same conditions for their physical and mental development and their position in society as legitimate children.

This article forms the core of German family law and functions as a defensive law. This means that the family is protected from outside interference and attacks. In addition, this article is to be understood as a “fundamental standard”, which is why the government undertakes to protect the family from damage and disturbance by itself or third parties, but also to strengthen it and to avoid discrimination through appropriate support.

What I am writing here so dryly is supplemented, formulated, and secured in German

law by many different laws and regulations. One could write it was “preserved”. Certainly, there are rules and laws that determine how family members interact with each other, which rights and duties are in place when there is no longer a bond through e.g. marriage (of the parents) - but until today there is no option to separate from one’s own family not only spatially but also legally and to be treated as an individual without descent.

One is considered a family forever and in some respects above all else. For example, even before the fact that one is or was a victim of violence perpetrated by one’s own family.

In recent years, it has become common practice at conferences and symposia on violence against children to emphasize that the perpetrators usually come from their own families and the immediate social environment. Similarly, regarding violence within marriage, the fact that the perpetrator is from within one’s closest members of family is emphasized and consequences for the dimension of the experience of violence as well as for the need for protection of the persons concerned are repeatedly brought forward and formulated. What is usually lacking is an examination of legal issues that goes beyond compensation for damages, criminal charges, and specific questions about family law problems.

For me personally, this has been problematic for many years.

I am a disabled person who has acquired a complex and chronic trauma-related illness from having experienced violence in my own family. As a young person I had to flee under my own steam when youth welfare services (possibly also due to my disability and the communication and interaction problems associated with it) did not assess my situation in such a way that removal from the family seemed to be justified.

Only, more than a year later the dimension of my endangerment and the violence against me by my own family became clear to the people who cared for me during this time. It was not possible to leave parental custody or remove parental rights.

In the following about 5 years I was busy to compensate for the violent influence of my family, because I was dependent on benefits of the integration assistance due to my

illness and my disability. Due to my disability, I needed support and help navigating the world, growing up, maintaining my own household and finally my own life well beyond the age of 18.

These social benefits, but also other benefits such as child benefit, are linked to the family. This meant for me that my family was obliged at any time - even past information barriers - to send me various documents, was repeatedly invited to help me (until I was of age and could refuse) and was repeatedly informed by communication with the youth welfare office and later the social welfare office about where I lived, what I did, how I was doing, when I was where, how I was medically treated and so on. An administrative assistance by the local youth welfare department was refused - I even lived in another federal state by then. The reasons for this could never be clarified. I could not be expected to fight for this support.

Until I was 34 years old, I never stood a chance to establish as much distance to those people as I wanted and needed for my personal sense of security.

And even today, when at least I feel secure, I must live with the awareness that through the law our family ties can lead to contact, legal claims and demands for duty at any time. For example, when my parents start to be in need of care (and their assets do not cover the costs) or when they have died. If I die single and unmarried and therefore still receive money from German welfare services (Hartz 4). Should I have a child outside of marriage and die during child birth. Or, to give a more trivial example: If I apply for Bafög again because I want to start studying and - as recently in the course of my vocational training - the clerks do not believe me that I really and genuinely depend on parent-independent student support (Bafög).

I cannot be the only one with this problem in Germany, because the sheer number of children who had to experience violence in their families is enormous. "In 2018, according to the Federal Statistical Office, the youth welfare offices examined 157,271 suspected cases in the context of a risk assessment. In about one third, 50,412 cases, a threat to the child's well-being was confirmed.

„In the police crime statistics, 13,670 cases of sexual abuse of children are reported for the year 2019,” writes UNICEF, for example, in [a fact sheet on everyday violence against children](#) (PDF).

Now, in the time of the so-called “Corona pandemic”, there is an increased number of reports, [like here on the daily news](#), that there are more and more cases of femicide by partners, but also all other forms of violence in the family environment.

Often it seems that politically, the task of protecting victims is understood as a mere short-term project.

There is talk of more women’s shelters, protection concepts are being developed for facilities that are relevant in the everyday living environment of children, and the odd reform of the Victim Compensation Act (OEG) or the so-called “stalking paragraph” has been implemented. However, the axis of belonging - the connection via descent or marriage was never touched.

In Germany, once the physical violence that specifically affects the body has ended, a person is practically considered protected, since the psychological effects cannot be measured equally objectively and every suffering is located in the suffering person. They alone are held responsible for ending their own suffering. For example, by taking up psychotherapeutic treatment, by moving to a new house, by changing their name, by setting up a ban on information, by setting up a legal support service that represents them before authorities on their behalf.

In my opinion, this happens to the detriment of all victims who are not able to establish themselves as an institution independent from government and family, for example due to disability, poverty, or racial discrimination. For example, by wealth and thus global independence of governmental support and protection.

The organization of a person’s private life should not be tied to institutions that so fundamentally contradict the free development of the personality and life in individual freedom, and may even be hostile to the vitality of the human being, as is the case with people who have experienced and survived

violence in their own families.

I would like to propose a right to divorce in the sense of a global redefinition of all rights that defines a family by descent or marriage, to that person alone.

This description should put a person in the situation to be considered by law as having no family and thus be free of family, inheritance and social rights to and from the persons who have begotten them in whatever way.

I want those people to read this text, who know how to draft such proposals in such a way that people responsible or empowered for such processes may deal with it and check it for feasibility and all its implications.

I want them to contact me, for example, by emailing H.C. Rosenblatt at online dot de.

For years I have been asking the very same question at conferences with the topic of victim protection, how I can finally be fundamentally self-determined and free.

Again and again, I as a disabled victim of violence, discover that society is okay with my dependence on authorities and therefore in some cases also with those who became perpetrators of violence against me.

This is wrong and it should stop not only for me but also for others in my situation.

Please share this text with people who might find my request interesting and who would like to support me in one way or another.

Thank you

Hannah C. Rosenblatt

