Max Mustermann

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**Human Rights Committee (CCPR)
c/o Petitions and Inquiries Section
Office of the High Commissioner for Human Rights (OHCHR)
United Nations Office at Geneva
1211 Geneva 10
Switzerland
petitions@ohchr.org**

**Stadt den 00.00.0000**

Subject:

Subject: **Individual and public interest communication regarding unlawful coercive detention ("Erzwingungshaft") in Germany**

From:
Bürgerbewegung für Recht und Freiheit e. V.
(„Civic Movement for Law and Freedom“)
Bahnhofstraße 26
04808 Wurzen (Germany)

Represented by: Andreas Kurt Funke
Email: info@nbb-government.de
Legal status: Registered non-profit association in the Federal Republic of Germany

### Complaint under the ICCPR – Article 9 and 14

Dear Members of the Committee,

This complaint is submitted on behalf of several affected individuals concerning the systematic application of coercive detention (so-called “Erzwingungshaft”) by German authorities.
This measure is not used as a criminal sanction, but rather as an instrument to enforce compliance with administrative decisions – often in cases involving minor fines or disputed obligations.
The practice disproportionately affects vulnerable individuals, including the elderly, socially marginalized persons, or those expressing political dissent.
It raises serious concerns regarding proportionality, dignity, and effective legal protection, and appears incompatible with international human rights standards as enshrined in Articles 9, 10, and 11 of the International Covenant on Civil and Political Rights (ICCPR).

1. Violation of Article 9 ICCPR (Right to Liberty)

Under Article 9(1) of the ICCPR, no one shall be subjected to arbitrary arrest or detention. However, in Germany, courts and public prosecutors routinely impose Erzwingungshaft on individuals:

* Who cannot or will not pay minor administrative fines,
* Or who decline to cooperate with state procedures on legal or conscience-based grounds.

This amounts to a deprivation of liberty solely for non-compliance, in violation of international norms.

### 2. Violation of Article 14 ICCPR (Access to Justice & Equality)

Many affected persons lack proper legal aid, are unaware of their rights, or are procedurally overwhelmed.
Detentions are often executed without accessible remedies, or with forms of legal pressure that lack transparency or proportionality.

### 3. Violation of Human Dignity (Art. 10 ICCPR)

The use of short-term imprisonment to force obedience reflects an inhuman and degrading approach to civic dissent and non-compliance. It violates the core spirit of Article 10(1) ICCPR, which requires respect for the dignity of all detained persons.

### 4. Exhaustion of domestic remedies

In the attached individual cases, all relevant domestic legal remedies have been exhausted or have proven ineffective or unavailable in practice.
Several members of our association have attempted appeals, constitutional complaints, or petitions, all without effective protection from unlawful detention orders.

### 5. Request to the Committee

We respectfully request the Committee:

* To investigate the structural use of coercive detention in Germany under the ICCPR;
* To declare the practice of Erzwingungshaft as applied a violation of Articles 9, 10 and 14 ICCPR;
* To urge the Federal Republic of Germany to review and amend its legal framework in accordance with international standards;
* To recommend that Germany establish an independent complaints mechanism and ensure access to legal aid in such cases.

### 6. Annexes (to be attached):

* Case documents and detention orders (redacted)
* Testimonies of affected individuals (translated)
* Relevant German legal provisions (§ 96 OWiG, § 70 OWiG)
* Previous correspondence with German authorities (if applicable)

Sincerely,
Namen
Adresse
Ort den 00.00.0000

Unterschrift