



Federal Ministry for
Family Affairs, Senior Citizens,
Women and Youth

Status Report on the Plan of Action of the Government of the Federal Republic of Germany for the Protection of Children and Young People from Sexual Violence and Exploitation



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¹ The structure of the report reflects the action plan for easier comparison of the measures taken.

Introduction

The UN Convention on the Rights of the Child (CRC) of 1989 describes numerous needs and rights of children². By ratifying it in April 1992 the Federal Republic of Germany undertook to guarantee these rights. For example, Article 34 of the CRC stipulates that the states “protect the child from all forms of sexual exploitation and sexual abuse”.

In 1996 a high-level international forum first took place in Stockholm – the First World Congress against Commercial Sexual Exploitation of Children. It adopted a declaration and an action plan. The demands cover a host of areas – international cooperation, the mobilisation of the tourism industry and the business community, statutory provisions and prevention.

The demands and goals were affirmed at the Second World Congress in Yokohama in 2001, which called for more intensive implementation in all states.

Germany has faced up to this obligation and adopted a national action plan. The Plan of Action of the Federal Government for the Protection of Children and Young People from Sexual Violence and Exploitation was adopted by the cabinet on 29 January 2003. Here the Federal Government for the first time laid down a comprehensive overall strategy to provide effective protection for children and young people from sexual violence and abuse.

The action plan continues the numerous steps taken in the last few years to combat sexual abuse³ and the sexual exploitation of children and young people. It then goes on to lay the foundation for ongoing progress in this field. This presupposes close cooperation between the competent authorities at the federal, federal states and municipal level, and also with non-governmental organisations and research circles. The establishment of a federal/federal state working group was an important step towards guiding and coordinating the implementation and further development of the action plan.

The causes of sexual violence and exploitation must be recognised early and provide the basis for prevention and intervention programmes. In committing sexual acts with children the offenders regularly operate in the relevant areas of criminal law. Besides investigation and prevention, great importance is attributed to improvements in the field of the penal code and procedural law, but also in the area of victim protection and harmonising European criminal law.

The action plan thus aims to further develop criminal law protection of children and young people, strengthening prevention and the protection of victims. Further, it seeks to interlink the advice and assistance programmes, and to promote international cooperation.

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- 2 The CRC defines “children” as being up to the age of 18. However, the German penal code and the social code (SGB VIII) define children as being up to the age of 14 and young people (Jugendliche) as between 14 and 18. The statements of the present status report will follow this line. The term “girls and boys”, however, applies to everyone under 18.
 - 3 The term ‘sexual abuse’ is used when descriptions are adopted from the Action plan, or in the criminal law context. Otherwise the term ‘sexual’ or ‘sexualised violence’ will be used.

The measures mentioned in the action plan therefore concentrate on the following areas:

- ▮ the legal protection of children and young people from violence
- ▮ the strengthening of prevention and the expansion of advice and assistance programmes
- ▮ international cooperation and networking
- ▮ monitoring and research

The Federal Government has implemented numerous practical programmes in the above-mentioned areas in cooperation with non-governmental organisations.

This status report contains the programmes named in the action plan and also thematically relevant ones funded by the Federal Government or implemented by the associations and organisations represented in the federal/federal state working group. A host of other actors are working every day to protect children and young people from sexual violence and exploitation (public and voluntary youth welfare organisations, NGOs etc.). Unfortunately this report cannot give due space to their activities.

I.

Prevention and Intervention

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In order to provide continuing protection for girls and boys from sexual violence, public and voluntary youth welfare organisations and other non-governmental organisations have set up a host of preventative programmes and easy-access offers of assistance for children, young people, parents and educators. They provide comprehensive aid in the context of the child and youth welfare act and other statutory instruments.

Voluntary welfare organisations play an important role in the area of assistance for children, youth and families. They have many different ways of giving advice and assistance to children and young people affected by sexual violence, and also to their parents or other guardians. They have set up hotline services, shelters for women and girls, and residential and non-residential centres and many innovative projects. This report will refer to a few of the projects from the voluntary sector, by way of example.

Sexualised violence against girls and boys does not usually occur in isolation. On the contrary, most of the children at risk are exposed to several forms of violence. It is thus necessary to focus on children from families with problems of neglect and maltreatment and also on general support for families. That is the starting-point for activities in the area of early assistance.

Families and children who cope with everyday life under pressure and difficult conditions require especial attention and support. With its programmes for active child protection, the Federal Government has taken up initiatives launched in the last few years at the level of federal state and local government. Many very good beginnings have been made. For example, since 2006 the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has been supporting the activities of the federal states and many municipalities in the field of child protection through the action programme “Early assistance for parents and children and social early warning systems”. It funds projects for early assistance and social early warning systems in all the German federal states. The action programme – derived from the coalition agreement between the parties making up the present federal government - focuses particularly on children before birth to about the age of three, pregnant women, and young mothers and fathers in difficult life situations. After all, during pregnancy and in the birth phase almost all young women seek medical care and are particularly open to accepting assistance and support. In addition, there needs to be particularly close interaction between the health system and child and youth welfare services.

The National Centre for Early Assistance established in 2007 in the context of the action programme links up the experience and outcomes of these projects, providing a platform for the targeted exchange of knowledge. Local authorities and funding bodies can thus be supported in setting up early assistance systems and social early warning systems in their own regions.

The national action plan “For a Germany Fit for Children 2005–2010” (NAP) takes up, amongst other points, the issue of maltreatment and neglect of children, along with growing up in poverty. The NAP stems from the commitment of participants at the Second Special Assembly of the United Nations on children (World Children’s Summit in 2002) and was adopted in February 2005 by the federal cabinet. It is divided into six areas of action, each representing what the Federal Government sees as key issues in the coming years for more child equity: 1) equal opportunities through education, 2) a non-violent upbringing, 3) promotion of health and healthy environmental conditions, 4) participation of children and young people, 5) development of an adequate standard of living for children and 6) international commitments. The area of action “a non-violent upbringing” addresses the topics “violence and neglect of children in child-raising”, “children as witnesses and victims of domestic violence”, “violence among children and young people” and “media and violence”...

1.1 Individual approach

For an effective overall approach, prevention and intervention must go beyond the macro-societal viewpoints to take account of individual causes. That will also require specific measures tailored to victims and offenders.

a. Victims

Child, youth and parent hotlines

The federal network of **child and youth hotlines** run by the association Nummer gegen Kummer (number against care) has been funded by the Federal Government since 1996. The nation-wide, cost-free anonymous child and youth hotline (0800-1110333) is currently available at 94 locations. Every year 900 000 calls are taken on Monday to Friday from 3 to 7 pm. A recent, successful peer-education project “Youth advises youth” features 150 volunteers between the ages of 16 and 21.

The nation-wide network **parent hotline** run by the same organisation has been subsidised since 1998 by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The parent hotline has been set up at 45 locations to date and is available for free calls on 0800-1110550 at the following times: Monday and Wednesday from 9 to 11 am; Tuesday and Thursday from 5 to 7 pm.

The association has created a network in which about 3500 contact persons work together in all federal states. The network structure makes it possible to reach local contact persons via the central number. Internet advice is also possible at

<http://www.nummergegenkummer.de>

In June 2008 the association was allocated the EU number 116 111 by a federal network agency, in order to set up a youth hotline⁴. The technology for this is currently being put in place and by the end of 2008 it will be operable, thus making it even easier for children and young people to access the service.

A study on the use of child, youth and parent hotlines clearly highlighted the kind of questions the callers have. Children and young people primarily seek advice on personal issues concerning their individuality and identity, and the development of personal/intimate relations. However, they also ring up about problems at school, arguments with their parents, physical or sexual violence, and drug problems. In 20% of all counselling sessions the callers are referred to other advisory and assistance services, such as the counselling centres on sexual violence listed in the “Look. Act. Help” database (see 2.b.). These services can give more specific, personalised answers to the respective problem situation and provide more far-reaching assistance.

Detailed descriptions of the counselling services and how to use them are available on the website of Nummer gegen Kummer⁵.

Through project funding, the existing cooperation and network structures of the body organising both hotlines can go on and expand the number of lines. Apart from improving quality standards, the goal is to constantly improve the skills of volunteers.

Information and counselling portal YoungAvenue of the child protection centres

With financial support by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the child protection centres were able to set up the virtual child protection centre www.youngavenue.de. It offers children, young people and also parents the opportunity to make direct contact to child protection centres in crisis situations by the internet. Here the participation of children and young people is in the forefront. They are not only addressees of assistance but are brought into the planning, development and implementation of the services. A particular feature of YoungAvenue.de is peer-to-peer counselling: youth advises youth. The project lays particular importance on thorough training and accompaniment of the youthful advisers and the counselling team. A central issue in this internet portal is the advising of children and young people who have experienced sexual violence. On the other hand, information and services are provided for young people who have problems and difficulties with their own sexuality and who are crossing sexual boundaries. In order to guarantee the quality of this counselling service there is a direct link to the psychologists of the child protection centres. They take on the counselling of children and young people who are going through severe crises.

Online offerings

As part of the action plan, the child protection centres conducted two nation-wide conferences, in Cologne in 2002 and in Stuttgart in 2005, along with smaller working sessions. In the process, a multi-professional group of experts was set up, which drew up recommendations on quality features for the internet counselling of parents, children,

⁴ Telephone numbers beginning with 116 are allocated by the European Commission to cost-free services of social value and assigned by the national regulatory authorities of the respective EU member country.

⁵ <http://www.nummergegenkummer.de>

young people and the social workers and educational staff of the voluntary sector. This working group operated from 2001 to 2006. Among other things, it devised key questions for an online counselling service that called for professional answers. For example:

- How do welfare centres and internet services relate?
- Which services prove best for which issues and clients?
- Which clients are advised by whom? Does it make sense to merge the services or are regional offerings preferable?
- How do online counsellors and face-to-face therapists cooperate, and possibly engage in interdisciplinary cooperation?
- What about the level of training and the seriousness of service-providers, and can they be monitored?
- What legal issues arise, e. g. liability (in the event of a divorce / hospitalisation / suicide)
- What services are needed for migrants?

b. Sexually deviant young offenders

The Information Centre on Child Abuse and Neglect⁶ (IzKK) at the German Youth Institute conducted two expert workshops on this topic in 2002 and 2003 on behalf of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth. Their purpose was to estimate the demand for a federal pilot project to develop high-quality professional standards for dealing with sexually deviant minors. The resultant policy paper containing focal points for action were forwarded to a multi-professional steering committee, charged with devising a federal pilot project. The approach was to cover both the protection of the children and young people affected by violence and to prevent children and young people from practising sexual violence themselves. The steering committee was to design forms of interface between youth services, child and youth psychiatry, the courts and investigatory authorities. Through early intervention, youthful sexual offenders are to be prevented from falling into a vicious circle that may ultimately lead to a manifestation of boundary-crossing sexual behaviour extending even into adulthood. Life chances should be developed for sexually deviant children and young people. This also means protecting children and young people affected by possible or actual violence.

The steering committee presented the results of its work to the general public and the media in the form of recommendations, at a meeting in Berlin. They contain e. g. recommendations for working with children of kindergarten and primary school age, for working with children aged between 11 and 14 (standardisation of procedures: timely information to the Youth Welfare Office, calling the aid conference, involving the family court, diagnosis by experts), recommendations on procedure, recommendations for work with sentenced youths and recommendations in the field of skills.

On the basis of these recommendations, a working discussion took place with representatives of different youth welfare departments. Here it became clear that some local authorities had already developed interdisciplinary cooperation structures. This took

⁶ Informationszentrum Kindesmisshandlung / Kindesvernachlässigung (IzKK) am Deutschen Jugendinstitut e.V.

place in connection with the development of child protection plans and structures on the basis of changes in the social code (SGB VIII). In some large youth welfare department areas, essential points of the pilot project had been integrated into the regional programmes. There was thus no longer a need for the Federal Government to implement a pilot project dealing with sexually deviant minorities.

In 2003, 2004 and 2007 the child protection centres organised consultations on handling sexually deviant young people, financed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. 800 professionals attended these conferences. Amongst other things, it became clear that the system for assisting young people who cross sexual boundaries is not yet sufficiently developed in some regions. In some cases there is still a lack of residential facilities for them and also of therapeutic services (non-residential, particularly group therapy).

In order to achieve a lasting structural network of practitioners who work with young sexual delinquents, the DGgKV⁷ conducts workshops that are used by almost all residential and non-residential institutions working with delinquent minors for the exchange of experience, quality assurance and networking. These workshops take place in cooperation with local sponsors in different regions of Germany in order to support the regional institutions and strengthen their cooperation. The 6th workshop discussion was scheduled for September 2008 in cooperation with the Protestant youth and welfare organisation EJF-Lazarus in Berlin. The 7th Workshop discussion in 2009 is already planned for Hamburg and is taking place in cooperation with the Wendepunkt (turning point) association. Further, the DGgKV regularly runs in-service training under the heading “... they’re still children but also offenders...” for the care and treatment of sexually aggressive children and young people (2004/2005, 2006 to 2008).

c. Adult offenders

In March 2008 the German society against child abuse and neglect (DGgKV) ran a day-long workshop in cooperation with the North Rhine-Westphalian project group on working with offenders⁸. It focused on people with mental and learning disabilities who exhibit sexual boundary-crossing behaviour. Such a workshop consists of inputs and working groups. The DGgKV regularly holds refresher courses covering factual updates, methods of diagnosis, and handling and treatment models for everyday therapeutic practice and for institutions for disabled care (2005 and 2008). The DGgKV held an in-service training course called “Täter-Taten-Therapie” (offender-deed-therapy) in 2004–2005 and in 2006–2008, focusing on the treatment of offenders in the context of sexual abuse and other sexual offences.

In the “Dunkelfeld” (dark field) project, mounted by the Charité hospital in Berlin, people with paedophile inclinations receive counselling and therapy enabling them to keep this predisposition under control. The Federal Justice Ministry is funding the project from 2008 to 2010 with an annual amount of EUR 250,000. This programme also aims to prevent the sexual abuse of children, in particular the traumatising and long-lasting effects of abuse.

⁷ Deutsche Gesellschaft gegen Kindesmisshandlung und -vernachlässigung.

⁸ Landesarbeitsgemeinschaft Täterarbeit NRW.

1.2 Macro-societal approach

a. Occupational groups

aa. Professionals from the psychosocial, educational and medical field

In the context of educational child and youth protection, the Federal Government funds consultations, seminars and refresher courses for paid and voluntary workers in child and youth welfare focusing on the protection of children.

Based on current research findings, the DGgKV designs regular continuing education programmes for experts from a wide range of fields – mainly preschool educators, social workers, psychotherapists, lawyers and doctors. Its work is geared to creating and strengthening structures of interdisciplinary cooperation as a basis for long-term child and youth protection.

Since 1996 the DGgKV has held a biennial multidisciplinary conference at federal level for its members and guests. This is an opportunity to take up current problems with respect to child and youth protection, offering experts from many different fields a regular forum for professional discussion. It also enables the creation of an interdisciplinary connection between the different approaches and objectives, stimulating effective cooperation. The 7th federal conference, in cooperation with the law faculty of the university, was held in Göttingen in September 2008 with the theme of finding paths to the truth and living on after trauma.⁹

An annual international course has been organised in Kassel since 2003 for medical professionals who would like to learn about the somatic, clinical-diagnostic aspects regarding child abuse and the necessary consequences in hospitals and surgeries. In May 2008 a working group on child protection in medicine (AG KiM) was founded in cooperation with the DGgKV. Its aim is to promote practical medical and scientific work in the field of recognition and prevention of (sexual) violence against children and to support suitable intervention models.

In addition, the in-service training offered by DGgKV covers the series on clinical sexology and sexual therapy (last held in 2005) and further training for education professionals in child day-care centres (last held in 2007 and in preparation for 2008/2009).

Thanks to support from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, child protection centres held 28 conferences at the regional level from 2004 to 2006. They were thus able to give professional support to implementing the Federal Government's action plan and to accompany the "Look. Act. Help" campaign¹⁰ with continuing education events. The conferences reached a total of 3000 professionals from youth welfare departments and institutions. Each of them was designed to include a focus on one topic area related to working with children affected by sexual violence. This limitation of the topic made it possible for participants to explore one segment of the whole issue in-depth. Thanks to funding from the same ministry, the

⁹ "Wege zu Wahrheit und Weiterleben – Nach dem Trauma"

¹⁰ For full information on the "Hinsehen.Handeln.Helfen!" campaign see 2.b. "Information and awareness-raising"

child protection centres also held eight consultations at the national level from 2003 to 2007, enabling about 1500 professional staff to engage with the issue of sexual violence against children.

Furthermore, the child protection centres held a child protection forum every two years, also focusing on sexual violence. A total of 2000 experts attended these three forums. In all, the regional conferences and national consultations enabled a transfer of professional expertise from the practice of child protection centres to the professional public, which has contributed to an upgrading of assistance services on the topic of sexual violence against children and young people.

Following from the amendment to the social code (§ 8a SGB VIII) the child protection centres developed a curriculum to train the staff of youth welfare authorities to the professional level required by § 8a(2) SGB VIII. This was carried out with financial support from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The curriculum takes account of the fact that the angle of sexual violence has special status when it comes to dealing with threats to child welfare. The curriculum is currently greatly in demand with youth welfare departments and the voluntary sector. Consequently it may be assumed to have a sustainable impact on regional counselling programmes provided by youth welfare departments with respect to sexual violence.

Numerous training courses, seminars and consultations for professions in the field of protecting children and young people from sexual violence are also conducted by the voluntary sector, public youth welfare institutions, non-governmental organisations, professional associations etc. These are not funded by the Federal Government and take place on a regular basis. An overview of events of different organisations/institutions is to be found on different internet sites¹¹.

Sexual abuse in organisations

In October 2001, professionals working in institutions met in Berlin for a discussion on the topic of sexual violence. Following this event, very constructive cooperation began between different professional associations active at the federal level in youth and family assistance. The results of the hearing and the following roundtables of the associations were published in 2002 as a workbook for professionals in institutions seeking to prevent and intervene in cases of sexual violence against minors¹².

In January 2004 twelve professional associations held the conference “Violence against children and young people being brought up in institutions. Dealing with wrong behaviour of professionals in children’s homes”, which was finally documented by AFET, an association for child care and upbringing.¹³ All these activities were financially supported by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

11 <http://www.dggkv.de>; <http://www.dji.de/izkk>; <http://www.bagfw.de>; <http://www.bke.de>; www.jugendportal.de

12 Republished in 2007: Fegert, Jörg M.; Wolff, Mechthild (eds) (2007): Sexueller Missbrauch durch Professionelle in Institutionen. Prävention und Intervention – ein Werkbuch. 2nd updated edition. Weinheim/München: Juventa.

13 AFET (ed.): Gewalt gegen Kinder und Jugendliche in Institutionen. Umgang mit Fehlverhalten von Fachkräften in Einrichtungen der Erziehungshilfe. AFET: Hannover, 2004. (AFET-Veröffentlichungen; 63/2004).

In 2007 the IzKK, which is funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, published a thematic issue of its newsletter on sexualised violence by professionals in institutions¹⁴.

In the last few years, a number of youth organisations and international NGOs have confronted the problem of responsibility for child protection in institutions, concluding appropriate voluntary commitments and setting up monitoring procedures.

VENRO, the association of German development non-governmental associations, also works intensively in the field of child protection and has entrusted a working group with developing a binding code of conduct for all member organisation. This is to be presented to a plenary meeting in December 2008.

The German Red Cross in 2008 published an expert opinion on the topic of protecting young people from sexual boundary-crossing by staff in youth social work. It for the first time summarised the state of discussion and special need for action in youth social work. The expert opinion creates awareness for protecting young people in institutions of youth social work and creates a basis for drawing up quality standards and work aids.

Psychosexual development of girls and boys

In 2008/09 the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is promoting a programme of the federal association for the prevention of sexual abuse of girls and boys¹⁵, which is specifically concerned with the altered conditions of socialisation and their impact on the psychosexual development of boys and girls. One component of the programme is a consultation in 2008, at which experts will ascertain the current situation and needs in this field and draw up proposals to raise regarding prevention. The plan is for the proposals to be put into practice in 2009 at the federal level in the social and sexual education activity of counselling centres, especially with the sensitive age group of 8 to 12-year-olds.

bb. Tourism industry

Code of conduct for the protection of children from sexual exploitation in tourism

In January 2001 ECPAT Germany¹⁶ agreed a code of conduct to protect children from sexual exploitation in tourism, first with the German travel association DRV¹⁷. In December 2005, the federal association of the German tourism industry (BTW)¹⁸ also undertook to implement the code of conduct. The code of conduct contains the commitment,

- to establish an ethical corporate policy that unequivocally opposes the commercial sexual exploitation of children,
- to inform travellers about the issue of commercial sexual exploitation,
- to raise awareness of personnel in the tourism industry both in the country of origin and in the destination countries, and to give them training,
- to cooperate more with key actors at the destinations,

14 IzKK-Nachrichten "Sexualisierte Gewalt durch Professionelle in Institutionen".

15 Bundesverein zur Prävention von sexuellem Missbrauch an Mädchen und Jungen e.V.

16 Arbeitsgemeinschaft zum Schutz der Kinder vor sexueller Ausbeutung

17 Then Deutscher Reisebüro- und Reiseveranstalterverband e. V., now Deutscher ReiseVerband e.V.

18 Bundesverband der Deutschen Tourismuswirtschaft e.V.

- to introduce an appropriate clause in contracts with local hotels and suppliers,
- to report annually on measures taken.

In order to implement this code of conduct, ECPAT Germany, DRV and the headquarters of the state and federal police crime prevention¹⁹ in November 2001 published a 6-page leaflet (with funding from the Federal Government) on protecting children in holiday countries from sexual abuse²⁰. Since the winter season of 2001/2002 it has been distributed to German holiday-makers, e. g. in cooperation with travel agencies, by police action at the local level, or by tour guides in the destination country. The leaflet explains the issue of child prostitution in some countries of tourism and points to institutions and contact persons who can give practical tips if there is suspicion of criminal acts. The annual tourism analysis of a research group on holidays and travel²¹ in 2005 proves that the code of conduct has had an effect on the public. The readiness to cooperate of the tourism sector is supported and expanded by dialogue and the constant availability of training programmes and resource materials.

The Federal Government will continue to do its utmost to support the long-term implementation of the code of conduct in companies, in national and international associations and structures of the tourism industry. This works, firstly, through training programmes like those held e. g. by ECPAT Germany since 2004, which have also been open to representatives of the police. Curricula have also been developed for professionals, trainees and students in the field of tourism. Secondly, the code of conduct applies to the routine development and design of tourism products.

In the field of cross-border cooperation to prevent commercial sexual exploitation in the tourism sector, the DRV conducted “destination training” in the Dominican Republic in May 2006, in cooperation with the GTZ, the German government’s organisation for technical cooperation, and ECPAT Germany. The workshop was attended by experts from the tourism sector (in particular those responsible for in-house training), representatives of criminal prosecution authorities, the Federal Criminal Police Office (BKA), the German embassy, children’s organisations and politicians. The goal of this local training course was to raise awareness in German-Dominican tourism for the problem of commercial sexual exploitation of minors in the Dominican Republic. It showed ways of further improving protection of children from sexual exploitation. In June 2008 the two-day destination workshop run by the DRV, GTZ and ECPAT was conducted in Thailand as well and was very well received. A booklet is available describing the main insights gained at the two training courses.

A code of conduct for the protection of children from sexual exploitation in tourism²² in the context of sustainability and corporate social responsibility was drawn up by the GTZ on behalf of the Federal Ministry for Economic Cooperation and Development and the Churches’ Development Service (EED) – Tourism Watch. The findings were presented and discussed in expert circles such as the Task Force on the Sexual Exploitation of

19 Polizeiliche Kriminalprävention der Länder und des Bundes.

20 Kleine Seelen, große Gefahr... So helfen Sie mit, Kinder in Urlaubsländern vor sexuellem Missbrauch zu schützen.

21 Forschungsgemeinschaft Urlaub und Reisen.

22 Verhaltenskodex zum Schutz von Kindern vor sexueller Ausbeutung im Tourismus.

Minors of the World Tourism Organisation (UNWTO) and the Steering Committee of the International Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

Internet platform “Please disturb!”

In order to protect children and young people from sexual exploitation and violence in tourism, several advertising spots were developed in cooperation with terre des hommes Germany Spots (“Toys”, “Words” und “Witness”) were broadcast by TV stations and in cinemas. Airlines likewise declared themselves ready to include such commercials in their in-flight programme for a certain period.

On the basis of the positive reactions of travellers to the “Toys” spot made in 1998 and their interest in obtaining more information about protection of children, terre des hommes developed the internet platform “Please disturb!”²³, which has been cofinanced since 1999 by the European Commission and which the UNWTO joined in 2001 as a project partner.

The internet site gives practical information and scope for action for the different target groups in the topic area, localising and making them available online worldwide. The German version of **www.child-hood.com** went online in 2002. This was commissioned and funded by the Federal Government. In 2005 the GTZ supported the updating of the website on behalf of the Federal Ministry for Economic Cooperation and Development.

The evaluation reports on the in-flight advertising spots, the internet platform and the accompanying publicity campaign focused on discovering whether communication efforts like TV or cinema spots, press conferences or other activities have an impact on the broader information behaviour of recipients. Evidence was found to indicate that communication drives on “sexual exploitation of children in tourism” do lead to more perception, at least in the long run, and then possibly also to a change of behaviour and more courage. The evaluation of “Witness”, in fact, showed that the spot advertisement and its messages reached many people, in particular the target group of active travellers which it was aiming at, and also achieved the intended effect.

The Federal Government continues to supporting the updating of the platform.

Further points

ECPAT Germany and the Protestant youth organisations²⁴ prepared educational material on the topic of protecting children from sexual exploitation in the area of youth travel. They also developed a module for volunteer youth tour guides. In 2006 they both cooperated in holding a several-day training course for youth travel leaders (work camp on the topic of protection from sexual violence in the area of youth holidays).

²³ <http://www.child-hood.com>

²⁴ Arbeitsgemeinschaft Evangelische Jugend (aej) / Bundesarbeitsgemeinschaft Evangelischer Jugendreisedienst (bej).

In the context of development cooperation, a sensitivity programme was held in February 2005 at the International Tourism Forum in Hanover²⁵. It was held in the context of the GTZ projects on protecting minors from sexual exploitation, and combating trafficking in women.

cc. Other professional groups

Diplomatic service

The Federal Government attaches great importance to combating the sexual abuse of minors by tourists abroad and advocates for the protection of endangered children and young people. The German representations in the relevant countries are in constant contact with the German tour operators and also competent authorities and NGOs of the host country. In this way they endeavour to counteract the networks for the commercial sexual exploitation of minors.

Through administrative and law enforcement assistance, German diplomatic representations support German criminal prosecution authorities in investigating charges of sexual abuse of children and young people abroad, e. g. by procuring documents from the authorities of the respective host country.

The topic of “protection of children and young people from sexual violence and exploitation” is dealt with regularly in all three career paths in the legal and consular training of the Foreign Service Academy, and is an integral part of the training.

Police and Criminal Police Offices

The Crime Prevention Commission is a federal/federal state body of police dealing with all questions from the field of crime prevention, as long as cooperation between the federal states is necessary or makes sense.

The target-group and crime-related media material for protection from sexual violence of the police crime prevention programme is used in order to support the local police stations and authorities in the field of crime prevention. The Federal Criminal Police Office cooperates here as far as possible, taking account of the division of work between the federal and state levels.

The course catalogue of the Federal Criminal Police Office contains the topics of “human trafficking” and “sexual abuse of children/child pornography”. Such courses are held twice a year, the target groups being police officers at the federal and federal state level whose investigatory competence in the appropriate fields is to be strengthened. The federal police have also taken up the topic of commercial sexual exploitation of children and young people in different training phases. This is dealt with, amongst other things, in connection with people-smuggling and cross-border organised crime and in the context of railway-police work. The theoretical instruction from the angle of police expertise is supplemented by practical experience at national borders.

²⁵ Tatort Tourismus: Sexuelle Ausbeutung grenzenlos? Chancen zur Bekämpfung der sexuellen Ausbeutung Minderjähriger.

It was the goal of an interdisciplinary workshop of the Federal Criminal Police Office on the crime of child trafficking to discuss the need of criminal law to adapt and particularly explore the potential and limits of international cooperation in handling this area of crime. Besides questions about investigation, it particularly focused on questions related to dealing with victims and cooperation between special advisory offices and important state actors.

TeSIT²⁶ is the service unit at the Federal Criminal Police Office that processes information for reading and evaluation on secured databases. It functions as a technical support centre and in-service training facility and is a central contact organisation in the context of its special competence. ZaRD²⁷, the investigation unit for discretionary research in data networks, is also situated at the Federal Criminal Police Office, and was hived off from TeSIT to allow the latter to concentrate on its evaluation activity.

In addition to the ZaRD, the federal states Baden-Württemberg, Bavaria, Hessen, Lower Saxony and North Rhine-Westphalia and the customs offices have now set up units for discretionary internet research. In view of the constantly rising quantity of seized data carriers and their respective storage capacity, some of the offices responsible for forensic data carrier evaluation are increasingly availing themselves of the support of external service providers, in order to complete the data carrier evaluation in an appropriate space of time.

b. Information and awareness-raising

In April 2004 the Federal Government launched a prevention campaign as part of its publicity and awareness-raising for the action plan. With the motto “Look. Act. Help”, its purpose was to achieve broad attention and further awareness for the topic of sexual violence against children, to create awareness that each and everyone can do something about it, to provide information about professional assistance programmes, to inform counselling centres and to forge personal and thematic alliances for children and their families. The main target group was adults in the children’s environment and multipliers, e. g. from schools, child day-care centres etc., who were approached about the campaign by different media. It included a website²⁸ with a database on local counselling facilities plus in-depth information on the topic and a reference to the service telephone of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (0180-1907050), a bus tour through 18 cities in cooperation with the local counselling centres, a TV spot, advertisements and outside posters. In addition, there were leaflets and a self-help guide encouraging “bold questions and sensible action”²⁹, which raised key issues on the topic of sexual violence against children and young people.

This campaign received a lot of media attention, reaching about 30 million radio listeners and 17 million TV viewers. The newspapers reporting on the campaign had a circulation of almost 34 million. It was possible to generate high media coverage of the campaign and the issue in a relatively short time, at the local and regional level and beyond.

²⁶ Technisches Servicezentrum für Informations- und Kommunikationstechnologien.

²⁷ Zentralstelle für anlassunabhängige Recherchen in Datennetzen.

²⁸ <http://www.hinsehen-handeln-helfen.de>

²⁹ “Mutig fragen – besonnen handeln”.

To conclude the campaign, the EMNID Institute conducted a population survey of 1000 people on behalf of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth on the topic of “Sexual violence against children and young people”. Over 70 % of interviewees stated that they felt “quite well” to “very well” informed about the topic. Despite the claimed general good level of knowledge, over 90% were for more awareness-raising and information, and more preventive measures. Over 85% wanted more facilities for assistance and counselling. More commitment on the part of companies against sexual violence against children and young people were advocated by over 65%, on the part of associations and institutions (sports clubs, trade unions etc.) by over 75% and on the part of charities (welfare organisations etc.) by over 65%. Besides prominent ambassadors, the campaign was supported by DaimlerChrysler (now Daimler), the car manufacturers, FAW, a professional association for out-of-home advertising, and Sixt, a car rental company. The “Look. Act. Help” campaign was concluded on 24 February 2005 with a special event. This brought together for the first time companies active in the field of combating sexual violence against children and counselling initiatives working in this field, along with the Confederation of German Employers’ Associations (BDA). The goal was to get the business community more involved in this often taboo area.

The database of counselling facilities set up in the framework of the campaign is still available for consultation and is regularly updated by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

c. Domestic violence

In order to protect women and children from domestic violence there are 358 shelters in Germany (status: June 2008). They include 253 homes for battered women and six refuges for women run by the voluntary sector. The women seeking refuge are about half German and half non-German in origin. Over 90% of the offenders are current or former partners of the women or male members of the family. The homes are primarily meant for women with or without children who are acutely threatened by violence from their husband, partner or parents. The refuges are intended to providing women with or without children with a sheltered space in which they can reflect on their long-term situation and develop new life prospects. According to data from the Federal Statistics Office of 30. November 2007, 2006 saw a total of 85,600 women in such accommodation. Two thirds of them were mothers; 88.5% of children concerned were under 12. Over 77% of the children stayed with their mothers while about 22% were accommodated elsewhere.

As a member of the voluntary sector, the workers’ welfare association of Schwerin³⁰ is currently conducting the pilot project supported by the German Jugendmarke Foundation³¹ on “Child and youth counselling in cases of domestic violence (KJB) by the intervention centres against domestic violence of Schwerin and Rostock”³². The pilot project involves different forms of individual assistance and support for the children and young people concerned, special counselling services, further education, information events etc. for different professional groups connected with the topic of domestic violence as well as outreach activities. In 2007 it published a progress report³³.

30 Arbeiterwohlfahrt Kreisverband Schwerin e.V.

31 Stiftung Deutsche Jugendmarke

32 Kinder- und Jugendberatung in Fällen häuslicher Gewalt (KJB) der Interventionsstellen gegen häusliche Gewalt Schwerin und Rostock

33 http://www.jugendmarke.de/upload/pdf/Berichte/2007/Zwischenbericht_52-55-04-AWS.doc

Present insights from theory and practice demonstrate the high figures of occurrence and the serious impact of domestic violence on the development of children up to adulthood. It is thus necessary to engage in effective early prevention, in areas in which a large number of children and also parents can be reached. Apart from pre-school programmes, the areas of schools and child and youth welfare departments are of central importance.³⁴ In June 2008, the Federal Ministry for the Family Affairs, Senior Citizens, Women and Youth held a consultation on “Preventive measures against domestic violence: what can schools do?” This initiative to encourage school programmes brought together for the first time all the relevant actors from the federal, federal state and local government level, as well as non-governmental organisations. The conference saw itself as a kick-off event, through which those with responsibility particularly at the federal state level were to be recruited for further activities on preventing domestic violence within the area of responsibility of schools. With this conference, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth took a further step to implement the second Action Plan of the Federal Government to Combat Violence against Women, derived from the priority “Think of children in time – prevention as soon as possible”.

The topic of “Children as witnesses and participants in partner violence” was also included in the national action plan “For a Germany Fit for Children 2005 – 2010” (NAP), as part of the field of action “Growing up without violence”. The NAP contains different measures for improved protection from partner violence and its effects, in particular on children and young people.

Based on a compilation of the available knowledge and experience and an analysis of the organisational and legal conditions, a manual for dealing with cases of risk to children (as set out in § 1666 BGB³⁵) for professionals from municipal social services and others concerned was produced and issued in 2006. The manual was produced as part of the project on “Threats to children’s welfare and the role of local social services”, which was conducted at the German Youth Institute from 2001 to 2005. The manual is available in book form and also as a CD-ROM and on the internet. The topics dealt with were selected collectively by professionals from the pilot project locations and a group of experts. Besides domestic violence, the manual also focuses on information about the most varied forms of risk to children’s welfare. The purpose of the project was to give practical support to social service professionals in their work on at-risk cases and, at the same time, to increase the number of cases handled in practice.

34 Other information is to be found in the following publication of June 2008: Kavemann, Barbara: Wissenschaftliche Begleitung des Modellprojekts BIG Präventionsprojekt – Kooperation zwischen Schule und Jugendhilfe bei häuslicher Gewalt. Endbericht. Berlin: Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 2008.

35 Bürgerliches Gesetzbuch (Civil code).

d. Development cooperation

The protection of minors from sexual exploitation in partner countries of German development cooperation is understood to be part of the human rights-based approach of German development policy. Contributions to protect child rights with particular attention to the situation of girls strengthen the poverty orientation of German development cooperation and thereby contribute to reaching the Millennium Development Goals.

The Federal Ministry for Economic Cooperation and Development (BMZ) in 2004 commissioned the GTZ to deal with the theme “Protection of minors against sexual exploitation” (convention project). The goal of the project is to promote the implementation of the optional protocol of the UN Convention on the Rights of the Child to combat child trafficking, child prostitution and child pornography in selected partner countries. This includes programmes to train the police and law enforcement staff, social workers, health and educational workers and also activities aimed at primary prevention and the protection of victims. In addition, the convention project is intensively involved in building up national and international networks with public authorities, the private sector (above all tourism) and children’s rights organisations.

The project’s regional priorities are the Mekong Region, Central America and the Balkans. In the final phase of the project until mid-2009 Cambodia will be the main focus of country work.

A biannual working group on “Commercial sexual exploitation of children and protective measures in German development cooperation” is attended by German institutions and NGOs which support programmes on the topic in partner countries of German development cooperation. The goal of the working group is also to collaborate in developing instruments for monitoring and evaluation. Good practice examples are described and presented to the public on the web³⁶. Since 2004, application-related studies have been drawn up in the context of the convention scheme and distributed to a specialist audience at the national and international level.

In cooperation with the Institute for Tourism and Development³⁷, the convention project issued a booklet on understanding children’s rights³⁸ in early 2008. The booklet is aimed at a broad public and gives information about child rights and serious violations of children’s rights, particularly on sexualised violence and sexual exploitation. Many examples from the work of child rights and child assistance organisations describe situations, deficiencies and progress in the area of children’s rights in Latin America, Asia, Africa and Germany. The booklet is distributed to children’s rights organisations, political education centres and tour operators.

In the context of development cooperation, the GTZ is conducting a nation-wide sectoral project to combat trafficking in women on behalf of the Federal Government. From 2003–2005 it received EUR2 million in funding from Action Programme 2015. The German contribution comprised the organising and conducting of in-service training and publicity drives with German partners, capacity development and local subsidies for local actors

³⁶ See <http://www.gtz.de/nochildabuse>

³⁷ Studienkreis für Tourismus und Entwicklung.

³⁸ Sympathiemagazin - Kinderrechte verstehen.

involved in combating trafficking with women. It also encouraged relevant actors in Germany, partner countries and at the international level to link up with groups involved in knowledge management. Focal countries were Bulgaria and Romania. In the context of an intensive exchange with public authorities, e. g. the police, public prosecutors and schools, training programmes were conducted on the topic of prevention and also for the protection of girls and young women who were victims of sexual violence at home and abroad. Over 39 NGO cooperation agreements were concluded in the context of this project. In Romania the NGOs “Reaching out” and “Society for Children and Parents” (SCOP) received financial assistance, primarily for reintegration measures to the benefit of girls who have been forced to suffer sexualised violence.

Besides official development cooperation, the BMZ attaches great importance to support from NGOs such as churches, political foundations and private sponsors. In the period from 2005 to 2007 the BMZ supported churches and other private bodies with direct or indirect relevance for the realisation of children’s rights in partner countries in 161 programmes totalling EUR24.2 million. With projects relating to school and vocational training, health, street children and the active participation of children, official development cooperation also contributes to the prevention of sexual exploitation and rehabilitation of victims.

1.3 Participation

The second World Congress against Commercial Sexual Exploitation of Children in December 2001 in Yokohama fulfilled an important demand of the first World Congress: the involvement of children and young people in combating sexual exploitation. In the aftermath of the congress the two youth participants from the German delegation stated that it was necessary to continue to involve children and young people, and for there to be a nation-wide network of young people in the battle against sexual exploitation – girls and boys also needed to sit down and work with adult experts on an equal footing. Terre des hommes Germany then initiated a workshop on the worldwide participation of children and young people in preventing sexual exploitation of children. This workshop was supported by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, and it brought together 40 girls and boys to talk about preventing sexual exploitation and air their views of the matter. The event was accompanied by several specialist organisations³⁹ from the counselling field. The workshop clearly showed how seriously children and young people take their responsibility for preventive measures for protection from sexual exploitation, particularly for minors. Terre des hommes Germany published a brochure on the programme and outcomes of the workshop⁴⁰.

The national action plan “For a Child-Friendly Germany 2005–2010” (NAP) also stressed the importance of a comprehensive involvement of children and young people with reference to all areas of life. There should be opportunities for participation for all groups of children and young people using appropriate methods. Hence a special concern is guaranteeing the quality of involvement through the development of quality standards.

39 Strohalm e.V.; Kinderschutzzentrum Oldenburg; Zartbitter e.V.

40 Terre des hommes Deutschland e.V. (ed.): *Unsere Stimme zählt. Beteiligung von Kindern und Jugendlichen an der Prävention von sexueller Gewalt*. Osnabrück: Terre des hommes Deutschland e.V., 2003 (also available in English).

II. Legislation

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2.1 Criminal law protection for children and young people

Criminal law

The law “to change the provisions on criminal offences against sexual self-determination and other provisions” of 27 December 2003 (BGBl.⁴¹ I No. 67, p. 3007) improved the protection by law of children and young people from sexual violence and exploitation.

Stiffer penalties were introduced for all crimes relating to the sexual abuse of children and persons unable to resist. Accordingly, fines are no longer provided as a penalty for the sexual abuse of this group of people; there are only prison sentences. The sentence for the respective crimes (§ 176(1,2), § 179(1,2) StGB⁴²) ranges from six months to ten years. In both provisions the penal assessment rule for the less serious case was dropped and a rule for the particularly serious case was introduced, entailing a possible sentence of one to 15 years imprisonment.

In cases of serious sexual abuse of children or persons unable to resist (§ 176a(2), § 179(5) StGB), for example having intercourse with a child, the minimum prison sentence was raised from one to two years. Minimum sentences were also raised in the case of other crimes, such as the abuse of those entrusted to one’s care and of other persons in a particular relationship of dependence (§ § 174, 174a, 174b, 174c StGB) (prison sentence of three months instead of a fine, as hitherto). The maximum sentence in these cases is still a prison sentence of up to five years. In some cases the sphere of protection from the crimes was broadened.

However, the creation of new offences improved the protection of children from sexual abuse under criminal law. It is thus a crime

- to use written material to prevail on a child to engage in sexual acts (§ 176(4)3)
- to offer a child for sexual abuse or promise to indicate the child’s name (§ 176(5))
- to arrange with another person to sexually abuse a child (§ 176(5))

⁴¹ Bundesgesetzblatt (Federal Law Gazette).

⁴² Strafgesetzbuch (Penal code).

These measures are backed up by an extension of § 78b(1)1 of the penal code. The period of limitation no longer applies only in the cases of § § 176–179, but also in the cases of § § 174, 174a, 174b, 174c. There the period of limitation for the above offences only begins to elapse when the victim turns 18. With the broadening of § 140, the rewarding and approval of sexual abuse, sexual coercion and rape has now been made punishable.

Through the 37th penal code amendment law of 11 February 2005 (BGBl. I, p. 239), which took effect on 19 February 2005, the previous penal provisions against human trafficking were rephrased, broadened and adapted to international requirements. For example, the crimes of human trafficking for the purpose of sexual exploitation (§ 232 StGB) and of human trafficking for the purpose of exploitation of labour (§ 233 StGB) were inserted in the law. Likewise the promotion of human trafficking (§ 233a StGB) was made punishable. The crime of abduction was also redefined in § 234 StGB.

Further improvements came from the law transposing the framework decision of the Council of the European Union on combating the sexual exploitation of children and child pornography, which took effect on 5 November 2008. Amongst other things, the law expands the area of application of penal provisions against the dissemination, acquisition and possession of child pornography material to cover youth pornography (see extensive treatment at III.1.b. below).

Finally, the law to introduce subsequent preventive detention of 23 July 2004 (BGBl. I, p. 1838) supplemented and reinforced the potential of criminal law to protect the public – and thereby also, and particularly, children – from recidivist sexual offenders. Through the introduction of § 66b StGB into the system of preventive detention the courts can now subsequently order preventive detention when facts indicating that the offender constitutes a considerable public danger only become evident after the sentence and before the end of the term of imprisonment. This possibility was extended by the law reforming supervision of conduct and changing the provisions on subsequent preventive detention of 13 April 2007 (BGBl. I, p. 513). Previously, the considerable danger might have been perceptible at the judgement but ordering preventive detention was not yet legally possible.

In the context of supervision of conduct under § § 68 ff. StGB the person sentenced has to report to a supervisory body and a probationary officer and may be given binding instructions for his/her conduct of life. With the above reform of the supervision of conduct it is now possible to monitor the conduct of discharged criminals more closely and efficiently. Thus, for example, a ban on contact may be issued with threat of punishment. That way the person sentenced can be prevented from bothering or threatening the victim of his/her criminal offence. Sexual offenders may be prohibited, for example, from making contact with strange children, with the threat of sanctions. If a forbidden contact is made and noticed, intervention can follow before it is too late. Furthermore, other instructions are admitted with threat of punishment. If the sentenced party infringes this or other instructions, this may lead to a prison sentence of up to three years. Other instructions without threat of punishment are also possible, e. g. instructing the offender to take a course of therapy. The reform of the law on sexual offenders now permits the supervision of conduct to be extended without time limit under certain conditions (§ 68c(3)2 StGB).

In the individual cases of serious crimes by young offenders it is possible that they, too, may be considered extremely dangerous for others even after serving a sentence of several years in prison. Hence, after changes to the clauses in § 106 JGG⁴³, the youth court was allowed (from 1 April 2004) to order a reservation and (from 29 July 2004) subsequent preventive detention for young adults (18 to 21-year-olds), to whom normal criminal law applies. This was enabled by the laws of 27 December 2003 and 23 July 2004. In addition, § 7 JGG was changed by the law of 8 July 2008 (BGBl. I, p. 1212) to introduce subsequent preventive detention in the case of sentences under youth criminal law. Consequently it has been possible since 12 July 2008 to order subsequent preventive detention in extreme cases and with the due strict preconditions against highly dangerous young offenders who at the time of the offence were still young people (14–18 years of age) or young adults and who were sentenced under youth criminal law.

Law on criminal proceedings

With the law to change the provisions on crimes against sexual self-determination and to change other provisions of 27 December 2003 (BGBl. I, p. 3007), the offences under § 81g (1) StPO⁴⁴ allowing the collecting and storing of DNA identification specimens of the accused when there is suspicion of a criminal act were extended to all crimes against sexual self-determination, so that the DNA analysis was made easier for the purposes of future criminal prosecution. Since then, criminal prosecutors no longer need to wait until a sexual offender has committed massive crimes in order to make a DNA analysis or storage. A further extension in this field followed from the law to amend forensic DNA analysis of 12 August 2005 (BGBl. I No. 49, p. 2360). Under § 81g (1) sentence 2 StPO the repeated committing of other wrongful acts can be seen to be equivalent to one criminal act of considerable significance and thereby permit the collection and storage of DNA identification specimens. This also has an effect on the combating of offences against sexual self-determination. Criminological studies of the Federal Criminal Police Office and of the central criminological unit show that there is often already considerable police data against brutal and aggressive sexual offenders in other areas of offence, including crimes against property or physical integrity, which now make it possible – even if the individual criminal acts are not of considerable importance – to proceed to examine the ordering of a DNA analysis as a preventive measure (BT-Drs.⁴⁵ 15/5674 p. 7). Likewise the express legal provision of mass genetic tests in § 81 h StPO contributes to a more effective prosecution of crimes against sexual self-determination.

2.2 Victim protection

Law on criminal proceedings

The law to protect witnesses introduced in 1998 enables a video questioning of child and youth victims in criminal proceedings, out of hearing of the offender. There is also greater protection of victims through improved options for joint plaintiffs and the creation of a supporting witness and attorney for the victim.

⁴³ Jugendgerichtsgesetz (Youth court law).

⁴⁴ Law on criminal proceedings.

⁴⁵ Bundestagsdrucksache (German Federal Parliament debates).

Since the passage of the law to change the provisions on crimes against sexual self-determination and to change other provisions of 27 December 2003 (BGBl. I No. 67, p. 3007) it has been possible, on request, to assign an attorney to victims in the context of a joint complaint, when victims are hampered from adequately taking care of their own interests (by the change in § 397(1) StPO).

Through the law reforming victim law of 30 June 2004 (BGBl. I No. 31, p. 1354) the rights of victims in criminal cases were strengthened in three essential points:

- Multiple interrogations are avoided: in future, even in the event of special need for protection of victim witnesses, an appeal can be made to the county court to avoid child victims of sexual offences having to go through a second hearing.
- The chances of obtaining damages in the criminal trial (strengthening of “adhesion proceedings”), are improved through the limited possibilities of the criminal court to reject a decision on the right to compensation.
- Improved information of the injured party about his or her rights and the criminal procedure: in future, injured parties will also receive information about the termination of the case, the duration of detention or custody, release from detention or easing of prison conditions. Further, injured parties are to receive information about the range of victim assistance centres.

With the law on the new provisions for telecommunication surveillance and other concealed means of investigation, plus the transposition of directive 2006/24/EG of 21 December 2007 (BGBl. I, p. 3198), which substantially took effect on 1 January 2008, the list of offences contained in § 100a StPO occasioning telecom surveillance was extended by the crimes of less serious cases of serious sexual abuse of children under § 176a(4) StGB (§ 100a(2)1 lit. f StPO). In addition, now § 100a(2)1 lit. g StPO – apart from the previously comprised the commercial or organised dissemination, acquisition and possession of child pornography documents under § 184b(3) StGB – also covers the non-qualified cases of disseminating, acquiring and possessing child pornography materials under § 184b (1, 2) StGB. The enabling of telecom surveillance regarding the above-mentioned crimes is also intended to strengthen the protection of children from sexual attacks by effective criminal prosecution, in view of the serious consequences for victims. This takes account of the fact that, resulting from the worldwide use of the internet, the bulk of child pornography is today disseminated via electronic media and stored on electronic data carriers.

Priority of compensation to the victim

Victim protection was further reinforced by a supplement to § 42 StGB through the second law for the modernising of judicial procedures of 22 December 2006 (BGBl. I, p. 3416). The victims of criminal acts frequently suffer financial consequences, quite apart from physical and psychological harm. Hence reparation by the offenders should take priority over the execution of fines. If the sentenced person does not have enough money to compensate the victim and also pay the fine, he or she should be granted the opportunity in the judgment itself to pay the fine in instalments, so that the compensation to the victim can be paid first.

Compensation to the victim

Special arrangements for the compensation of victims of violent acts are laid down in the victim compensation act (OEG). Anyone who has suffered health impairment through a deliberate and unlawful attack may on application to the appropriate state social insurance office obtain benefits under this law for the purpose of making up for the health and economic consequences of a violent act. The benefits thus primarily aim to allow for treatment to restore the person's health, including medical and/or psychological rehabilitation. The law also provides for a pension to make up for extra expenditure due to the harm suffered (means-tested) and economic losses thereby (dependent on income) along with welfare payments to secure the person's livelihood.

In-service training programmes

The German Judicial Academy, funded by the federal and federal state governments, has conference centres in the cities of Trier and Wustrau. It organises a range of events open to all German judges and public prosecutors. Every year it offers a number of conferences, running over several days, concerned with questions of sexual violence and exploitation in respect of children and young people, also in connection with cross-border crime. They aim to convey and explore the points of law and also practical procedures, e. g. at the international level. In-service training on the appropriate handling of child witnesses is also on offer. In 2007 the German Judicial Academy held an additional autumn conference on "The protection of children from neglect and maltreatment".

Besides the German Judicial Academy, which advertises its events at the federal level, the state judicial administrations also run in-service training events for their judges and public prosecutors. That includes conferences directly or indirectly dealing with the topic of "Sexual abuse of children". Examples are: "(Video) questioning of child witnesses in proceedings on maltreatment and sexual abuse" of the state of Hessen in 2007 or the conference on "Combating child pornography" of North Rhine-Westphalia, held in 2008.

The Federal Ministry of Justice is a member of the European Judicial Training Network (EJTN) and thus receives information about in-service training events in other EU states that are open to German judges. This information and advertising is forwarded to interested judges and public prosecutors via the state judicial administrations, and many of them attend the events. For September and December 2008, two conferences are scheduled on the topic of questioning children (held by the United Kingdom) and on sexual abuse of minors (held by France).

Regarding continuing education, the 76th Conference of Justice Ministers of 29 to 30 June 2005 in Dortmund took the following decision under agenda item "Major judicial reform":

- a) Justice ministers advocate a statutory obligation to do in-service training on the laws governing judges of the federal and federal state governments. The way in which they meet this obligation shall remain optional.

- b) Justice ministers shall work to ensure that in-service training is established in assessment and promotion guidelines as a criterion for judges and public prosecutors and is given greater consideration in the framework of personnel development.
- c) Justice ministers advocate the planning of in-service training and responsibility for implementing it shall be undertaken by executive staff as a function of demand, which is primarily to be ascertained in the annual discussions. The range of courses provided by employers shall be free of charge as a matter of principle and the distribution of places shall be transparent and be based on objective criteria.

Further points

In 2004 the Federal Ministry of Justice published a brochure⁴⁶ for youthful witnesses, answering questions about the purpose and procedure of a trial, offering important assistance and thus seeking to give minors a sense of security. The brochure was put together by experts on the subject who know the questions to be dealt with from practical experience. Young people collaborated on producing the material, which contributed to making it manageable and comprehensible to girls and boys.

In January 2008 the Federal Government initiated the first discussion between representatives of federal states, associations from the field of victim protection and the administration of justice, and experts. Their purpose was to discuss the need and potential for the statutory implementation of psychosocial accompaniment of children and young people in criminal proceedings.

2.3 Measures in the field of family law

Law outlawing the use of force in education

2000 saw the adoption of the law outlawing the use of force in education, the aim being to abolish the use of force as a means of education (BGBl. I 2000, p. 1479). This established the right of children to non-violent education in the civil code. Corporal punishment, psychological injury and other degrading measures were declared inadmissible (§ 1631(2) BGB). At the same time it was clarified under child and youth welfare law that parts of the general fostering of education in the family also involved proposals to parents to settle conflict situations without resorting to force (§ 16(1) sentence 3 SGB VIII).

The change in the law was accompanied by a nation-wide campaign from September 2000 to the end of 2001 with the motto “More respect for children”. To support the effects of the change in the law and the accompanying campaign the Federal Government commissioned a comprehensive study under the direction of Prof. Kai-D. Bussmann, University of Halle-Wittenberg, which was updated in 2005. Bussmann compared his studies from 1992 to 1996 with his research findings from 2001/2002 and 2005, with the following results:

⁴⁶ Federal Ministry of Justice (ed.): Ich habe Rechte. Ein Wegweiser durch das Strafverfahren für jugendliche Zeuginnen und Zeugen. (I have rights. A guide through criminal proceedings for young witnesses).

- While parents had learned more about the reform, there needed to be even more intensive awareness-raising at schools and other educational institutions in order to raise the level of knowledge among children and young people.
- The use of force in education continues to decline but the number of violent families and, in particular, mistreated children and young people remains virtually the same.
- A non-violent upbringing is still the ideal according to over 90% of parents.
- The law was not just accepted by those working in counselling and therapy, but was filled with life through the direct relation to their daily work.

Facilitating family court measures in the case of risks to the child's welfare

Even according to previous law (§ 1666 BGB) the family court for the protection of children was able to issue orders intervening in the rights of parents. The precondition for such orders had been that the child's good was threatened by the abusive exercise of parental care, the inadvertent failure of the parents or the behaviour of third parties, and that parents were not willing or able to avert the danger. The law did not provide for any concrete measures but left it to the court to issue the appropriate orders in the individual case.

In practice, family courts were frequently only seized of the case when it was too late to influence the parents for the better. Often the only option open to the courts then was withdrawing the parents' custody for the child.

The law to facilitate family court measures in the case of threat to the child's good (BGBl. I, p. 1188) took effect on 12 July 2008. The purpose of this law is to promote early intervention by family courts using the whole range of possible judicial measures – including those short of withdrawing custody of the child. In addition, the changes are to enable the court to oblige parents to cooperate better with local youth welfare bodies and to accept necessary programmes of child and youth welfare:

- § 1666 BGB no longer contains the feature of “failure of parental upbringing”, in order to clarify the essential preconditions for intervention by a family court and remove practical difficulties.
- The legal consequences of § 1666 BGB are spelled out so that youth authorities and family courts fully understand the range of possible measures.
- The family court that has refrained from taking a measure in a child protection case shall reconsider its decision in an appropriate period of time (generally 3 months later).
- The court's child protection procedure shall be supplemented by a “Discussion of the threat to the child's good”; in procedures on a threat to the child's good the court shall discuss ways of averting the risk with the parents, the youth welfare department and, in suitable cases, the child.
- Proceedings on the threat to the child's good shall be conducted with priority and due speed. The (first) appointment for oral proceedings shall be scheduled within one month after the beginning of the case.

2.4 Changes in child and youth welfare law (SGB VIII)

On 1 October 2005 the child and youth welfare development law (KICK) took effect with the aim of improving the protection of children and young people from dangers to their good. The following changes are relevant to the topic area of the action plan.

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§ 8a SGB VIII duty to protect in the case of threats to the child's good

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§ 8a SGB VIII stipulates that the duty to protect the child from threat is a common duty for public and voluntary youth welfare organisations. The text of the law lays down certain procedural steps when dealing with possible cases of threat, e. g. the joint estimation of the risk by several professionals or the offer of assistance to avert danger – if appropriate and necessary – by the youth welfare department. The expression “weighty indications” for the threat to the child's or young person's good introduced a new term, and the expression “experienced professional” for the person estimating the degree of risk introduced a new function into child protection practice. Agreements still need to be concluded between the youth welfare department and the voluntary sector that provide for the implementation and organisation of this duty to protect by voluntary youth welfare facilities and organisations.

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The Federal Chancellor and heads of government of the federal state agreed on 12 June 2008 to step up efforts to support children in distress. If there are weighty indications of a threat to a child's good the youth welfare department must fulfil its obligation to go and see the child and generally also his/her parents in order to gain an immediate impression of the situation and the child's personal environment. This is to be guaranteed by an amendment to § 8a SGB VIII. The Federal Government plans to undertake the necessary changes to the law before the end of 2008.

§ 72a SGB VIII personal suitability

§ 72a SGB VIII prohibits the employment and placement of people who have been sentenced for offences against sexual self-determination in areas concerned with child and youth welfare. Thus individuals with a paedosexual inclination and other potential sexual offenders are to be kept out of any work concerned with child and youth welfare. The amendment to the child and youth welfare legislation (SGB VIII) tightens up this prohibition on employment and placement and thereby strengthens the protection of children and young people from sexual violence in institutions or in other areas of child and youth welfare. The implementation of the employment and placement prohibition is guaranteed by specific requirements for the examination of the personal suitability of people employed in the area of child and youth welfare. Thus all bodies running organisations and services are to present a clean record at regular intervals under § 30(5) under the federal central register law.



International Cooperation and Networking

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3.1 International conventions and criminal prosecution

In the international context initiatives have been developed at different levels to provide better arrangements to guarantee a more effective protection of children and young people from sexual violence and exploitation. On the basis of the UN Convention on the Rights of the Child and referring to the requirements from subsequent optional protocols, the Council of the European Union and the Council of Europe have taken decisions that provide for the implementation of children's rights for countries in Europe.

a. United Nations

The ratification of the UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, particularly Women and Children took place on 14 June 2006 (entry into force: 14 July 2006).

On 20 June 2008 the German Federal Parliament passed a law approving the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography of 25 May 2000 (BT-Drs. 16/9644 – recommendation for a decision and report). The resultant legislative requirements are covered by another law also adopted on 20 June 2008 to transpose the framework decision of the Council of the European Union on combating the sexual exploitation of children and child pornography (BT-Drs. 16/9646 – recommendation for a decision and report of the Bundestag).

A German governmental delegation attended the 51st Commission on the Status of Women on the topic of “Discrimination and violence against girls” in New York in February/March 2007. Its purpose was to debate the general life situation of girls, including the discrimination and violence they suffer. In her statement on behalf of the European Union (it was during the German council presidency), Federal Minister Ursula von der Leyen referred to the need to overcome gender stereotypes in the roles and behaviour of boys and girls, eliminate all forms of violence against girls and highlight the role of education in realising girls' rights.

b. European Union

At the European level, the Council of the European Union adopted framework decisions on combating human trafficking (in effect since 2002) and the sexual exploitation of children and child pornography (in effect since 2004). The purpose is a Europe-wide harmonisation of criminal legislation to improve international cooperation in this field.

On 5 November 2008 a law took effect to transpose the framework decision of the Council of the European Union on combating the sexual exploitation of children and child pornography. This law not only transposes the framework decision, it also takes account of the legislative requirements resulting from the optional protocol of the Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography.

The law transposing the framework decision of the Council of the European Union on combating the sexual exploitation of children and child pornography basically provides for the following changes in the penal code:

- Raising the protection age level of § 182(1) StGB (sexual abuse of young people) from sixteen to eighteen, i.e. children within the meaning of the framework decision and optional protocol being people under eighteen; and dropping the age limit on the offender side in cases of exploiting an enforced situation,
- Introducing punishment for the attempted sexual abuse of young people,
- Rewording § 184b (1) StGB in order to cover the “provocative exhibition of children’s sexual organs”,
- Introduction of the criminal offence § 184c StGB (dissemination, acquisition and possession of youth pornography documentation), which, in particular, makes a punishable offence the dissemination of youth pornography documentation and, if real young people are shown, also the possession of said documentation,
- Extension of § 236 StGB (child trafficking) to cover the intermediary who brings about the agreement of persons other than one or both parents, the guardian or a foster parent – in particular the agreement of the child – through granting remuneration.

c. Council of Europe

Germany signed the Convention of the Council of Europe on the protection of children from sexual exploitation and sexual abuse in October 2007 when it was opened for signature. The convention contains requirements for dealing with criminal offences, going beyond the commercial sexual exploitation of children to sexual abuse without a commercial motive jurisdiction, the responsibility of legal entities, law on criminal proceedings, the storage of data on sentenced sexual offenders, international cooperation and preventive measures. Depending on the extent to which use is made of the reservation options, this will call for legislative action in the area of criminal law. This has already been partly covered by the law transposing the framework decision of the Council of the European Union on combating the sexual exploitation of children and child pornography. The ratification of the Council of Europe convention is underway.

The Council of Europe convention on computer crime of 23 November 2001 was signed by Germany on the day on which it was opened for signature. The convention sets a minimum standard for criminal law provisions regarding certain serious forms of computer crime. Furthermore, it contains requirements for the law on criminal proceedings, international cooperation and mutual assistance in law enforcement. Among the regulations on material criminal law, the convention also contains requirements on substantive crimes related to child pornography. The punishable acts are specific to the use of computers. With the exception of specific regulations on child pornography, the con-

vention has already been fully transposed into German law for a long time. The requirements so far still open were met by the law to transpose the framework decision of the Council of the European Union on combating sexual exploitation of children and child pornography. The treaty law to prepare for the ratification procedure has already been passed by the Bundestag. Ratification is to take place now.

Germany signed the Council of Europe Convention to combat human trafficking (ETS 197) on 17 November 2005. The convention contains provisions in the field of victim support, victim protection, residence rights, criminal law and criminal procedure law, international cooperation and an independent surveillance mechanism. At present a draft treaty law, which is required for accession to the convention, is being coordinated in the ministries.

3.2 Networks

Information Centre on Child Abuse and Neglect (IzKK)

The Federal Government finances the IzKK at the German Youth Institute. The IzKK is a federal interdisciplinary centre for information, counselling and networking to support the prevention of primary, secondary and tertiary violence against children. As a national and international interface between research, practice and politics it promotes transparency and productive cooperation between the different professions. The activities of the IzKK are directed towards all individuals and professional groups who contribute directly or indirectly to preventing child abuse and neglect. Its website⁴⁷ contains a comprehensive database of relevant literature, specialist information in the topic area, a database on practice objects and an overview of events.

Specifically in the area of sexual violence and commercial sexual exploitation the IzKK has worked on the following projects, alongside its routine activities:

- Holding the National Follow-up Conference on behalf of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, and publishing the conference documentation “Sexual Abuse of Children. Documentation of the National Follow-up Conference ‘Commercial sexual exploitation of children’, 14-15 March 2001 in Berlin”
- Supporting a self-help guide with “Sensible answers to bold questions”⁴⁸; the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has produced several reprints since 2003
- Publishing the IzKK newsletter on the topic of commercial sexual exploitation of children (2/2002), sexualised violence by minors (1-2/2004), sexualised violence by professionals in institutions (1/2007) and experience of sexual violence at a young age (1/2008); this has a circulation of 12,000 copies by now, which are sent to all facilities/organisations/institutions working in the broader or narrower sense on combating violence against children

⁴⁷ <http://www.dji.de/izkk>

⁴⁸ Mutig fragen – besonnen handeln.

- Publishing a brochure on commercial sexual exploitation of children, with an annotated bibliography, in 2004⁴⁹
- Holding two workshops (in 2002 and 2003) to plan the federal pilot project on developing professional quality standards to deal with offences by sexually deviant minors
- Holding the conference “Current challenges in child and youth protection – sexual violence through the new media” on 28-29 November 2006 in Berlin and publishing the conference documentation (details in the next section)
- Holding the one-day consultation “Childhood law aspects of the family court reform law” on 25 October 2007 in Munich

The federal/federal state working group took account of recent developments when it recommended holding a conference on the issue of handling sexual violence against minors in the new media. The consultation and the subsequent documentation described the forms of sexual violence in the new media, the impacts on the victims, the police and criminal prosecution of banned content and possible preventive measures. The main points were that regarding prevention there needed to be target group-specific programmes recognising the status of the new media in the daily lives of girls and boys. Adults (parents, other guardians, teachers etc.) need competences themselves in handling the internet, mobile phones etc., in order to be able to pass them on to children and young people. In particular, schools should be institutions for communicating media competence.

German society against child abuse and neglect (DGgKV)

The DGgKV was basically founded with the aim of effectively interlinking professionals concerned with questions of child and youth protection. It therefore runs regular events such as the federal conference, the international Kassel refresher course, a workshop day or workshop discussions, which guarantee ongoing interdisciplinary exchange alongside the regular in-service training programmes⁵⁰.

Germany’s involvement in the network “Children at Risk in the Baltic Sea Region”

The Federal Government is involved in international cooperation and coordination to intensify its commitment to protecting girls and boys from commercial sexual exploitation. Within the Council of the Baltic Sea States the Federal Government participates in the Working Group for Cooperation on Children at Risk, which it also supports financially. Current focal themes are the rights of children in homes and accompanying measures when they leave residential accommodation; handling young people who have become committed acts of sexual aggression or other kinds of offence, and the treatment of victims of sexual violence via the internet. An action plan on the topic of unaccompanied minor refugees and victims of child trafficking has been drawn up for stronger bi- and multilateral cooperation in the fields of prevention, victim protection and the reintegration of the children and young people affected. The national coordinator (IzKK),

⁴⁹ Kommerzielle sexuelle Ausbeutung von Kindern. Eine kommentierte Bibliografie.

⁵⁰ For more information on in-service training programmes see 2.a.aa and <http://www.dggkv.de>

competence centres (child protection centres of Kiel and Lübeck) and experts on the respective topics support the mutual exchange of knowledge among the German professionals in the network⁵¹.

Trilateral working group on combating prostitution tourism

Together with Bavaria and Saxony, the Federal Government first developed the project to combat tourism with sexual abuse of children at the German-Czech border (project KISS). As a follow-up, a trilateral working group was established between Germany (involving Bavaria and Saxony), the Czech Republic and Poland to combat sexual violence against women and children in the border areas. This working group, based on bilateral 'police agreements' between these three countries, existed until 2003. During this time Germany and the Czech Republic made further progress in combating cross-border crime in the German-Czech border region, in particular trafficking in women and girls, and the sexual exploitation of children. Activities included joint investigation groups, appointing contact officers and holding briefing sessions for police officers.

International multi-professional cooperation

The Federal Government promotes cooperation with Germany's eastern neighbours regarding the prevention of commercial sexual exploitation. Various consultations were held in the border region with the financial support of the Federal Government and lively participation from Czechs and Germans, in particular:

- a) The European Information Centre of Thuringia in the Thuringian state chancellery conducted an international symposium on the topic of "Violence against children: consequences for the rule of law and for police and judicial cooperation in an enlarged Europe" on 24–25 October 2004 in Greiz. This conference attracted a broad professional audience thanks to the cooperation with the office of the European Commission in Berlin, the Thuringian working group for child and youth protection⁵² and experts from the Commission of the European Union, EUROPOL, the Federal Criminal Police Office, the state criminal police offices and non-governmental organisations from Poland, the Czech Republic, Hungary, Slovakia and Slovenia. It was followed up by a consultation in the Federal Criminal Police Office, Wiesbaden, in April 2005 on "Child trafficking in Germany" with participants from all areas of the police, courts and expert counselling services. They made recommendations regarding an efficient criminal prosecution of offenders, oriented to the child's welfare, and proposed ways of caring for victims of child trafficking in Germany.
- b) In order to promote German-Czech cooperation in the field of child protection, the Federal Government funded the conference on child prostitution in 2001. Since 2002 it has given annual support to the German-Czech consultation on child protection sponsored by the Protestant youth and welfare organisation EJJ in Berlin/Brandenburg⁵³. Participants discussed various aspects of work with children and young people

51 <http://www.childcentre.info>

52 Landesarbeitsgemeinschaft Kinder- und Jugendschutz Thüringen.

53 <http://www.ejf.de>

affected by different forms of violence. The purpose was to gather experience from the field of counselling, therapy and cooperation between social workers, police and courts, and to develop preventive approaches on the part of the two countries. The 7th consultation on child protection is scheduled for December 2008.

Between 2001 and 2007, ECPAT Germany conducted certified training workshops (multi-stakeholder training for police, social and youth authorities and for counselling centres/NGOs) in Germany (Berlin and Dortmund) and also in eastern European countries (Romania, Czech Republic, Belarus, Albania) with the goal of encouraging and supporting victim-friendly investigation and care. ECPAT Germany also held national and international programmes for individuals, police trainers, social and youth authorities and NGOs. A three-day course took place in June 2007 in Berlin on the topic of child trafficking, for trainers from 16 European countries. These programmes were made possible by a European project of the ECPAT Law Enforcement Group in 16 European countries under the leadership of DCI/ECPAT Netherlands and with financial support from the EU, OAK Foundation and the Dutch foreign ministry.

The destination countries for tourists who sexually exploit children and young people tend to be in South East Asia, South America and eastern Europe; the Federal Criminal Police Office has stationed liaison officers there, who can be brought in to work on the case if need be. Their work is frequently conducive to securing objective and personal evidence for proceedings in Germany, due to their direct access to local police authorities and the accompanying close cooperation in investigations. Rapid and targeted initial reports make it possible to secure possible evidence in Germany as well.

Germany can already handle foreign requests for assistance in law enforcement in the field of child prostitution and sexual exploitation of minors in tourism either on the basis of international agreements which have become domestic law, or on a non-treaty basis according to the law on international assistance in criminal cases. To the extent that, in rare cases, a foreign legal order exceptionally provides that certain measures of mutual assistance, particularly extradition, are only possible on a treaty basis, and there are no such treaties, the Federal Government checks to see whether there is a real need for concluding an international treaty in this matter. In this event, however, the treaty would not just apply for certain offences but affect all areas of crime.

Through concluding police and border police treaties with neighbouring states, the Federal Government fundamentally follows the strategy of reinforcing international police cooperation in order to block any security loop-holes that might arise as a consequence of opening borders. Bilateral police agreements exist with all Germany's neighbouring states, which the Federal Government is constantly striving to strengthen and expand. They illustrate the great importance that Germany attributes to cross-border police cooperation. Particularly noteworthy here is the treaty between the Federal Republic of Germany and the Czech Republic on the cooperation of police authorities and border protection authorities in the border areas. This has led to a working group, meeting alternately in the two countries, which cooperates well.

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In the course of the adaptation of the controls at the joint border-crossings to Poland the Czech Republic, even greater cooperation is planned at the local level. The treaty with Austria also goes clearly beyond the content of previous bilateral police agreements and aims for improvements in the field of joint deployments and the expansion of provisions for cross-border observation and cross-border pursuit. The goal is to take up treaty negotiations with Belgium, Luxemburg and Denmark.

On 2 March 2005 the federal justice minister and home affairs minister held talks in Enschede, Netherlands, with their Dutch counterparts on a bilateral treaty on cross-border police and criminal law cooperation. This treaty replaces the previous agreement between the two countries from 1997 and will considerably expand cooperation on both territories.

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Sexually deviant minors

In preparation for the planned federal pilot project on developing quality standards for dealing professionally with youth sexually deviant offenders and other measures, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth commissioned the central criminological unit (KrimZ) to review the issue “Sexually deviant young people”. The KrimZ is a facility funded by the federal and state governments that, amongst other things, has investigated the topic of sexual delinquency from different standpoints since 1996. The study presented in 2003⁵⁴ contains a detailed presentation of official statistics on the administration of justice, the evaluation of various empirical studies and a youth-specific evaluation of the results of the comprehensive empirical study by the KrimZ on probation and the criminal careers of sexual offenders.

Data on child and youth welfare services

The project funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth on “Youth welfare and social change” at the German Youth Institute collects and analyses data on the situation and development of child and youth welfare services. This is done in regular questionnaires distributed nation-wide and across different areas of practice and sponsors. In the framework of this comprehensive project, empirical data is also gained with regard to the institutional structures to protect children and young people from sexual violence and exploitation.

The different surveys allow statements to be made about the development of programmes in the districts in which youth welfare departments operate, e. g. counselling centres for children and young people. Further, they establish the contribution of new statutory regulations, like § 8a SGB VIII and § 72a SGB VIII, to a better protection of children and young people from sexual violence and exploitation. The data collection has covered the last 15 years, following the reactions of youth welfare departments to special problem situations, including sexual abuse. This shows that, in the last decade, youth welfare departments have been able to build up a skill in this area that is certainly to the benefit of the victims of sexual abuse⁵⁵. In 2007 an online survey on the work situation in the general social service was conducted as well, which gives information about the workload of staff⁵⁶.

54 Elz, Jutta: Sexuell deviante Jugendliche und Heranwachsende. Wiesbaden: Kriminologische Zentralstelle, 2003.

55 See Pluto, Liane; Gragert, Nicola; Santen, Eric van; Seckinger, Mike: Kinder- und Jugendhilfe im Wandel. Eine empirische Strukturanalyse. München: Deutsches Jugendinstitut, 2007.

56 vgl. <http://www.dji.de/jhsw>

Child trafficking

In 2002 and 2003 ECPAT Germany conducted a study on trafficking with minors from eastern Europe to Germany, which was financed by the EU STOP Programme.

International criminal prosecution

The EU and OAK Foundation financially supported the European project of the ECPAT Law Enforcement Group (under the leadership of DCI/ECPAT Netherlands) to investigate criminal prosecution in extraterritorial cases. They examined investigations of child sexual abuse offences in other countries by Germans and compared them with cases in other European countries.

Child rights in criminal proceedings

In June 2008 the KrimZ began to implement the two-and-a-half-year project “Cooperation of public youth welfare services and criminal justice in sexual offences against children – development of a pilot project to implement child rights in criminal proceedings”. The project, partly funded by the European Commission, is being carried out in two stages in Germany, Austria and Switzerland. It involves a full-scale survey of youth welfare departments regarding forms of cooperation with criminal justice authorities in the case of sexual offences against children and problem-centred expert interviews with staff involved in such cooperation. The development of the pilot project is intended to minimise as far as possible the danger of secondary victimisation of child victims of sexual crimes.

The Federal Government will check whether there are loop-holes in the area of scientific studies of sexual violence against minors (concerning victims and offenders).

Quality assurance

Between 2001 and 2003, BAG FORSA⁵⁷, the federal working group of feminist projects opposing violence against girls and women, conducted a research project on quality assurance with financial support from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The goal was to develop unified and practice-relevant standards in the member organisations of BAG FORSA, which could serve as a guide and for continuing monitoring of themselves and others and also as an instrument to guarantee and, if necessary, improve counselling for the good of the users. On the basis of three surveys the staff joined together to develop 18 quality standards containing the structural conditions, processes and examination of the outcomes of the work in the professional counselling centres. These standards were published in a brochure⁵⁸ and thereby contribute to a long-term guarantee of the quality work of the centres organised by BAG FORSA and the most varied institutions. In addition, they contribute to informing a broad public about the foundations of the work to combat sexualised violence against children and women.

57 Bundesarbeitsgemeinschaft feministischer Projekte gegen sexuelle Gewalt an Mädchen und Frauen (BAG FORSA).

58 Nicolai, Eva-Maria; Derr, Regine: Qualitätsstandards für die Arbeit in den feministischen Fachberatungsstellen gegen sexualisierte Gewalt an Mädchen und Frauen. Forschungsprojekt zur Qualitätssicherung in den Mitgliedsorganisationen der Bundesarbeitsgemeinschaft feministischer Projekte gegen sexuelle Gewalt an Mädchen und Frauen. Berlin: Bundesarbeitsgemeinschaft feministischer Projekte gegen sexuelle Gewalt an Mädchen und Frauen, 2004

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Monitoring

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Federal/federal state working group

The federal/federal state working group on “the protection of children and young people from sexual violence and exploitation” was set up in September 2003 as a monitoring instrument. Its members are about 25 representatives of the federal, federal state and local government levels alongside non-governmental organisations. The working group usually meets twice a year. The goal is to guarantee continued cooperation and exchange in this area of action. The topics discussed in this body relate to the goals of the action plan: further development of criminal law protection, strengthening prevention and victim protection, linking up the assistance and counselling services, and fostering international cooperation. The Federal Government herewith established a nation-wide network in the field of protection of children and young people from sexual exploitation and violence, which advises it and offers members a regular platform for professional exchange.

The way ahead

In its Plan of Action for the Protection of Children and Young People from Sexual Violence and Exploitation, adopted in 2003, the Federal Government took up key demands of the Second World Congress against Commercial Sexual Exploitation of Children in 2001 in Yokohama.

Much of it has already been put into practice. Germany has made many legislative changes that improve criminal law provisions and victim protection of children and young people with respect to sexual violence. The ratification of the international agreements named in the action plan is almost complete and they will probably be transposed into national laws by the end of 2008, if this has not already happened.

In the last few years, the Federal Government has promoted numerous preventive measures, in-service training events and conferences with interdisciplinary participants. It will continue to do so. Prevention from sexual violence, assistance for victims and networks of counselling services are regarded as continuing challenges. They must be strongly integrated into a well-developed assistance and counselling network all over Germany.

It was not possible to implement all the programmes provided for in the action plan over the last few years. They will be taken up more strongly in future in order to fill existing gaps.

The federal/federal state working group of the Federal Government will continue to provide constructive support and advance the implementation and elaboration of the action plan.

In the last few years, new challenges have appeared in the area of protecting children and young people, which were not considered in the action plan. Sexual violence in the new media, for example, is a problem that now calls for an appropriate response.

The German governmental delegation presents this report on the implementation of the action plan to the participants of the Third World Congress against Commercial Sexual Exploitation of Children and Adolescents from 25 to 28 November 2008 in Rio de Janeiro. The members will also raise options for action and plans for the future, so that combating sexual exploitation and violence against children and young people worldwide can be pursued with even more vigour than before.

On the basis of this report, and taking account of the results of the Third World Congress, practical options for action must be devised for future work in this field in Germany, in order to further improve the protection of children and young people from sexual violence and exploitation.

The protection of children and young people from sexual violence and exploitation is, and remains, a prime concern of the government of Germany.

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it is distributed free of charge and may not be sold.

Published by:

Federal Ministry for
Family Affairs, Senior Citizens,
Women and Youth – BMFSFJ
11018 Berlin
www.bmfsfj.de

As of: November 2008

Designed by: KIWI GmbH, Osnabrück

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