



**Investigation by the Secretary General
of the United Nations
on
Violence against Children
Questionnaire for Governments**

**Responses
by the Federal Republic of Germany
May 2005**

I. LEGAL FRAMEWORK

This part of the questionnaire aims to determine how your country's legal framework addresses violence against children, including prevention of violence, protection of children from violence, redress for victims of violence, penalties for perpetrators and reintegration and rehabilitation of victims.

International human rights instruments

1. Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.

Answer:

Impetus for the reform of children's legislation in 1998 or its further development resulted and result not only from the requirement to adapt to social changes or decisions from supreme national courts, but also from the international sphere – such as human rights instruments. The Federal Government has always stressed that it attaches great importance to the UN Convention on the Rights of the Child (Convention on the Rights of the Child of 20 November 1989), for example, and that the Convention provides "impetus for national reforms" (cf. Federal Government draft of an Act on the Reform of Children's Legislation – Bundestag printed paper 13/4899, p. 29). (Legislative) measures to "protect children against violence" were or are therefore aligned to the values of Article 19 of the Convention (protection against violence, abuse, neglect) (cf. draft by the SPD and Bündnis 90/Greens parliamentary parties for an Act to Banish Force in the Upbringing... - Bundestag printed paper 14/1247, p. 5):

One goal of the "Act to Reform Children's Legislation" (Gesetz zur Reform des Kindschaftsrechts- KindRG) of 16 December 1997 (Federal Law Gazette I p. 2942) was "to improve the rights of children and to promote the well-being of children in the best possible way". This objective also comprises protection against violence, to which the legislator is required in performing its state supervisory office resulting from Article 6 (2) of the Basic Law. The amended provision of Article 1666 of the German Civil Code resulting from the reform allows the Family Court to take the "necessary measures", including in violent situations.

After this there were further legislative measures associated with "protecting children against violence", specifically in the domestic/family environment:

In the "Act to Banish Force in the Upbringing..." of 2 November 2000 (Federal Law Gazette I p. 1479), Article 1631 (2) of the German Civil Code was worded as follows: "Children shall be entitled to a non-violent upbringing. Physical punishments, psychological injuries and other degrading acts shall be inadmissible." This amendment to the law was accompanied by new support offers from child and youth welfare services (Social Code Book VIII).

The "Act on the Further Improvement of Children's Rights" (Gesetz zur weiteren Verbesserung von Kinderrechten -KindRVerbG) of 9 April 2003 (Federal Law Gazette I p. 1239) improved the protection of the child, in particular when at risk of domestic violence, on the basis of the Violence Protection Act (Gesetz zum zivilrechtlichen Schutz vor Gewalttaten und Nachstellungen - GewSchG - of 11 December 2001, Federal Law Gazette I p. 3513): Article 1666a of the German Civil Code was expanded by the possibility of removing the violent parent from the family home (for the individual provisions: cf. answer to Question 3).

Two Optional Protocols on particularly central issues relating to children's rights were agreed on the Convention on the Rights of the Child:

The Supplementary Protocol on the Convention on the Rights of the Child of 25 May 2000 concerning children in armed conflicts was ratified by the Federal Republic of Germany on 13 December 2004 and thus entered into force for Germany on 1 February 2005.

The Supplementary Protocol closes a loophole in child protection resulting from Article 38 II of the Convention on the Rights of the Child. Whereas under Article I of the Convention on the Rights of the Child, a child is any person who has not yet reached the age of eighteen, during the treaty negotiations from Article 38 II of the Convention on the Rights of the Child, an age limit of only fifteen had been established for direct involvement in enmities. The Federal Government has always been of the opinion that the age limit of fifteen years is inappropriately low for participation in armed conflicts and is incompatible with the well-being of the child. Due to this stance, the Federal Government welcomed the initiative to draw up an optional protocol on the involvement of children in armed conflicts and actively participated in the negotiations for this protocol from the outset.

A successful outcome of the treaty negotiations was that children under the age of eighteen can no longer take part directly in martial conflicts or be conscripted into armed service. The minimum age for voluntary service in the armed forces was laid down at sixteen. Furthermore, the Protocol makes provision for every State Party to deposit a binding declaration during ratification in which it specifies the minimum

age from which it permits the acceptance of volunteers in its national armed forces. In this matter, the declaration of the Federal Republic of Germany makes provision for the existing regulation that allows the acceptance of volunteers from the age of seventeen is laid down so that seventeen year olds can commence military training, if they so desire.

Germany has signed the Optional Protocol of 25 May 2000 on the Convention on the Rights of the Child concerning the Sale of Children, Child Prostitution and Child Pornography. Ratification is currently being prepared. For the national implementation of the Optional Protocol it is necessary to extend the area of application of Article 184b of the Criminal Code (dissemination, procurement and possession of child pornographic documents) to documents that have the sexual abuse of young people (people under the age of eighteen) as their subject. This need results from the different definition of a child in German criminal law and in the Convention on the Rights of the Child: whereas under German criminal law, children are only people under the age of fourteen, in the Convention on the Rights of the Child, a child is defined as any person who has not yet reached the age of eighteen.

The criminal offences for human trafficking have been redefined to implement the Framework Resolution of the Council of the European Union on Combating Human Trafficking. They have been expanded by the criminal offence of human trafficking for the purposes of exploiting the labour force and taken out of Chapter 13 of the Penal Code "Criminal Offences against Sexual Self-Determination" and inserted in Chapter 18 "Criminal Offences against Personal Freedom". (Cf. the answers to questions 7 and 16.)

Furthermore, the core employment standards adopted by the International Labour Organisation (ILO) are central. The total of eight conventions that lay down the core employment standards include ILO Conventions No. 138 (Convention concerning Minimum Age for Admission to Employment) and ILO Conventions No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

The Federal Government's First Periodical Security Report, Berlin 2001, p. 486-494 contains information on the development of registered cases of violence against children until 1999; below it is referred to as "1st PSR" (Annex B, only in paper form). A copy of the 1st PSR with the executive summary in German and English is enclosed (Annex B, only in paper form); the references to page numbers refer to the long version. A 2nd PSR is currently being prepared, in which the statistics of the 1st PSR will probably be continued.

We have no information on cases concerning violence against children in which the country's courts or tribunals have referred to international or regional human rights standards.

Legal provisions on violence against children

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.

Answer:

Among other things, Article 6 (2) sentence 1 of the Basic Law for the Federal Republic of Germany states that the care and upbringing of children is the natural right of parents and is also a duty primarily incumbent on parents. However, this parental right is restricted by the well-being of the child because parental care and upbringing should help the child in need of protection and aid can develop into a responsible personality within the social community that corresponds to the human model of the Basic Law. So that parents do not exceed their parental rights resulting from Article 6 (2) of the Basic Law and that legislators, courts and the administration attend to it, Article 6 (2) sentence 2 of the Basic Law makes provision for the community to perform this duty. This means that an explicit state supervisory office is created (in addition to the state's obligation to create the protection of basic rights) to ensure that no violence should be used against children.

Criminal law contains a large number of provisions that comprehensively protect children against all forms of violence. Criminal offences of this kind can be reported to the public prosecutor, the authorities and police officers or to the local courts verbally or in writing; the same applies to criminal complaints. In accordance with Article 152 (2) of the Code of Criminal Procedure, the public prosecutors are required in principle to take action in all prosecutable criminal offences if there are sufficient actual indications.

Special features apply with regard to the legal consequences of criminal offences against children if the perpetrators themselves are young people under the age of eighteen (cf. answer to question 6) and, in certain circumstances, also to perpetrators aged between eighteen and twenty.

The key provisions for dealing with violence under children's legislation (cf. answer to question 3) cover the use of both mental and physical violence.

For reasons of procedural law, it must be stated that with effect of 1 July 1998 the Act to Reform Children's Legislation has introduced a representation of the interests of minors in (all) court proceedings that directly or indirectly concern the personal care of the child. In accordance with Article 50 of the Non-Contentious Matters Act, the court may appoint a guardian ad litem if this is necessary to represent the interests of the child. An appointment is usually necessary if the interests of the child greatly counter those of his or her legal representative (parents/guardian) or in cases associated with the separation of the child from his or her family, the removal of the child from a care or other parties with access (Article 50 (2) of the Non-Contentious Matters Act). But a guardian ad litem may also be appointed irrespective of possible conflicts of interest. The duties of a guardian ad litem are not legally defined in detail as it should convey to the court (only) the declared or determined will of the child, i.e. its point of view ("mouthpiece of the child").

In cases relating to custody, the personal hearing of the child is essential if the child is over fourteen years old and is not legally incapable (Article 50b (2) of the Non-Contentious Matters Act). The personal hearing of the child may be dispensed with only for serious reasons (Article 50b (3) of the Non-Contentious Matters Act). The regulation requires a weighing up of the interests in a thorough inquiry into the facts against the interests of the party to be heard to be exempted from the hearing. When conducting the hearing, the courts must shape their procedures in individual cases to take account of the child's age, its developmental level and,

above all, its especially nervous psychological state frequently caused by the arguments between the parents so that they can reliably come to a decision oriented to the child's well-being.

3. Provide details of any specific legislative provisions on:
- Prevention of all forms of physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment, and sexual abuse;
 - Protection of children from all forms of violence;
 - Redress, including compensation, for child victims of violence;
 - Penalties for perpetrators of violence against children;
 - Reintegration and rehabilitation of child victims of violence.

Answer:

As already emphasised in the answer to question 2, criminal law contains a large number of provisions that comprehensively protect children against all forms of violence. In the case of physical violence, criminal offences of personal injury (Articles 223 ff. Criminal Code) may have been committed that are punishable with maximum penalties of prison sentences of five or – in particular circumstances – up to ten or even fifteen years. In the case of sexual violence and sexual abuse, the penal provisions of Articles 176 ff., 182 of the German Penal Code apply, which provide for maximum penalties of prison sentences of up to three, five (Article 182 Criminal Code), ten or fifteen years (Article 176 ff. Criminal Code). In the case of sexual coercion, rape or sexual abuse of a child leading to death there is a prison sentence of no less than ten years or life. Manslaughter (Article 212 of the Criminal Code) is punished with a prison sentence of five to fifteen years, and with a life sentence in especially serious cases. Murder is punished with life imprisonment. Psychological violence is specifically considered in Article 225 of the Criminal Code (Abuse of Charges). Accordingly, anyone who tortures or grossly abused a person under the age of eighteen who is in his or her care or custody or is a member of his or her household or anyone who damages a charge's health as a result of malevolent neglect of his or her duty of care is usually punished with imprisonment of six months to ten years. If the perpetrator puts the charge in the danger of serious harm to physical or psychological development, punishment is a prison sentence of one year to fifteen years.

The penal provision of Article 171 of the Criminal Code (Violation of the Duty of Care or Upbringing) also protects against neglect. Accordingly, anyone who grossly neglects his or her duty of care or upbringing to a person under the age of sixteen and thus puts the charge in the danger of serious damage to his or her physical or mental development, of leading a criminal lifestyle or entering into prostitution is punished with prison sentences of up to three years or a fine. Finally, the penal provisions in Article 180 of the Criminal Code (Encouraging Sexual Acts by Minors), in Article 235 of the Criminal Code (Deprivation of Minors) and in Article 236 of the Criminal Code (Child Trafficking) should also be cited as protective provision against negligent behaviour.

The Violence Protection Act [Gesetz zum zivilrechtlichen Schutz vor Gewalttaten und Nachstellungen (GewSchG)] entered into force on 1 January 2002, which protects the victims of violent acts and stalking in general and the victims of domestic violence in particular. On the basis of it, the victim of an act of violence that runs a joint household together with the perpetrator may have the home transferred to him or her – at least temporarily – by virtue of a court order.

Furthermore, the victim may apply for the imposition of protective court orders, which – for example – prohibit the perpetrator from approaching the victim or contacting him or her. The protective court orders may be implemented under civil law, for example by imposing administrative fines or arrest. Moreover, the perpetrator makes himself or herself punishable under criminal law if he or she contravenes the protective order. This can be punishable with prison sentences of up to one year and fines.

Under Article 3 (1) GewSchG the Violence Protection Act does not apply if the injured or affected person is in parental care, guardianship or is being fostered at the time of an act of violence and the acts of violence are perpetrated by his or her parents and other people with custody. Here, the provisions applicable to custody, guardianship and fostering apply. But the Violence Protection Act does apply if a child is injured by a third party, for example by the mother's partner who does not have custody.

Furthermore, reference should be made to Article 1631 (2) of the German Civil Code for the field of civil law. It states: "Children shall be entitled to a non-violent upbringing. Physical punishments, psychological injuries and other degrading acts shall be inadmissible." The provision limits the right of personal care, which under (1) in particular comprises the right and the duty to care for the child, bring it up, supervise it and determine its place of residence. The new regulation has replaced the previous ban on physical abuse with a ban on physical punishments. This means that any form of impact on the child's body for the purposes of punishment has been declared inadmissible.

Under Article 1666 (1) of the German Civil Code, the family court should introduce the necessary measures to avert the risk if the physical, mental or psychological well-being of the child is endangered by the abuse of parental care, neglect of the child, not culpable failure of the parents or by the behaviour of a third party and the parents are not willing or capable of averting the risk. This may consist of separating the child from its parental family, of a "go order" or even in withdrawing all personal care (cf. Article 1666a of the German Civil Code). However, this withdrawal is only possible if other measures have remained without success or if it is to be assumed that they are insufficient to avert the risk.

Experiences of violence and the associated stresses for the child are also considered in access rights. This means that a restriction or bar on the right of access to parents may be permissible if it is necessary for the well-being of the child, but only for a long period of time if the well-being of the child would otherwise be endangered. In these cases, "accompanied access" can be an "interim solution" that does justice to all interests (cf. Article 1684 of the German Civil Code).

Closely linked to this instrument under civil law, is protection under social law by measures of child and youth welfare in Social Code Book VIII, such as the provisions on assistance with upbringing under Articles 27 ff. Social Code Book VIII or on provision of shelter under Article 42 Social Code Book VIII. "Help with upbringing" can be "necessary measures" within the meaning of Article 1666 of the German Civil Code; if parents refuse to accept such help, the family court can order its implementation even against the will of the parents.

Services for the general promotion of upbringing in the family should also “show how conflict situations in the family can be solved without violence” (Article 16 (1) sentence 3 Social Code Book VIII).

In principle, child victims of violence can also demand compensation within the scope of civil law proceedings against the perpetrator. Subject to the provisos of Articles 403 ff Code of Criminal Procedure, it is possible to assert a pecuniary claim against the accused within the scope of adhesion proceedings. In this connection, the granting of legal aid is possible for the adhesion proceedings (Article 404 para. 5 Code of Criminal Procedure). In the event of a criminal law sentence, the court can allow the application for compensation in the judgement. This decision is equivalent to a civil law judgement. Just like all other victims of violence, child victims of violence can receive compensation under the Act concerning Compensation for the Victims of Acts of Violence (Victims’ Compensation Act) if they have suffered damage to their health as a result of a deliberate, unlawful attack or are the surviving dependents of people who have died as a result of the damage to health. It is the aim of the Victims’ Protection Act to compensate for the health and resultant economic consequences of acts of violence. The scope and level of the payments to be made under the Victims’ Compensation Act are based on the Federal War Victims Relief Act. Help of victims is a matter for the *Länder* in the federal system of the Federal Republic of Germany. Due to the difference of the individual victims’ situations there are a large number of state offices (e.g. court assistance and the victim protection commissioner at police stations) and private associations, some of which are interlinked, that offer support to victims in difficult situations. These include child protection and aid facilities.

4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:
- The family/ home;
 - Schools and pre-school care and education (both formal and non-formal, state and private);
 - Military schools;
 - Institutions including care, residential, health and mental health;
 - The context of law and public order enforcement including in detention facilities or prisons;
 - The neighbourhood, street and the community, including in rural areas;
 - The workplace (informal and formal);
 - Sports and sporting facilities.

Answer:

In the case of the criminal offences named in the answer to question 3 the environment in which they were committed (family, school, hospital, detention facilities, etc.) is usually irrelevant. But Article 225 of the Criminal Code (Abuse of Charges) and Article 174 (Sexual Abuse of Charges) already mentioned in the answer to question 3 are specifically tailored to criminal offences within the family and in certain relationships of dependency (e.g. at school and at the workplace). Under Article 174 (1) of the Criminal Code there is a punishment of a prison sentence of three months to five years for anyone who perpetrates sexual acts

1. on a person under the age of sixteen who is entrusted to him or her for upbringing, training or care,
2. on a person under the age of eighteen who is entrusted to him or her for upbringing, training or care or is subordinate to him or her within the context of

- an employment relationship, abusing a dependency associated with the upbringing, training, care, service or employment relationship or
3. on his or her natural or adopted child under the age of eighteen or has such an act performed on himself or herself by the charge.

The penal provisions against the sexual abuse of prisoners, official wards or patients in facilities (detention facilities or hospitals, Article 174a of the Criminal Code) apply to all victims and not just children.

Juvenile criminal law makes no special provisions in this case.

Where questions of execution of sentencing are concerned, it should first of all be pointed out that a distinction must be made between the execution of remand custody (Article 72, 93 Juvenile Courts Act – Jugendgerichtsgesetz – JGG), the execution of the detention of young offenders in the form of detention during leisure time, short detention and permanent detention (Articles 16, 86 ff. JGG) and the execution of the juvenile custody (Articles 17, 91 JGG).

The execution of the juvenile custody is designed to train the convicted person to lead a law-abiding and responsible life in future, i.e. a life without criminal offences (Article 91 JGG). The prime aim of this sanction is to encourage young people. Even if the educational aspect of juvenile punishment is to the fore, it also protects the general public at the same time.

No. 79 of the nationwide administrative regulations on juvenile punishment (Verwaltungsvorschrift zum Jugendstrafvollzug - VVJug) in conjunction with Article 115 JGG therefore creates the possibility to order special security measures against young prisoners if there is an increased risk of escape or of acts of violence against people or property or disruptions to the order of the facility cannot be avoided in any other way. Under No. 79 (2) and No. 81 VVJug, shackles are permissible in this connection. However, these security measures should be chosen so that they are proportionate to their purpose and impair the prisoner no more and no longer than necessary (No. 79 (5), No. 72 (2) VVJug).

Furthermore, under No. 85 VVJug in conjunction with Article 178 in conjunction with Articles 94 to 101 of the Act on the Execution of Sentences (Strafvollzugsgesetz – StVollzG) direct force may be used on young prisoners. Pursuant to Article 95 StVollzG, direct force is impact on people or property using physical force, its aids or weapons. In this connection, physical force is any direct physical impact on people or property. The aids of physical force are shackles. Weapons refer to the officially authorised side arms and guns as well as irritants.

According to Article 94 (1) StVollzG, the prerequisite for the use of direct force is that the execution and security measures are implemented legally and that the intended purpose cannot be achieved in any other way. Furthermore, according to Article 96 StVollzG, it must be a proportionate measure of force, i.e. the damage expected from it must not be noticeably out of proportion to the desired success. The measure to be chosen is the one that harms the individual the least. Furthermore, the direct force must be preceded by a prior warning if the circumstances allow this (Article 98 StVollzG).

According to No. 85 VVJug in conjunction with Article 100 (1) StVollzG, guns may also be used against young prisoners if they are carrying weapons or dangerous

implements and do not relinquish them in spite of repeated requests; also if prisoners attempt mutiny or an escape. In this connection, it must be remembered that under Article 178 (4) StVollzG *Land* legislation can provide for further restrictions on the right to use guns.

According to No. 85 Remand Custody Execution Order (Untersuchungshaftvollzugsordnung – UVollzG), the provisions with regard to the implementation of remand custody for adults can also be applied to young prisoners. Accordingly, special security measures may be order against remand prisoners if a risk to the purpose of the remand customer or a considerable disruption to the order of the facility cannot be avoided or remedied in any other way (No. 62 UVollzO).

Remand prisoners may be restrained if there is a risk that they will use violence against people or property or resist, if there is an increased risk of escape or of suicide or self-harm and if less firm measures cannot be used (No. 64 UVollzO). With regard to the applicability of direct force, the provisions on juvenile punishment may be applied *mutatis mutandis* according to No. 85 UVollzG.

The implementation of juvenile detention is regulated in the Juvenile Detention Execution Order (Jugendarrestvollzugsordnung - JAVollzO). Article 22 (2) JAVollzO states that security measures may be taken against detainees who endanger security and order or for whom there is a risk of self-harm. They may be maintained for as long as they are necessary. There is no provision for shackling the detainees or using direct force.

The civil law provisions outlined in the answer to question 3 concern all forms of violence and are mainly of relevance to violent conflicts in the “family/home”.

5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. **Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.**

Answer:

Under German law corporal punishment is illegal bodily harm pursuant to Article 223 of the Criminal Code (imprisonment for up to five years or a fine), even if it is administered in the family or at school. If the corporal punishment is administered with a dangerous implement, e.g. a heavy stick, Article 224 para. 1 No. 2 of the Criminal Code applies (usually imprisonment from six months up to ten years). In all cases, even attempts are punishable.

The ban on “corporal punishment” in the parent/child relationship is derived from Article 1631 para. 2 sentence 2 of the German Civil Code (Prohibition on Physical Punishments; cf. answer to question 3). There is no longer an original “parental right to chastise” recognised under customary law; consequently it is no longer a justification for criminal law accusations of parents for physical injury pursuant to Article 223 of the Criminal Code. However, the “Act to Banish the User of Force in the Upbringing of Children and Juveniles” did not intend to criminalise parents. Much rather, its aim was to change awareness among the public. It was supposed

to increase society's awareness of the importance of an upbringing free of violence and make it clear that violence is not an appropriate means of upbringing.

This aim is shown in the fact that parents and other persons with parental responsibility who have physically chastised their children are not increasingly being exposed to criminal prosecution. Not every behaviour that is banned under civil law must necessarily be subject to punishment. Thus, the specific offence of "simple" physical injury pursuant to Article 223 para. 1 of the Criminal Code is committed by someone who physically abuses another person – including a child – or damages their health. Physical abuse is a severe, inappropriate treatment as a result of which the physical well-being or physical integrity is impaired more than slightly. It is this threshold of severity in particular that means that not every physical punishment administered in upbringing complies with the specific offence of physical injury, but that the nature and extent of the physical impairment have to be checked in each individual case. Moreover, the criminal investigation of parents because of physical punishment is possible only on application in principle, since physical injury is a criminal offence prosecuted only upon application by the victim and a private criminal action offence pursuant to Article 223 of the Criminal Code. Criminal prosecution by bringing a public action by the public prosecutor therefore depends on whether the public prosecutor consents to public interest (Section 376 of the Code of Criminal Procedure) or, if no criminal complaint is initiated, special public interest (Section 230 (1) of the Criminal Code).

For execution of sentencing it can be said that during imprisonment of young prisoners, infringements against the order and security of the institute can be punished with internal punishments which, pursuant to Article 103 StVollzG, Article 23 JAVollzO, Article 68 UVollzO and Article 115 para. 2 JGG, even in severe cases must not be more severe than restrictions on contact with the outside world for up to three months and confinement for up to two weeks, although detention in the dark is prohibited. This means that corporal punishment against juveniles is not permitted in German law governing the prison service. Prison staff who use measures not covered by the above-mentioned regulations make themselves liable to punishment under general criminal law. Violating the physical integrity of a young prisoner in the form of corporal punishment is the justification for criminal liability under Articles 223 ff. of the Criminal Code.

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds.

Answer:

Capital punishment was abolished in Germany under Article 102 of the Basic Law and is thus not permitted on the basis of an explicit constitutional provision. Corporal punishment may not be applied, either.

Special juvenile criminal law applies to young people aged between 14 and 18. Children under the age of 14 are under the age of criminal responsibility and are not subject to criminal prosecution. The maximum punishment for juvenile offenders is imprisonment in the form of juvenile custody. Its maximum length is usually 5 years and, in the case of serious crimes, 10 years. But the guiding principle of juvenile criminal law is the idea of education. That is why juvenile custody is considered only when other measures are not sufficient. Here,

educational measures such as social training courses, charitable work, payments to charitable organisations or instructions aimed at a particular lifestyle have priority here; if necessary, imprisonment in the form of juvenile detention for up to four weeks can be applied. Degrading sanctions such as corporal punishment are generally not permitted.

7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

Answer:

Bullying or hazing and sexual harassment are not explicitly mentioned in the Criminal Code. Behaviours of this kind can however meet the requirements of the general penal provisions. It is therefore conceivable that bullying or hazing could be classed as intimidation (Article 240 Criminal Code) and sexual harassment as harassment (Article 185 Criminal Code) or as an offence against sexual self-determination (Articles 174 ff. Criminal Code).

Furthermore, hazing as the use of (usually psychical) violence could be covered by the prohibition on "other degrading measures" in Article 1631 para. 2 sentence 2 of the Criminal Code.

Furthermore, the Act on the Protection of Employees explicitly bans sexual harassment in the workplace and in vocational training.

8. Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.

Answer:

The general penal provisions apply to harmful or violent traditional practices. For example, female genital mutilation is classed as a dangerous or serious physical injury pursuant to Articles 224, 226 of the Criminal Code or as abuse of charges according to Article 225 of the Criminal Code. Depending on the individual circumstances, child marriage can constitute coercion of the married child. In conjunction with the reform of the human trafficking offences (cf. answers to question 1 and question 16) it was made clear that forced marriages are an especially serious case of coercion. The criminal law evaluation of honour crimes, in particular so-called honour killings, is based on the thoughts of the legal community in the Federal Republic of Germany and not on the attitudes of an ethnic group that does not recognise the ethical and legal values of this legal community. Usually, a so-called honour killing is classified under criminal law as murder from base motives (Article 211 Criminal Code).

Under German civil law no marriage may be entered into under the age of majority, i.e. before both parties have reached the age of 18 (Articles 2, 1303 para. 1 of the German Civil Code). Upon application, the family courts may grant an exemption to this provision if one of the future married couple has reached majority and the other is over 16 (Article 1303 para. 2 of the German Civil Code). A marriage

concluded contrary to these provisions is effective but may be annulled upon application. The competent authority is also entitled to make such an application.

According to Article 6 para. 2 sentence 1 of the Basic Law, the care and upbringing of children are a natural right of parents and a duty primarily incumbent on them. The details of this relationship are largely regulated in the German Civil Code. This deliberately refrains from laying down the educational goals parents should pursue and the child-rearing styles or methods they should use to bring up their children and only sets out a limit with the above-mentioned provisions. Accordingly, the freedom of religion and the foreign legal and cultural ideas on the part of the parents must be respected in principle.

On the other hand, the central theme of Article 1666 of the German Civil Code, for example, is to protect against risks to children and not to judge parental conduct. What is required is therefore a "protection approach that is adapted to the individual life structures of the family and that is as compatible with them as possible" (cf. Coester in Staudinger, "Kommentar zum BGB"; 13th edition; Article 1666 German Civil Code, marginal number 145). The concessions of this kind that are necessary will mainly concern the style of family communications and external ways of behaving, but do not justify any substantial legal and developmental concessions – such as in the case of female genital mutilation. If parents or other people exert compulsion or pressure on a child to marry it against its will, family court measures in particular should also be considered under German law. If the compulsion to marry is exerted by the child's parents, it will often be necessary to limit their custody rights and to separate the child (at least temporarily) from its parents.

The Federal Government has not valid data on the extent (female genital mutilation, honour killings).

From the point of view of the Federal Government, public relations work plays an especially important role in combating genital mutilation. In this connection, the Federal Government mainly addresses its own public relations work at the target group of experts (doctors, counsellors) as important multipliers. As part of its public relations work the Federal Government has published a brochure on this: "Genitale Verstümmelung bei Frauen und Mädchen" [Genital Mutilation of Women and Men]. Furthermore, the Federal Government works together with various non-governmental organisations who dedicate themselves to this issue and have most access to the population groups concerned and provides targeted support to their educational work. For example, the Federal Government supported the production of the multilingual brochure "Wir schützen unsere Töchter" [We Protect Our Daughters] by the "terre des femmes" organisation, which addresses people in Germany who come from countries with a tradition of genital mutilation. In addition, themed campaigns and events held by non-governmental organisations have been given financial support.

The Federal Government will continue to regularly update its information policy on this subject, including the publications, and adapt them to current needs.

9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced

children. If specific provisions do not apply to such children, provide details of protection offered to them.

Answer:

This is concerned with the protection of children against violence, irrespective of their nationality.

The civil law and criminal law provisions do not distinguish between the groups of children mentioned.

10. Provide information on any difference in the definition of violence and the applicable legal framework according to:

- The sex or sexual orientation of the victim and/or of the perpetrator;
- The age of the victim and/or of the perpetrator;
- The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.

Answer:

The penal provisions cited in the answer to question 3 are consistently formulated so that they are gender-neutral for both the perpetrator and the victim, meaning that the sex of the perpetrator or victim or his/her sexual orientation is irrelevant. However, the age of the victim or the perpetrator does play a role in many penal provisions (e.g. in Articles 174, 176 ff, 182 Criminal Code). Differences in the age limits take account of the greater or lesser need for protection of the child or juvenile victim depending on the level of development and dependency. Some penal provisions are targeted at a specific relationship between the perpetrator and victim, e.g. Articles 174 and 225 (cf. answer to question 4) and, above all, Article 173 Criminal Code (Sexual Intercourse between Relatives). If this is not the case, the penal provisions apply to all relationships, in other words also to criminal offences within a marriage and family. This can clearly be seen in the general penal provision against rape, which have also been applicable to sexual violence in marriage since 1997. Physical chastisement can be viewed as punishable physical injury, even if it takes place within the family.

There are no such differentiations in children's legislation.

11. Provide information on any recent comprehensive review of the legal framework to address violence against children.

Answer:

The Sixth Act on the Reform of Criminal Law, which entered into force on 1 April 1998, achieved the aim of giving greater weighting to extremely personal legal interests, such as life, physical integrity and sexual self-determination, in comparison to material legal interests, such as property and assets. This objective has resulted in the minimum and maximum penalties for serious physical injury and sexual offences have been made much more severe. For example, a new criminal offence of serious sexual abuse of children (Article 176a Criminal Code) has been introduced, which provides for prison sentences of at least one year or at least two or five years up to fifteen years each, the permissible maximum for early prison

sentences. Under the previous law, the punishment framework was uniform imprisonment from one to ten years. The Act amending the Provision on Criminal Offences against Sexual Self-Determination and amending other Provisions, which entered into force on 1 April 2004, has again revised and strengthened the criminal provisions against the sexual abuse of children.

Under civil law, the following laws already explained in more detail in the answers to questions 1 and 3 should be mentioned:

- "Act to Reform Children's Legislation" (KindRG)
- "Act to Banish Force in the Upbringing of Children and Juveniles"
- "Act on the Further Improvement of Children's Rights" (KindRVerbG)
- "Violence Protection Act" (GewSchG).

12. Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.

Answer:

The amendment to Article 1631 para. 2 of the German Civil Code brought about by the "Act to Banish Force in the Upbringing of Children and Juveniles" of 2 November 2000 (cf. answers to questions 1 and 3) was accompanied by a nationwide campaign "More Respect for Children" from September 2000 to the end of 2001. This had the goal of publicising the new regulation, raising public awareness of the harmful consequences of violence and of promoting a change of consciousness in the population towards a new guiding principle of a non-violent upbringing characterised by respect and concern for the child.

The Federal Government has commissioned a comprehensive study to examine the effects of the new law and the accompanying campaign. Under the auspices of Prof. Kai-D. Bussmann, Halle-Wittenberg University, a survey was conducted among parents, young people and multipliers:

- In October 2001 nationwide and representative interviews were conducted with 3000 parents of children under the age of 18 (parents' study) and in March 2002 with 2000 young people aged between 12 and 18 (young people's study).
- Nationwide and representative written surveys among 1074 governmental and non-governmental counselling and assistance facilities took place in the autumn of 2001 (experts' study). In addition, 30 representatives of relevant facilities were interviewed in detail.

The final report of the parents' study was presented in mid-2002, and the final report of the young people's study in January 2003. Parents' studies had been conducted in 1994 and 1996 and a young people's study in 1992 meaning that comparative material was available. The Federal Ministries of Justice and for Family Affairs, Seniors, Women and Youth have published an information brochure about the results of the research on the Act to Banish Force in the Upbringing of Children and Juveniles ("Gewaltfreie Erziehung – Eine Bilanz nach Einführung des Rechts auf gewaltfreie Erziehung 2003" [Non-Violent Upbringing – Appraisal after the Introduction of the Right to Non-Violent Upbringing in 2003], www.bmj.bund.de, under: Aktuelles, Ratgeber & Broschüren [Current Affairs, Advice & Brochures] – Annex B, only in paper form). The answer to question 46 contains more details on the results of this research project.

As far as the question as to whether the Act to Protect against Violence has proved itself in practice is concerned, back-up research ("Begleitforschung zum Gesetz zur Verbesserung des zivilrechtlichen Schutzes bei Gewalttaten und Nachstellungen sowie zur Erleichterung der Überlassung der Ehewohnung bei Trennung" [Back-Up Research on the Act to Improve Civil Law Protection against Acts of Violence and Stalking and to Facilitate the Transfer of the Marital Home in the Event of Separation] has been conducted, the results of which have been available since March 2005.

The application of criminal law provisions to combat violence against children is regularly recorded and monitored in the existing crime and criminal justice statistics. People who are sentenced for certain crimes against children are recorded separately within the prosecution statistics and shown annually in a special table. Data on those sentenced for crimes against children according to the type of crime and number of victims can be seen in the tables from the Federal Statistics Office, Special Series 10, Series 3 for 2000 to 2003 (Table 1, Annex A). The information there does not refer to the Federal Republic of Germany as a whole, but to the former territory of the Federal Republic of Germany prior to Unification, including the whole of Berlin.

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

Answer:

Where violence against children is concerned, a distinction is to be made with regard to responsibilities taking account of possible "sanctions", i.e. criminal prosecution on the one hand and family court responsibility on the other.

In addition to the courts responsible for general criminal matters, the juvenile courts are responsible (Article 26 para. 1 sentence 1 of the Judicature Act (GVG)) for criminal offences committed by adults as a result of which a child or juvenile is injured or directly endangered as well as for violations by adults against provisions that serve the purposes of youth protection or youth upbringing (e.g. sexual abuse pursuant to Article 174 of the Criminal Code). In the event of such crimes, the public prosecutor is required to bring a charge in the juvenile court only if children or juveniles are needed as witnesses in the trial or if proceedings in front of the juvenile court appears necessary for other reasons (Article 26 para. 2 GVG).

If the accused is himself or herself a juvenile aged between 14 and 17 or young person aged between 18 and 20, special juvenile courts are generally responsible (Article 1, 33, 107 JGG).

Trials for which the juvenile court is responsible and the above-mentioned issues relating to youth protection are processed by the juvenile public prosecutor where charges to the juvenile court can be considered (Article 36 JGG). The act makes particular personal demands on him or her: Like judges in the juvenile courts, the juvenile public prosecutor shall have educational authority and be experienced in youth upbringing (Article 37 JGG).

In local courts, (separate) departments are formed for family issues (Article 23b GVG). The family courts are regularly staffed with judges with experience of life and special human and expert qualifications so that they can perform their special tasks.

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

Answer:

Children's legislation does not lay down any specific minimum age required "for valid consent to sexual activity". Parental personal care generally covers the right to determine the child's dealings, including with effect for and vis-à-vis third parties (Article 1632 para. 2 of the German Civil Code). According to Article 1626 para. 2 of the German Civil Code, when caring for and bringing up their child, parents have to consider the growing ability and growing need of the child for independent, responsible action, including dealing with third parties.

15. Provide information on the minimum age of marriage for women and men.

Answer:

Reference is made to the answer to question 8, where the provisions of the German Civil Code are explained which result in an age limit of 18 (or 16 if exemption has been granted by the family court).

Sexual exploitation of children

16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalised. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.

Answer:

The comprehensive and permanent protection of children and juveniles against sexual violence and exploitation has high priority for the Federal Government. In January 2003 the Cabinet adopted the Action Plan to Protect Children and Juveniles against Sexual Violence and Exploitation (referred to as "Action Plan" below).

With this Action Plan the Federal Government wants to effectively protect children and juveniles against sexual violence and exploitation and take appropriate measures for targeted help, intervention and prevention. The central themes and areas of action are combating child abuse, child pornography on the internet, child trafficking and child prostitution.

The Federal Government's goal is to ensure the protection of children and juveniles against sexual violence in the long term with the help of the Action Plan. A comprehensive overall concept was drawn up with the involvement of non-governmental organisations, which is primarily aimed at the well-being of the child and the needs, interests and rights of the children and young people affected. The intended measures take effect both at national and international level.

The following goals are to the fore:

Further developing the criminal law protection of children and juveniles,
Enhancing prevention and victim protection,
Safeguarding international criminal investigation and cooperation and
Encouraging the networking of help and counselling offers.

Large parts of the Action Plan have now been implemented or are in the process of being implemented:

Legislation

There are a large number of criminal regulations that protect children against commercial sexual exploitation. They include Articles 176 and 176a of the Criminal Code (sexual abuse of children), 180 of the Criminal Code (encouraging sexual acts by minors), 180a of the Criminal Code (exploitation of prostitutes), 182 of the Criminal Code (sexual abuse of juveniles) and the general criminal provisions against human trafficking (Articles 232 to 233a of the Criminal Code) and pimping (Articles 181a of the Criminal Code). Trafficking in children is punishable under Article 236 of the Criminal Code.

To counteract the abduction of children and the international trafficking in children in the case of trans-boundary adoptions, Germany has ratified the Hague Convention of 20 May 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

Amendments to sexual criminal law entered into force on 1 April 2004, under which the criminal law protection of children and disabled people against sexual abuse is further improved; loopholes in criminal liability have been closed and punishments made more severe – where necessary.

The basic facts of Article 176 paras 1 and 2 of the Criminal Code "Sexual Abuse of Children" and of Article 179 paras 1 and 2 of the Criminal Code "Sexual Abuse of People Unable to Resist" remain offences with a penalty framework of six months to ten years. Regulations on "especially serious cases", such as "practices similar to sexual intercourse", have been added to these two penal provisions. These new regulations provide for a minimum sentence of one year. The maximum sentence here is 15 years. The possibility of a less serious case has been deleted from the provisions. Specifically, this means: no more fines for the sexual abuse of children and people unable to resist, just prison sentences.

In cases of the serious sexual abuse of children or people unable to resist (Article 176a para. 2, Article 179 para. 5 of the Criminal Code), such as sexual intercourse with a child, the punishment framework has been increased. Previously there was a minimum sentence of one year, now it is two years.

The criminal law protection of children is also being further developed with new offences. Thus, since 1 April 2004, anyone who, for example, shows a child pornographic magazines so that the child will repeat the portrayed acts with the perpetrator makes himself or herself punishable.

Anyone who offers a child for sexual abuse now makes himself or herself just as punishable as someone who makes arrangements with other people for the sexual abuse of a child (Article 176 paras 4 and 5 of the Criminal Code).

The expansion of Article 140 of the Criminal Code also made the rewarding and approval of sexual abuse, sexual coercion and rape punishable.

The penal provisions against child pornography have been made much more severe so that more effective action can be taken against the increasing spread of child pornography on the internet. Thus, for example, prison sentences of up to five years can now be imposed for the exchange of child pornography in closed internet user groups (Article 184b para. 2 of the Criminal Code), and of up to ten years for commercial or gang-based acts (Article 184b para. 3 of the Criminal Code). And procurement for own use, for example buying child pornography, and the possession of the child pornography is also being more harshly punished now: Previously there was a prison sentence of up to one year or a fine, now it is up to two years or a fine.

Now, in future criminal proceedings DNA analyses can be ordered for the purposes of identification for accused, even if they are suspected of a not especially serious offence against sexual self-determination and there is a reason to assume that criminal proceedings for a serious offence (not necessarily against sexual self-determination) will have to be conducted.

Act on Introducing Subsequent Preventive Detention

The Act on Introducing Subsequent Preventive Detention entered into force on 29 July 2004. This means that, in order to give the public the best possible protection against criminals, preventive detention can be ordered even in cases where the danger of the criminal is ascertained only after his or her conviction.

Combating Human Trafficking

The Federal Government will continue to resolutely combat all forms of human trafficking. The aim is to punish the perpetrators more severely and to give the victims better protection.

To this end, the Bundestag adopted an amendment to the Criminal Code on 28 October 2004 with the help of which human trafficking is to be combated more effectively. According to this law, human trafficking with the aim of exploiting the labour force will be punished more comprehensively than in the past. Furthermore, the existing penal provisions relating to human trafficking for the purposes of sexual exploitation have also been improved.

In future this draft law will mainly cover those cases where the victim is made to accept inhuman working conditions by means of threats or deception with a desperate situation or the specific helplessness of a foreigner being exploited. Under current law it is already punishable to exert physical power on a person to

force him or her into slavery or serfdom. Human trafficking for sexual exploitation will also be punished more comprehensively than in the past. Furthermore, it must be made easier for victims of human trafficking to report the perpetrators. For example, it should be easier to suspend criminal law investigations referring to possible infringements of the law concerning aliens committed by the victim. The law implements international conventions and UN and EU level. (Cf. the answers to questions 1 and 7).

Prevention and Intervention

Nationwide Prevention Campaign “Hinsehen,Handeln.Helfen!” [Look.Do.Help!]

As part of its public relations and educational work, in April 2004 the Federal Government launched a prevention campaign with the motto “Hinsehen.Handeln.Helfen!” that is enshrined in the Federal Government’s Action Plan to Protect Children and Juveniles against Sexual Violence and Exploitation. The main target group, adults in the environment of children as well as multipliers (e.g. from schools, child day care centres, etc.) were addressed by the campaign that involved various media. The aim of the campaign was to achieve broad awareness and further education about the subject, to create awareness that every individual can do something about child abuse, to provide information about qualified offers of help and counselling centres and to forge personal and thematic alliances in the interests of the children and their families.

Elements of the campaign were an internet site, the service telephone of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (0180-1907050), a bus tour through 18 cities, a TV ad, advertisements and posters as well as a Leporello and the advice brochure “Mutig fragen – besonnen handeln” [Ask bravely – act calmly], the central questions on the subject of sexual violence against children and young people.

The internet site (<http://www.hinsehen-handeln-helfen.de>) allows you to research counselling services in your vicinity on a user-friendly database and to call up detailed information on the subject of sexual violence against children. Counselling centres from all over Germany have the opportunity to enter themselves in the database with details of how they can be contacted, consultation hours and their profile. Since the website was launched in April, an average of 200 visitors per day have been recorded. Every month, approx. 200 brochures are downloaded. This website will continue to be available even after the end of the campaign.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth sent a campaign bus to central locations in 18 cities in all 16 Federal Länder to provide information on the subject of sexual violence against children and young people. In conjunction with the local counselling centres, passers-by and invited classes of schoolchildren were addressed on campaign days with a comprehensive range of theatre productions, discussions and information stands. In this way, many people were reached directly – over 1,000 interested and affected parties approached the counselling centres on these occasions and sought out personal talks. A high level of media attention was also achieved. “Hinsehen.Handeln.Helfen!” reached around 30 million radio listeners and 17 million television viewers. The newspaper article for the campaign achieved a circulation of almost 34 million.

The actresses Hannelore Hoger and Eleonore Weisgerber and the actors Schauspieler Götz George and Kai Wiesinger became involved as celebrity ambassadors for the objectives of the campaign. In a TV ad broadcast free of charge by the TV companies, Götz George passed on his message "Be silent to leave the victims alone. Protect children against sexual violence". Kai Wiesinger's appearance on the "Kerner" chat show was also a very important in publicising the subject of the campaign. Within a relatively short time, a high level of media presence for the campaign and subject was achieved nationally as well as regionally and locally.

In addition to the celebrity ambassadors, the campaign was supported by DaimlerChrysler AG, the Fachverband Außenwerbung e.V. (FAW) [association of outdoor advertising] and Sixt AG.

The campaign "Hinsehen.Handeln.Helfen!" came to an end with an event on 24 February 2005. In this connection, with the involvement of the Federation of German Employers' Associations, companies who are active in the field of combating sexual violence against children and counselling initiatives that work in the area were brought together for the first time with the aim of opening up this taboo area to greater involvement from companies.

The advice brochure "Mutig fragen – besonnen handeln" [Ask bravely – act calmly] published as part of the campaign provides information on the subject of sexual violence against girls and boys. It deals with practical approaches on dealing with abuse and on preventive ways of dealing with the issue in families.

Other, extensive preventive measures and help are aimed at parents, children, multipliers, the police, the legal system and the tourism industry. They include the expansion of the 95 free telephone hotlines for children and young people (0800-1110333) and the 41 parents' hotlines (0800-111550).

In addition, the Federal Government funds the virtual child protection centre www.youngavenue.de and the Informationszentrum Kindesmissbrauch und Kindesvernachlässigung (IKK) [Child Abuse and Neglect Information Centre] in the German Youth Institute. YoungAvenue offers children and young people the opportunity to make direct contact with child protection centres over the internet in crisis situations.

Furthermore, the Federal Government funds specialist congresses, seminars and further training courses specifically for full-time employees and volunteers in child and youth welfare that are targeted at the protection of children.

According to police criminal statistics the proportion of cases of sexual abuse of children where the suspect is under the age of 21 is approx. 27 per cent. For this reason, the development and implementation of intervention strategies that are as early as possible is another key element of the Action Plan. The Federal Government is currently developing an intervention project "Sexually Deviant Young Offenders" with the aim of achieving specific steps for dealing with sexually conspicuous juveniles and of improving cooperation between the institutions to be involved, such as the police, the legal system and youth welfare. The intervention concept is to be tried out in several model locations with academic support from 2005.

As part of the project "Prevention and Combating of Child Abuse by Sex Tourists" the association of German travel agents together with ECPAT (Working Group against the Commercial Sexual Exploitation of Children) has adopted a code of conduct for its members to protect children against sexual exploitation. Among other things, tour operators are constantly trained by ECPAT with financial support from the Federal Government.

In the fight against child prostitution, VIVA, VIVA Plus, RTL, RTL2, Vox, Onyx and Arte [TV stations] broadcast the advert "Words" made by terre des hommes, which raises awareness of the subject of the sexual exploitation of children in tourism. It has also been shown in many German cinemas since 16 February 2004. The internet platform www.child-hood.com provides diverse information for travellers and professional groups faced with the problem, in particular travel agencies and hotels. Both projects have been developed in cooperation between terre des hommes and the Federal Government and are part of a long-term strategy in the fight against the sexual exploitation of children in tourism.

International Cooperation and Networking

The ratification of the UN Optional Protocol on the Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography as well as the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, have been set in motion. Both legal documents have the aim of improving the protection of children against child trafficking, child prostitution and child pornography all over the world. The State Parties are required to make these acts punishable, to cooperate closely with the criminal prosecution authorities and to ensure victim protection.

At European level, the Framework Decision of the Council of the European Union on combating the sexual exploitation of children and child pornography has been adopted. The aim is a European harmonisation of the penal provisions to improve international cooperation in this field.

In November 2003 the German-Czech Working Group on Combating the Transnational Sexual Abuse of Children agreed on a number of specific measures for jointly combating so-called sex tourism, including the appointment of mutual contact officials, the establishment of joint investigation groups and guest visits by Czech police officers to the Federal Office of Criminal Investigation.

Among other things, the "Working Group on Child Protection in Baltic Council Cooperation" has the subject of "Unaccompanied and Traded Minors in the Baltic Region" as a main element. It is currently drawing up an Action Plan for greater bilateral and multilateral cooperation in the field of prevention, victim protection and the reintegration of unaccompanied and traded children.

Monitoring

The Federal Government-*Länder* Working Group on the "Protection of Children and Juveniles against Sexual Violence" established in September 2003 provides support to the implementation of the Action Plan. It is made up of around 25 representatives of the Federal Government, the *Länder*, the local authorities and non-governmental organisations. It meets twice a year. An instrument to control,

coordinate and further develop the measures of the Action Plan has been created in the form of the Working Group.

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the internet.

Answer:

The dissemination, acquisition and possession of child pornography are all comprehensively punishable in Article 184b of the Criminal Code. As the term "pornography" also comprises data memories (Article 11 para. 3 of the Criminal Code), dissemination over the internet is also punishable. Furthermore, reference should also be made to Article 176a para. 3 of the Criminal Code with regard to the production of child pornography, which threatens a prison sentence of two to fifteen years for sexual abuse for the purpose of the production of child pornography.

The dissemination of child pornography is an illegal offering within the meaning of the *Länder* State Agreements on the Protection of Human Dignity and the Protection of Young People in Broadcasting and Telemedia and is thus subject to an absolute prohibition on dissemination via electronic information and communication media.

Other pornographic offerings are also either absolutely illegal or permitted solely to closed user groups in specific exceptional cases.

An advance check-up of pornographic internet offerings can be conducted by the providers' youth protection officers to be appointed by law or by voluntary self-monitoring institutions.

Reference is made to the answer to question 18 for the (retro-active) monitoring of compliance with provisions in the Youth Media Protection State Agreement and on further details of youth media protection.

Since early March 1999 the Central Office for Spontaneous Research in Data Networks ("ZaRD" for short) has been working at the Federal Office for Criminal Investigation. The ZaRD is part of the Technical Service Centre for Information and Communication Technology within the Federal Office for Criminal Investigation, which – in particular- provides technical support in criminal investigations in the internet. 16 officers deployed within the ZaRD "surf" all of the services in the internet, even at night and at weekends. The ZaRD has already enjoyed considerable success.

The Federal Office for Criminal Investigation cooperates closely with the *Länder* within the context of the Central Office for Child Pornography there. Information is exchanged with the help of a computer-assisted evaluation system. The Federal Office for Criminal Investigation organises annual clerical conferences.

Another measure is the Federal Office of Criminal Investigation's concept for combating the production of and trade in child pornography that entails a harmonised, strategic procedure by the Federal and the *Länder* police. In this connection, the Federal Office for Criminal Investigation organises an annual specialist seminar on child pornography.

The establishment of an international picture database on child pornography is a key element of the G 8 strategy on combating the abuse of children in the internet. The database is to collect and record pictures of abused children, perpetrators and crime scenes. An implementation study is currently being conducted with the active participation of the Federal Office for Criminal Investigation.

18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.

Answer:

Among other things, it is prohibited and punishable to offer, give or make accessible documents inciting racial or ethnic hatred (Article 130 of the Criminal Code), documents portraying violence (Article 131 of the Criminal Code) and pornography (Article 184 of the Criminal Code) to people under the age of eighteen. The documents are equivalent to carriers of sound and pictures as well as data memories (Article 11 para. 3 of the Criminal Code), meaning that dissemination over the internet, videos and electronic games are also covered.

In the Federal Republic of Germany, the Federal Government and the *Länder*, each in their own areas of responsibility, have reached harmonised agreements on the reorganisation and improvement of youth media protection in order to more effectively meet the needs of modern youth protection in all media with a coherent and practicable regulatory framework – particularly in view of the increasing convergence in terms of technology and content.

The Federal Act to Protect Juveniles [Jugendschutzgesetz (JuSchG)], which entered into force together with the *Länder* State Agreement on the Protection of Human Dignity and Youth Protection in Broadcasting and Telemedia [Jugendmedienschutz-Staatsvertrag – JMStV] on 1 April 2003, created a legal framework to effectively protect children and young people against harmful influences, in particular the protection of children and young people against portrayals of violence in the media was improved.

Under the JuSchG, carrier media (e.g. books, videos, CDs, CD-ROMs, DVDs) that are liable to endanger the development of children or young people or their upbringing into a responsible member of the community and that have therefore been included in a list of harmful media by the Federal Inspection Office for Harmful Media [Bundesprüfstelle für jugendgefährdende Medien (BPjM)] must not be made accessible to children and young people and are subject to extensive sales, distribution and advertising restrictions. These harmful media mainly include immoral or brutalising media or media that incite violence, crimes or racial hatred.

The legal consequences for harmful telemedia (online media, such as the internet, but not radio) that the BPjM has included in the list of harmful media are governed by the Youth Media Protection State Agreement; according to this, they must not be made accessible to children and young people.

The Youth Media Protection State Agreement created a legal basis for material youth protection in all electronic media (broadcasting and so-called “telemedia”, i.e. all “electronic information and communication services”), which – among other

things – regulates sanctioned dissemination bans and an obligation for technical protection measures in order to ensure age-appropriate access.

Article 4 JMStV governs dealings with harmful and thus (absolutely) illegal contents. The provision contains a general dissemination ban differentiated according to content categories or a limited dissemination ban with reserved permission for closed user groups in telemedia.

Child pornographic offerings are absolutely illegal, as well as offerings that glorify war, incite racial and ethnic hatred or are particularly violent. These bans cover real and virtual portrayals.

Offerings that impair development are covered by Article 5 JMStV. This standard requires the providers to prevent access for minors using technical measures, such as filter software.

The Youth Protection State Agreement and the general and special criminal and regulatory law contain sanction options (e.g. prohibition, blocking, fines) for violation of the youth protection law provisions.

To harmonise monitoring in the field of youth media protection, the *Land* Media Authorities have set up a joint office – the “Commission for Youth Media Protection [Kommission für Jugendmedienschutz (KJM)] – that is responsible for youth protection issues as *Land* level, both in private broadcasting and in the internet and thus contributes to establishing equal protection standards. It monitors adherence to the provisions of the Youth Media Protection State Agreement applicable to the providers and finally assess the offerings in terms of content. In addition, the monitoring and supervision structures of the Youth Media Protection State Agreement reinforce the self-monitoring and responsibility of the media providers.

The public service broadcasting authorities issue internal guidelines for youth protection and criteria to safeguard youth protection when evaluating television programmes as a supplement and to make applicable broadcasting law more precise. Since 1993 there have been written fixed principle against the trivialisation and glorification of violence on television for the public service broadcasters. Monitoring and supervision are exercised by bodies within the institutions (director-general, youth protection officer, broadcasting council).

In the non-state sector, the institution for voluntary self-monitoring “Voluntary Self-Monitoring in Multimedia” drew up a code of conduct within the association in 1997 that requires internet service providers to use appropriate action to ban illegal and damaging offerings - especially those harmful to young people. Moreover, it should be ensured that information offerings comply with the recognised journalistic principles. Furthermore, it is also specified that the competent authorities must be informed if there is a suspicion of a specific danger to the life, limb or freedom of people.

Furthermore, the parties with political and social responsibility – Federal Government, *Länder*, media companies in various sectors and self-monitoring institutions – adopted joint guidelines for action against violence and for tolerance within the context of a Round Table “Media against Violence” chaired by the Federal Chancellor in 2003. Moreover, specific actions and projects were agreed with which the media have responsibly stood up against violence.

The guidelines do not allow violence to be shown for its own sake without a dramatic context and it must not be glorified or propounded as a means of solving conflicts. Portrayals of violence that contradict the ethical and moral principles of

our society, in particular human dignity, must not be tolerated. Reporting on violent events should reflect the potentials for conflict proportionately and objectively; finally, excessive portrayals of violence must be avoided.

Reporting obligations relating to violence against children

19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

Answer:

As already noted in the answer to question 2, criminal offences can be reported to the public prosecutor, the authorities and police officers or to the local courts verbally or in writing; the same applies to criminal complaints. There is no obligation on all citizens to report crimes already committed. In accordance with Article 152 para. 2 of the Criminal Code, the public prosecutors are required in principle to take action in all prosecutable criminal offences if there are sufficient actual indications. If they do not meet this obligation, they run the risk of making themselves punishable for aiding the perpetrator of an offence after the fact while in office (Article 258a of the Criminal Code) – usually a prison sentence of six months to five years.

Complaints procedures

20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:
- The family/ home;
 - Schools and pre-school care and education (both formal and non-formal, state and private);
 - Military schools;
 - Institutions including care, residential, health and mental health;
 - The context of law and public order enforcement including in detention facilities or prisons;
 - The neighbourhood, street and the community, including in rural areas;
 - The workplace (informal and formal);
 - Sports and sporting facilities.

Answer:

If the violence against children is a punishable illegal act, the police and public prosecutors must take action themselves as soon as they learn of the suspicion of a crime. There is no need for a complaint from the victim for this (Article 152 of the Criminal Code). The aim of the intervention is to investigate the state of affairs and punish the culpable party. The court decides on innocence or guilt and punishment after the public prosecutor has brought a charge.

The following applies to the intervention of the family courts subject to the provisos of Articles 1666 and 1666a of the German Civil Code:

If the physical, mental or psychological well-being of the child is endangered by the abuse of parental care, not culpable failure of the parents or by the behaviour of a third party and the parents are not willing or capable of averting the risk, the family

court should introduce the necessary measures to avert the risk. The court may issue temporary orders (Articles 621a, 621g of the Code of Civil Procedure) if immediate intervention is required that does not allow waiting until the end of the investigations that appear necessary and necessitates immediate action to avert the risk to the child. For example, the (temporary) removal of the right to determine residency can be considered as such an action.

Provisional orders can be attacked with an immediate complaint if they are issued after oral proceedings (Articles 621g, 621g of the Code of Civil Procedure). This should be submitted within two weeks (Article 569 of the Code of Civil Procedure).

The limited appeal is intended as a legal remedy (Article 621e of the Code of Civil Procedure) against decisions on parental care/responsibility in the main case, which should be made by submitting a written application within an emergency deadline of one month – after posting of the decision – (Article 621e para. 3 of the Code of Civil Procedure). The legal appeal against the decision of the appeal court shall take effect if the appeal court has allowed this in the decisions (Article 621e para. 2 of the Code of Civil Procedure).

Appeal trials concerning violence against children usually take place under professional law in the chambers and the competent *Land* authorities. The Federal Government has no knowledge of this.

21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

Answer:

Children who are the victims of punishable violence have the possibility to join the charge brought by the public prosecutor with a so-called civil action incidental to criminal proceedings (Article 295 ff. of the Criminal Code) where they are represented by their legal representative. Among other things, the joint plaintiff has a right to attend the court proceedings of a criminal trial, the right to ask questions and make applications, including an application for a specific sentence as well as the right to appeal against the judgement. It is possible for the joint plaintiff to receive aid with legal costs for consulting a lawyer. Children under the age of 16 who have been the victim of sexual violence or abuse of charges are entitled to free support from a lawyer.

Civil action incidental to criminal proceedings is not permitted against juveniles aged between 14 and 17 because the idea of education is to the fore in juvenile criminal law and not punishment to balance out guilt. But important participation and protection provisions also apply to the victims of punishable violence here.

The children (affected) have access to family court proceedings in that they must be heard in proceedings dealing with their personal care if the inclinations, ties or will of the child are important for the decision or if it appears necessary to determine the state of affairs. If the child is over the age of 14, he or she must always be heard (Article 50b FGG).

In addition, in the cases of Articles 1666, 1666a of the German Civil Code, the parents must (always) be heard so that the court can ascertain with them how the

risk to the well-being of the child can be averted (Article 50a FGG). In the above-mentioned cases that are associated with a separation from the family or the removal of all personal care, it is usually necessary to appoint a guardian ad litem for the child (Article 50 FGG). The appointment is not made separately for every instance, much rather it only ends – provided that it has not been cancelled previously – when the decision concluding the proceedings takes legal effect (Article 50 para. 4 FGG).

The – procedural – appointment of the guardian ad litem, whom the court has to involve in the proceedings like a legal representative of the child, also means that the guardian ad litem can apply for legal remedies, but also withdraw them.

Finally, the child has his or her own right to appeal – without participation of his or her legal representative – in all proceedings relating to his or her person or in those where he or she is to be heard prior to a decision provided that he or she is over the age of 14 and is not legally incapable (Article 59 FGG).

22. Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.

Answer:

Under the law (Article 406h of the Criminal Code), victims of crimes must be notified of their rights in the criminal proceedings by the competent police and justice authorities, including the right to join the criminal proceedings with the civil action incidental to criminal proceedings and the possibility of applying for free support from a lawyer described in question 21. Furthermore, in the Federal Ministry of Justice a brochure has been specially drawn up for children and young people with which they are to be informed about the possibility of reporting crimes committed against them, their rights in criminal proceedings and about offers of help; cf. answer to question 39.

23. Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.

Answer:

The child victim in criminal proceedings benefits on the one hand from the regulations protecting victims and witnesses that also apply to adults as well as some provisions specifically for children (under the age of 16).

There are various possibilities for video recordings of witness statements and presentation instead of cross-examination or transmission of witness statements via a permanent video link, as well as other important provisions in the Criminal Code designed to protect witnesses.

The conducting of video questioning in criminal proceedings was regulated for the first time in 1998: Article 168e applies to the questioning of a witness by a judge in the preliminary investigation. In the main proceedings, questioning by a permanent video link pursuant to Article 247a of the Criminal Code is possible.

It is also possible to record witness statements on picture and sound carriers at any phase of the proceedings, although the intention is that the recordings should be made for victim witnesses under the age of 16 (Article 58a of the Criminal Code). The picture and sound recordings within the context of the main proceedings are presented subject to the conditions of Article 255a of the Criminal Code, whereby the alternative presentation of the witness questioning of victims under the age of 16 by a judge is permissible if the accused and his or her defending counsel had the opportunity to participate.

The above-mentioned provisions are designed in particular to prevent further traumatic questioning of victim witnesses.

According to Article 247 of the Criminal Code, it is possible to question the witnesses in the main proceedings in the absence of the accused for reasons of protection. In the case of witnesses under the age of 16 it is sufficient if questioning in the presence of the accused would lead to the fear of a considerable disadvantage for the well-being of the witness.

Further important regulations that protect victims include regulations on so-called witness support and victim's counsel:

Pursuant to Article 68b of the Criminal Code, a lawyer can be assigned to a witness for the duration of the questioning (so-called witness support). If the questioning deals with a crime or an offence according to Articles 174 to 174c, 176, 179 para. 1 to 3, Articles 180, 180b, 182, 225 paras 1 or 2 of the Criminal Code or another offence of considerable importance that has been organised commercially or traditionally or by a gang member or in any other way, a lawyer should be appointed for the witness.

According to Article 397a para. 1, Article 406g para. 3 of the Criminal Code, a lawyer must be assigned as support paid for by the state to the victims of sexual crimes and attempted homicides as well as to victims of sexual crimes or abuse of charges under the age of 16 upon application, irrespective of the victim's own income and wealth (so-called victim's lawyer). This makes it easier for victims requiring special protection to uphold their interests. Because of the link to the authority for civil action incidental to criminal proceedings (cf. answer to question 21), under current law this provision does not apply in criminal proceedings against juveniles aged between 14 and 17.

The Act to Improve the Rights of Injured Parties in Criminal Proceedings, the Victim's Rights Reform Act, (Federal Law Gazette I p. 1354), which entered into force on 1 September 2004, contains further strengthening for the protection of victims and witnesses. To further reduce the stress for (victim) witnesses in criminal proceedings, it makes provision to facilitate the ordering of video questioning in the main proceedings (Article 247a sentence 1 of the Criminal Code) and, if the victim witness is in need of particular protection, which can be the case with child victim witnesses in particular, to make the charge at the regional court instead of the district court (Article 24 para. 1 No. 3 GVG). This means that further traumas for the victim witness resulting from repeated questioning in the instance of legal remedy can be avoided since there is only the legal remedy of appeal on questions of law only against judgements from the regional courts in which the judgement is reviewed for legal errors without hearing the evidence again. A corresponding regulation is also to be created for juvenile criminal proceedings.

When the victim is being questioned, he or she will be entitled to have a representative present, e.g. a parent of the injured child.

To reduce the stress on child victim witnesses when conducting the criminal proceedings in practice, too, a nationwide leaflet on the protection of child (victim) witnesses in criminal proceedings was published in April 2000. This brochure is addressed at the people involved with child victim witnesses in practice (police officers, public prosecutors, judges) and is designed to give an overview of the statutory regulations in this area, as well as instructions about their practical implementation with gentle and considerate dealings with the (victim) witnesses in criminal proceedings.

In family court proceedings that deal with parental responsibility, the so-called principle of official investigation applies; that means that the court is entitled and obliged to investigate the state of affairs that it intends to use as a basis for its decision with due consideration and to collect the proof that it deems appropriate without ties to applications for evidence for the parties involved.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

Answer:

If criminal provisions serve solely to protect children, the criminal law sanctions are recorded in the prosecution statistics. The 1st Periodical Security Report, p. 94-95 contains the relevant details. In the case of criminal provisions that serve to protect all age groups, the criminal law sanctions in which children were victims were not identified separately. The 1st Periodical Security Report, p. 64-69 contains the details on criminal law sanctions for violent crimes as a whole. In addition, reference is made to the answer to question 12.

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

Answer:

Statistical information on criminal law reactions under juvenile criminal law have been prepared in the 1st Periodical Security Report, p. 343-375, but not specifically for criminal proceedings because of violent crimes. Due to the great spectrum of variation in the severity of violent crimes committed by juveniles or young people aged between 18 and 20, all of the types of sanction possible under juvenile criminal law can be considered. In particular, long juvenile custodial sentences may be imposed, mainly for violent offences.

In addition to this, reference is made to further details on registered crime among juveniles in the 1st Periodical Security Report, p. 520-538.

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

The aim of this section is to establish if your country has an institution coordinating multi-sectoral activities concerning violence against children, which include prevention, protection, redress, reintegration and rehabilitation.

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children?
If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.

Answer:

State responsibility for the growing up of children is laid down in the Basic Law. The care and upbringing of children is expressed as a parental right and duty in Article 6 para. 2 of the Basic Law. At the same time, it states "It is the responsibility of the community to ensure that they perform this duty". This state protection order to ward off risks to the child's wellbeing and the child's development is described with the term "ensure that they perform this duty".

This ensuring function is assigned to more than a single authority. On the one hand, there are the youth welfare offices that offer help to children and their families and intervene in urgent situations, on the other hand the family court is brought in when a removal of custody appears necessary. Furthermore, it is necessary for the police to perform this function if direct force is to be exerted, if urgent execution is required or in the case of criminal investigation. And the general criminal prosecution authorities must be brought in for events relevant to criminal law. In addition, the health offices play an important role, especially for health checks on babies and young children.

In the Child and Youth Services Act (Social Code Book VIII), this function of the state is defined more precisely. To realise the right of every young person for encouragement for his or her development and raising to become a responsible member of the community, it is the duty of youth welfare services to protect children and young people against threats to their wellbeing. The catalogue of services and tasks of Social Code Book VIII illustrates that this is to be achieved primarily by preventive measures. Parenting skills are to be supported and encouraged in order to prevent possible risks to children's wellbeing in this way. If there is a specific threat to the well-being of a child, various basic statutory regulations allow state intervention to avert the danger to the child.

The local and regional providers of youth welfare are responsible for performing these tasks (Article 69 Social Code Book VIII). To be able to do justice to their responsibility, the establishment of youth welfare offices is a task for the local level and the establishment of *Land* welfare offices a task for the regional level. Since the local providers are the districts and the independent towns, meeting the tasks is ensured at a local authority level that is close to the citizens and efficient at the same time. In general, the local provider – in other words, the youth welfare office – is responsible for providing benefits and for fulfilling other functions (Article 85 para. 1 of Social Code Book VIII). The youth welfare office becomes active *ex officio* when it becomes aware of risks to the well-being of a child. At the same

time, it is the contact point for children, parents, specialists and any other person who becomes aware of risks to the well-being of a child.

By contrast, the regional provider mainly performs advisory and supporting functions. It has direct protection orders only for children and juveniles in institutions.

In addition, every Federal *Land* has a supreme *Land* youth authority that has legal supervision over the implementation of the tasks in child and youth welfare. Otherwise, they exercise accompanying and supplementary functions, being responsible for the technical and political support for the youth welfare offices.

The obligation for cooperation between the public youth welfare services and other offices also working to protect children and young people against violence is partially regulated in Social Code Book VIII. Priority here is given to cooperation with providers of private-sector youth welfare for the wellbeing of the children and young people. Furthermore, the participation of the youth welfare office in court proceedings is regulated by the law. Any further-reaching cooperation between the providers of public youth welfare and other offices and public facilities whose activities have an impact on the lives of young people and their families (in particular schools, the police or the health authorities) are explicitly desirable under the law, but have not been specifically regulated. Here, it has been left up to the individual youth welfare offices to aim at, implement and extend cooperation as part of their objective of protecting children and young people against risks. Thanks to these initiatives, the positive effects of such networks and cooperation are also increasingly being appreciated by potential cooperation partners and a clear trend among these other offices and facilities can be seen to constructively make use of this possibility of enhanced child protection.

27. Is there a lead Government authority tasked with responsibility for addressing violence against children?
If YES, provide details.

Answer:

At the Federal level it is primarily the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth that is responsible for the realisation of children's rights and for children's policy. Within the Federal Government, it has the task of articulating and including the interests of children. In child and youth welfare, the Ministry has authority to encourage and promote the activities of youth welfare in accordance with Social Code Book VIII provided that it is of nationwide importance and by its nature cannot be promoted effectively by one Federal *Land* alone. The Federal Government's Child and Youth Plan is available to the Ministry as a funding instrument; in 2004 it amounted to approx. € 107 million.

28. Are specific financial and/or human resources allocated by your country to address violence generally?
If YES, indicate the extent of these allocations.

Answer:

This question is very difficult to answer because of the principle of federalism in the Federal Republic of Germany. Here, the work is divided among the Federal Government (legislation, models, ideas) and, above all, the *Länder* (implementation), NGOs and academia.

Approx. € 800,000 are available to the Federal Government each year for combating sexual violence.

The expenditure for preventive measures (public relations work, educational campaigns, campaigns for general education, etc.) are detailed below. Expenditure on human resources and tangible assets for police forces (Federal Border Guards, Federal Office for Criminal Investigation, etc.) were not included in the breakdown because, firstly, they are mainly earmarked for repressive use and, secondly, they cannot be subsumed under resources for approaching the subject of violence in general.

Budget funds were used as follows for the design, production and dissemination of publications (posters, brochures, books, films, PC games) to prevent violence:

2003	€ 836,000
2004 (up to September)	€ 594,000

In this connection, it was not possible to separately identify the amount allocated to human resources.

29. Does your country allocate specific financial and/or human resources to activities to address violence against children?

If YES, provide details.

Answer:

Cf. response to Question 28.

30. Do international or bilateral donors provide resources to your country for activities to address violence against children?

If YES, indicate the extent of these resources and the way in which they are used.

Answer:

Since 1997 there has been an Action Programme of the European Community for the Community-wide support of measures by Member States to combat violence against children, young people and women and to protect victims and at-risk groups (Daphne Initiative from 1997, Daphne Programme I from 2000, Daphne Programme II 2004-2008). Overall, the Daphne Programmes aim at supporting the activities of non-governmental and other organisations who are involved in the fight against violence against children, young people and women. The Daphne II Programme encourages transboundary measures, including those that help to establish multidisciplinary, pan-European networks, in particular to protect the victims of violence and at-risk groups. The programme is open to participation by EU Member States, the EFTA/EEA countries, Romania, Bulgaria and Turkey.

The Daphne Initiative was funded to the tune of € 13 million. € 20 million were made available for the Daphne Programme. The budget for Daphne II has been set at € 50 million. Projects that last one year or several years can be financed from EU funds up to a maximum of 80% of the total costs. The necessary co-financing from the Member States must always be ensured at the time the application is made. To date, Germany has been involved in projects with 7-12% of the total funding in each case.

31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?

If YES, provide details.

Answer:

Respect for human rights and preventing violations of human rights are cornerstones of German foreign policy. In this connection, efforts of this kind by international bodies and institutions, such as the Office of the UN High Commissioner for Human Rights and the convention bodies to monitor the implementation of human rights established on the basis of the Human Rights Convention are supplemented with appropriate projects.

In principle, any of the following types of project are suitable for funding: projects that help to prevent violations of human rights, implement human rights obligations and human rights education, give help to countries in meeting their reporting obligations, help in advising host governments (e.g. by means of foundations or non-governmental organisations) to implement human rights in national legislation in line with the Human Rights Convention or projects that get involved in the production and dissemination of human rights publications/information material (books, reports, translations of guidelines, etc. into the national language) or the production of relevant internet/databases, the establishment of central or mobile information centres (e.g. mobile libraries or human rights centres) or radio and television projects. Other possible projects include conducting seminars, e.g. human rights training for police or prison personnel or other local multipliers.

One of the central concerns of the Federal Government is to stand up for securing the rights of children (Convention on the Rights of the Child), e.g. by means of projects against child trafficking, child labour and the sexual exploitation of children, by means of projects to offer help to children in armed conflicts or for the right to education.

In addition to structural improvements, the Federal Government also stands up for a direct improvement to the situation of child workers: Since the early 1990s it has so far used a total of approx. € 54 million from project and programme funds to be one of the most important donors to the International Programme for the Eradication of Child Labour (IPEC) of the International Labour Organisation (ILO). The aim of this project, which is now active in over 40 countries, is to support each of the governments in combating child labour. Not least it is due to the IPEC programme that child labour in developing countries is now recognised as an urgent social problem and is being tackled. In 2003, with the support of the Federal Government, a new ILO-IPEC project to combat child and human trafficking in

central and eastern Europe (€ 0.6 million) on the one hand and one to combat child labour in countries of the stability pact (€ 2.2 million) were launched.

Furthermore, the Federal Government provided key support to the "Rugmark" label, which support carpet production without exploitative child labour. In addition to the certification of looms – over 50,000 looms have already been registered – the programme also supports informal schooling for former child labourers and the rehabilitation of children who are forced to work under slave-like conditions.

The Federal Government provided funds to the tune of € 1.5 million (FiT) for the period 2002-2005 for a project organised by the international NGO "Save the Children" against domestic child labour in India.

For the reintegration of child soldiers in Sierra Leone the Federal Government is supporting the national demobilisation programme, which gives former child soldiers access to a comprehensive basic education or practice-related vocational training and supports young people looking for a job (implementing organisation GTZ; € 8.5 million, German contribution).

In Uganda, the DED/Civil Peace Service offers training courses to former child soldiers for non-violent conflict management, conflict solving, HIV/Aids education and general healthcare and supports the reestablishment of family contact (€ 30,700).

Combating child trafficking, which frequently takes place in conjunction with child labour and the sexual exploitation of children and young people, is gaining in importance in development cooperation.

The Federal Government supports the fight against child trafficking within the framework of technical cooperation; furthermore, the Federal Government has participated in financing the International Campaign against Child Trafficking of Terre des Hommes with total funding of € 520,000.

Within the framework of development cooperation, in the period 2004-2007 a technical cooperation project to implement the "Optional Protocol on the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography" will be funded to the tune of € 2 million. The project is also of special importance because it is one of 17 measures in the Development Policy Action Plan for Human Rights. The project will implement measures on criminal law reform, education and awareness-raising as well as victim rehabilitation.

The cooperation between UNICEF and German development cooperation has been intensive and successful for many years. The Federal Government is currently funding (from FiT funds) a project to encourage the basic education of girls in the Indian province of Sindh with funds in the amount of € 1.4 million. This year, too, new funds will be made available to finance UNICEF projects in the amount of € 2.65 million in favour of the demobilisation/reintegration of child soldiers in Sri Lanka and in favour of the basic education promotion in Myanmar.

32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?

If YES, provide details.

Answer:

There is no specific institution for the field of sexual violence. However, at Federal level there is the Children's Commission of the German Bundestag, which stand up for the concerns of children and acts both as a parliamentary and extra-parliamentary representation of interests. Since child policy is an interdisciplinary task, the activity of the Children's Commission runs through all areas of policy (cf. the answer to question 33).

The creation of another representation of interests at Federal level in the form of a Federal Children's Commissioner is not helpful because, according to the competence arrangement of the Basic Law, the execution of child and juvenile law is the duty of the youth authorities in the *Länder* and the majority of child policy decisions are thus made at local authority level. The Federal Children's Commissioner would always have to say that he or she was not responsible when answering queries, and refer to lower state levels.

In many municipalities children's commissioners have been deployed or children's offices set up to take account of the concerns and interests of children (cf. answer to question 43). They also concern themselves with the subject of violence.

33. Are there any particular parliamentary structures (for example special committees) to address violence against children?

If YES, provide details.

Answer:

In the parliamentary sphere the Commission for Children's Concerns in the German Bundestag (Children's Commission) should be mentioned. The Commission, which has existed since May 1988, is a sub-committee of the Bundestag Committee for Family Affairs, Senior Citizens, Women and Youth. The parties represented in the Bundestag each send a voting member to the Commission. The chair of the Children's Commission alternates between the parliamentary parties. Since the Commission works according to the principle of consensus, decisions and public comments are possible only if there is unanimity.

The Children's Commission sees itself as a lobby for children, as a parliamentary body that makes suggestions and gives the impetus to improve the situation of children, both within and outside parliament. Correspondingly, the Commission develops a large number of different activities, such as hearings, talks by experts, positions, information trips and public relations work. For example, the Commission concerned itself with strengthening the rights of children, improving their living conditions, with freedom from violence in upbringing and the subject of sexual abuse/child pornography.

34. Have there been any recent parliamentary initiatives to address violence against children?

If YES, provide details.

Answer:

The "Act to Banish Force in the Upbringing of Children and Juveniles" entered into force in November 2000. For the first time, it gives children the right to a non-violent upbringing. The wording "Children shall be entitled to a non-violent upbringing. Physical punishments, psychological injuries and other degrading acts shall be inadmissible." replaces the previous applicable regulation "Degrading measures, especially physical and mental abuse, shall be inadmissible."

The new Act also abolishes the previous "parental right to chastise" – disputed among educationalists and practitioners – (Committee of Experts on the Tenth Child and Youth Report) and grants the child a right to an upbringing without any violence, not only without abuse. It stresses more clearly that violence cannot be justified with the purpose of upbringing.

Furthermore, Article 16 of Social Code Book VIII on the general furtherance of education and upbringing by the family has been supplemented by the following sentence: "They (services for the furtherance of the family) should also reveal how conflict situations in the family can be solved without violence."

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The aim of this section is to elicit information on civil society activities relating to violence against children.

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organizations, national non-governmental organizations, international non-governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

Answer:

Since the founding of the Federal Republic of Germany, associations, initiatives and organisations have continuously been founded due to the commitment of various people with the aim of protecting children from violence.

The first to be mentioned is the ***Deutscher Kinderschutzbund e.V. (DKSB)*** (<http://www.dksb.de>) [German Child Protection Alliance], which was founded in 1953. It is now represented across the whole of the Federal Republic and has developed into the "biggest lobby for children in Germany"¹. In addition to the Federal Association, there are *Land* associations in every Federal *Land* (16) and 420 local associations with a total of over 50,000 members. There are various offers for children and parents in the DKSB facilities. A current offer (Strong parents – Strong Children²) is aimed at parents and is designed to contribute to allowing children to grow up without violence and to enhance parenting skills.

Below is a list of other nationwide organisations/associations: (arranged alphabetically):

➤ ***Aktion Deutsche Kinder-Hilfe e.V.***
(<http://www.adkhev.de>)

Amalgamation of members irrespective of religious belief, nationality and political opinions in order to help children living in Germany. Aktion Deutsche Kinder-Hilfe stands up for the concerns of children and their parents.

➤ ***Arbeitsgemeinschaft für Erziehungshilfe (AFET) e. V.***
(<http://www.afet-ev.de>)

Federal youth welfare association with the focus on "child-rearing assistance". AFET represents the interests of its members, who are obliged to the target group of children, young people and their families who are disadvantaged and at risk for personal, family and social reasons.

AFET covers the following areas:

- Dealing with fundamental issues
- Drawing up specialist political statements
- Statements and opinions for legislation
- Expert advice and support
- Transfer of academic findings into practice
- Suggesting and promoting research projects

¹ Cf. Guiding Principle of the Deutscher Kinderschutzbund e.V. (Source: <http://www.dksb.de>)

- Influencing the development of basic and further training and professional experience
- Exchange of information and experience
- Help with work for practice

The tasks are implemented in specialist events and publications.

➤ **Arbeitskreis Neue Erziehung**
(<http://www.ane.de>)

The offers of the Arbeitskreis Neue Erziehung [working group on new child-rearing] helps parents – irrespective of their social and ethnic origin – to bring their children up to be self-confident and alert members of our society who respect their fellow citizens and are prepared to take responsibility for themselves and for others. It targets its projects to direct dialogue in particular. The aim is to bring parents, employees and people who stand up for young parents into a dialogue together. Arbeitskreis Neue Erziehung draws up general parents' letters (in German/Turkish) and parents' letters on the subject of upbringing without violence.

➤ **BAG FORSA e.V.**
(<http://www.bag-forsa.de>)

The "Bundesarbeitsgemeinschaft Feministischer Projekte gegen Sexuelle Gewalt an Mädchen und Frauen e.V." [Federal Working Party of Feminist Projects against Sexual Violence against Girls and Women] provides information on its work against sexual violence in public, contributes to the technical and methodological exchange and helps in the setting up of a European network of feminist projects against sexual violence.

➤ **Bündnis für Kinder – gegen Gewalt**
(<http://www.buendnis-fuer-kinder.de>)

This foundation has the purpose of protecting children and young people against violence. This is furthered by the following measures:

- Technical, organisational or financial funding or support of projects for the prevention of violence against children and young people
- Education and public relations work in the field of violence prevention with the aim of greater awareness in society and public commitment
- Improving the interdisciplinary, multi-professional exchange of information and experience on the subject of "violence prevention" among experts (for example, by establishing a network for experts on the internet)

➤ **Bundesarbeitsgemeinschaft der Kinderschutzzentren**
(<http://www.kinderschutz-zentren.org>)

The aim and duty of child protection centres is to reduce, prevent or avert violence against children, child abuse, child neglect and sexual abuse – by developing, applying and teaching special help tackling the causes of violence. There are now 22 Kinderschutz-Zentren facilities in Germany.

➤ **Bundesarbeitsgemeinschaft Prävention und Prophylaxe**
(<http://www.praevention.org>)

Support and implementation of further training courses in the field of child sex abuse, information for parents, children, the specialist public, using publications and the results of research.

➤ **Bundeskongress für Erziehungsberatung**
(<http://www.bke.de>)

Specialist association for upbringing, family and youth counselling in which the staff of educational advice centres are organised. They came together voluntarily to form *Land* working groups for child-rearing counselling; since 1962 these *Land* groups have jointly formed the Federal Conference for Upbringing Advice. This encourages the exchange of experience as well as further and advanced training for experts.

- ***Bundesverein zur Prävention von sexuellem Missbrauch an Mädchen und Jungen e.V.***
(<http://www.bundesverein.de>)

The Federal Association is a nationwide amalgamation of women and men who work in the field of sexualised violence against girls and boys in institutions, private providers or as individuals in the areas of: basic and further training, parental education, work with girls, work with boys, police prevention, youth welfare, intervention, counselling and therapy, research and development.

- **Nationwide Parental Telephone**

The nationwide parental telephone sponsored by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Nummer gegen Kummer e.V., is an offering to mothers and fathers to obtain specific advice easily. All over Germany, counsellors are available on the toll-free number 0800.1110550 on Mondays and Wednesdays from 9.00 - 11.00 a.m. and on Tuesdays and Thursdays from 5.00 to 7.00 p.m..

- **Nationwide Family Counselling Services**

In addition to the family policy services, counselling is an important area for support for families in order to help them cope with everyday life and to give them orientation in the many decisions they have to make. The counselling is designed to offer support to those seeking advice, so that they can learn to cope better with their questions and problems and work out their own solutions. The development of their own opportunities and mobilising their own strength also creates better conditions for dealing with future difficulties.

Evangelische Konferenz für Familien- und Lebensberatung e.V. (EKFUL)
www.ekful.de

German Red Cross Secretariat General
www.dkr.de

Evangelisches Zentralinstitut für Familienberatung (EZI)
www.ezi-berlin.de

Katholische BAG für Ehe-, Familien- und Lebensberatung, Telefonseelsorge und Offene Tür e.V.
www.dbk.de

Sozialdienst katholischer Frauen
www.skf-zentrale.de

Deutsche Arbeitsgemeinschaft für Jugend- und Eheberatung e. V. (DAJEB)
www.dajeb.de

➤ **Nationwide Family Education Services**

Strengthening parenting skills is one of the main tasks of this family education organisation. The subject of "Violence and alternative strategies for overcoming conflicts" in a partnership or in dealings with family members are just as much part of the standard programme at the family education facilities as "Empowerment for families".

Family education as a classical institution of preventive family support has a key function in promoting the new guiding principle of non-violent upbringing.

- Bundesarbeitsgemeinschaft Evangelischer Familienbildungsstätten - www.bagfamilie.de
- Frauenwerk Stein e. V. in der Evang.-luth. Kirche in Bayern - www.frauenwerk-stein.de
- Bundesarbeitsgemeinschaft Katholischer Familienbildungsstätten - www.familienbildung-deutschland.de
- Bundesarbeitsgemeinschaft Familienbildung und Beratung e. V. - www.familienbildung.de
- Arbeitsgemeinschaft für Katholische Familienbildung e. V. - www.akf-bonn.de
- Paritätisches Bildungswerk e.V. - www.paritaet.org
- Arbeiterwohlfahrt -Bundesverband e. V. - www.awo.org
- Deutsches Rotes Kreuz - www.drk.de
- Deutsche Evangelische Arbeitsgemeinschaft für Erwachsenenbildung, e. V. - www.deae.de

➤ **Deutsches Forum für Kriminalprävention (DFK)**
(<http://www.kriminalpraevention.de>)

The German Forum for Crime Prevention has taken initiatives for the prevention of violence that are also of great importance for the prevention of violence against children. For example, on behalf of the Federal Government it conducted a project on hate crime/prejudice crime (Project "Primary Prevention of Violence against Group Members – in particular: Young People") that dealt intensively with the prevention of violence in kindergartens and schools and made suggestions for expanding educational programmes and on cooperation between affected centres.

The DFK is a foundation under civil law. In addition to the Federal Government, the *Länder* and the top-level local government associations, it involves religious communities, associations and private-sector companies.

➤ **Deutsche Liga für das Kind in Familie und Gesellschaft**
(<http://www.liga-kind.de>)

The German League for the Child is an interdisciplinary amalgamation of numerous associations and organisations in the field of early childhood. The aim of the League is to promote the child's psychological health and to improve its rights and development opportunities in all areas of life.

➤ ***Deutsche Gesellschaft gegen Kindesmisshandlung und -vernachlässigung (DGgKV)***
(<http://www.dggkv.de>)

Multi-professional, interdisciplinary specialist society for all experts who deal with the physical, sexual and emotional abuse and neglect of children. The aim is to develop the work to protect, help and treat abused children as a multi-professional field of work.

The DGgKV has set itself the following tasks:

- To promote multi-professional cooperation at regional and national level,
- To facilitate or even enable a professional exchange of information between the various institutions, amalgamations, regional and issue-based working groups,
- To take the initiative wherever such multi-professional cooperation has not yet been able to get in motion,
- To specifically extend the catalogue of issues for this cooperation,
- To encourage or initiate academic accompanying research,
- To organise and conduct specialist conference with this focus

➤ ***Dunkelziffer e.V.***
(<http://www.dunkelziffer.de>)

Association against sexual violence against children that is active in the field of counselling, prevention, further training and public relations work. Projects are offered on the following subjects: initial counselling and immediate assistance, victims' lawyers, music therapy, child and youth therapy, prevention at schools, internet training, public relations work – education – networking.

➤ ***ECPAT (End Child Prostitution, Pornography and Trafficking of Children for Sexual Purposes) Deutschland***
(<http://www.ecpat.de>)

Working group to protect children against sexual exploitation. The work of the nationwide amalgamation of 28 institutions and group is guided by the principle that every child is entitled to comprehensive protection against all forms of commercial exploitation and sexual abuse. ECPAT Deutschland is committed to ensuring that the UN Convention on the Rights of the Child is adhered to, causes of abuse are revealed and violations are prosecuted with all available means. The working group gets involved in various areas of work (policy, justice, the economy and education) and, in cooperation with governmental and non-governmental organisations, conducts campaigns and projects to raise awareness among the public, to develop preventive measures and to create legal foundations to protect children.

➤ ***Evangelische Frauenarbeit Deutschland e.V.***
(<http://www.evangelische-frauenarbeit.de>)

As the umbrella organisation of 40 protestant women's organisations, the Evangelische Frauenarbeit Deutschland e.V. represents the concerns of protestant women in the church and society. It is also active in combating trafficking in women and the sexual exploitation of children. Moreover, the Diocesan Works of the Protestant Church has founded a nationwide working group on prostitution and human trafficking.

➤ ***IGFH - Internationale Gesellschaft für erzieherische Hilfen***
(<http://www.igfh.de>)

Nationwide specialist organisation that also acts as the German section of the Fédération Internationale des Communautés Educatives. The aim of the association

is to encourage and reform educational aids, in particular home education within the meaning of the Children's Charter and the UN Convention on the Rights of the Child and maintains neutrality with respect to the religion, race and political views of its members. In its activities, it considers the various situations of girls and boys, aims to remove disadvantages and encourages equality of girls and boys, women and men. A key instrument for implementation is systematic consideration of the gender aspect in all decisions and activities of the association along the lines of gender mainstreaming.

➤ **ISS - Institut für Sozialarbeit und Sozialpädagogik e.V.**
(<http://www.iss-ffm.de>)

Offers the following services nationwide to public and private providers of social work: various projects for practical research and advice, academic support, planning advice and plan production, organisation/personnel development and advice; reports and expertises, various training offers. Obligated to the current principles of action in social work (orientation to the lives and situations), the ISS mainly realises projects in youth and family welfare, work with women, girls and young people, assistance for adults, work with the elderly, assistance for the elderly, long-term care insurance and the main areas of drugs/addiction and immigration.

➤ **ISA - Institut für soziale Arbeit e.V.**
(<http://www.isa-muenster.de>)

In its history the ISA has conducted very many different projects, many of them on specific issues on behalf of Federal and *Land* authorities or local authority and private providers. At the same time, the Institute has seen itself as a locomotive for technical further developments, as a reacting and shaping part of social development. Within this context, independent initiatives were developed to advance technical and political innovations and open up new perspectives for action. It is this intermediary position between theory, politics and practice – without getting lost in one of these areas – that makes this Institute distinctive. This commission that it has set itself constantly becomes clear in the various working areas and activities of the Institute. The most important areas of work in the past and the present include: research, planning advice and programme development, practical advice and organisational development, further training and information. (e.g. ISA conducted a project on "street children" and published a brochure on "child neglect".)

➤ **Institut für Sozialpädagogische Forschung Mainz e.V.**
(<http://www.ism-mainz.de>)

A charitable organisation for the innovation and evaluation of social work with the working areas "youth welfare", "evaluation and innovation of labour market policy" and the area of migration/racism as a major interdisciplinary task. Another focus of work is on further training, advice and moderation of development processes in organisations of all kinds. (e.g. publications on child protection services, crisis intervention in youth welfare, etc.)

➤ **Kindernothilfe e.V.**
(<http://www.kindernothilfe.de>)

Kindernothilfe e.V. is one of the biggest Christian children's charities in Europe, supports over 120,000 children and young people in 25 countries in Africa, Asia, Latin America and eastern Europe and furthers girls and boys holistically. Various

working groups on aspects of child emergencies organise exhibitions, workshops and information stands at public celebrations, Christmas markets and other events.

➤ **Lobby für Menschenrechte e.V.**
(<http://www.lobby-fuer-menschenrechte.de>)

The association "Lobby für Menschenrechte e.V. - gegen alle Formen sexualisierter Gewalt" acts as an umbrella association and representation of interests for organisations that are active in the problem area of sexualised violence or in human rights work.

➤ **Melina** **e.V.**
(<http://www.melinaev.de>)

Information and contact point for people who were born as the effect/consequence of sexual violence (incest, sexual abuse, rape).

➤ **Missio**
(<http://www.missio.de>)

Missionary work of the Catholic Church with two offices in Germany. For many years Missio Aachen has been supporting the fight against child prostitution with numerous aid projects in countries in the so-called Third World and conducts a publicity campaign against prostitution tourism ("Operation Guardian Angel").

Among other things, Missio Munich supports the Diocese of Cape Town in setting up the organisation Women In Need (WIN) and a pilot project that works with homeless women and that is designed to offer preventive aid for the fate of street children.

➤ **Schulische Prävention**
(<http://www.schulische-praevention.de>)

The child protection portal has the aim of offering a qualified network and an information platform for school prevention on child sex abuse. The main target group is teachers and other educational specialists.

➤ **SOS-Kinderdörfer**
(<http://www.sos-kinderdorf.de>)

The SOS-Kinderdörfer, of which there are now 50 facilities in Germany, are a private, politically and religiously independent social charity. The aim of the SOS-Kinderdörfer is to offer orphaned and needy children – irrespective of their ethnic origin, nationality and religion – a family, a permanent home and a sound preparation for an independent life.

➤ **Terre des femmes e.V.**
(<http://www.terre-des-femmes.de>)

Charitable human rights organisation for women and girls that supports women and girls by means of international networking, public relations work, campaigns, one-off help and promoting individual projects. Among other things, terre des femmes is involved in combating trafficking in women, forced prostitution, genital mutilation, pornography, sexual abuse of women and girls and domestic violence.

➤ **Terre des hommes e.V.**
(<http://www.tdh.de>)

Terre des hommes Deutschland is a development political children's charity and sponsors around 400 projects in 27 countries. These include training projects,

initiatives for street children, working children, children in prostitution and refugee children. Terre des hommes supports people to free themselves of oppression and poverty and to be able to implement their ideas of a life with human dignity. No development aid workers are sent; much rather, local initiatives are sponsored: with money, advice and networking opportunities.

➤ **UNICEF**
(<http://www.unicef.de>)

Children's charity of the United Nations that stands up for the well-being of children in developing countries and crisis areas worldwide as well as for the implementation of the UN Convention on the Rights of the Child. UNICEF works worldwide to protect children against exploitation and abuse.

In addition to the nationwide associations/organisations, there are numerous facilities/contact points for children affected by violence in most medium-sized to large town, i.e. at regional level. A few are listed below as examples.

➤ **AMYNA Verein zur Abschaffung von sexuellem Missbrauch und sexueller Gewalt e.V.**
(<http://www.amyna.de>), Munich

Project to prevent sexual abuse

Key areas: Intercultural prevention, counselling work, information centre (books, material, video films), information and further training opportunities for the prevention of sexual abuse for multipliers, parents' evenings, lectures, telephone prevention advice

➤ **KARO - Verein zur grenzüberschreitenden Sozialarbeit in Prostitutions- und Drogenszenen, Plauen**
(<http://www.karo-sozialprojekt.de>)

The association stands up against forced prostitution, sexual exploitation of children and trafficking in women and children, taking account of healthcare. The goals of the association are:

- Contribution to stem HIV/ Aids and sexually transmitted diseases
- Awareness-raising measures in the areas of forced prostitution, trafficking in women and children as well as against sexual exploitation of children
- Counselling, mentoring, support and further-reaching assistance for prostitutes of all nationalities who work on the streets and in brothel-like establishments in the German-Czech border regions
- Help in reintegration or return of the victims to social structures in their countries of origin
- Expanding assistance offers
- Cooperation with other governmental and non-governmental organisations at national and international level
- Public relations and lobby work

➤ **KIBS - Kontakt-, Informations- und Beratungsstelle für männliche Opfer sexueller Gewalt**
(<http://www.kibs.de>), Munich

The target group are only young males aged between 10 and 21 who have been the victims of sexual violence, as well as their parents, family members, partners, friends and other mentors/(educational) employees of other institutions and facilities. The following are offered: personal advice and support, telephone

information and advice, e-mail advice, open offers, emergency and crisis telephone, multiplier work.

➤ **Wildwasser e.V. (in various towns)**
(z.B. <http://www.wildwasser.de>)

Associations against sexual abuse (there are no central, higher-level facilities in Wildwasser e.V.). In over 15 towns nationwide there are Wildwasser advice centres for girls and women who have been the victims of sexual abuse, as well as for their family members, confidantes and specialist staff. The offer also includes public relations work, prevention as well as individual and group work.

➤ **ZARTBITTER e.V., Cologne**
(<http://www.zartbitter.de>)

Contact and information centre against sexual abuse against girls and boys that offers help, advice, prevention, further training and profession-specific advice in the field of sexualised violence, also specifically for boys, girls and adults. There is another Zartbitter e.V. facility in Münster.

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

Answer:

As part of the campaign "More Respect for Children" to strengthen parenting skills, the Federal Government has provided financial support to a number of projects and measures associated with providers of family education, further training and counselling (more details in the answer to question 54).

The Federal Government is increasingly supporting measures to ensure the protection of children and young people in upbringing. A main emphasis of Federal funding is on supporting measures and projects for the basic and further training of multipliers, primarily on the subject of the sexual abuse of children. The following projects are cited as examples:

The Bundesarbeitsgemeinschaft der Kinderschutz-Zentren have use financial support from the Federal Government to conduct four child protection forums dedicated to current problems in national child protection. Furthermore, it has sponsored specialist conferences of the Bundesarbeitsgemeinschaft der Kinderschutz-Zentren targeted at protecting children against sexual abuse. In addition to a "Parents' Course – Preventing Violence", a specialist conference on new children's legislation and specialist conferences on the subject of "Quality Assurance and Sexual Abuse of Children", "Prevention Projects for Young Parents" and "Internet – Field of Action for Child Protection and Youth Welfare" were conducted.

Since 1999 the Federal Government has supported the institution "The virtual child protection centre – interactive help for children and parents". The internet address is: "www.youngavenue.de".

In its "Agenda of the Federal Government against Child Abuse, Child Pornography and Sex Tourism" of 1996 (p. 15) and the "Action Plan of the Federal Government to Protect Children and Young People against Sexual Violence and Exploitation" of

2003 the Federal Republic of Germany laid down its sponsorship of the Informationszentrums Kindesmisshandlung/Kindesvernachlässigung (IKK).

The IKK is a nationwide, interdisciplinary information, counselling and networking office for the support of primary, secondary and tertiary prevention of child abuse and child neglect. As a national and international interface between research, practice and politics, it encourages transparency and productive cooperation between the various specialists.

The IKK collates diverse information and brings together important practical experience and research results. It gives impetus to innovative approaches for action based on comprehensive interdisciplinary findings with the aim of a demand-based further development of prevention work to protect children against violence. This encourages transparency, supports practical work and proposes new initiatives in the field of child abuse and neglect.

37. Describe the role played by the media in addressing violence against children.

Answer:

The media perform special functions and tasks in society. They serve the purposes of free, individual and public opinion formation and shape the ideas and behaviours of children and young people. They provide means of identification and aids for orientation.

Above all, the electronic media – broadcasting and online services – have a particular broad effect and suggestive force with which they can impact on children and young people – positively and negatively.

With regard to the possible media effects of the portrayals of violence, the Federal Government assumes that they cannot remain without impacts on children and young people if they are constantly presented violence as a normal and apparently socially acceptable way of solving conflicts – for example, on television and in other media. Although available studies do not prove any direct cause and effect principle with regard to the consumption of obvious portrayals of violence and the exertion of violence. But studies make it clear that the consumption pattern – especially if accompanied by other context factors – can favour violent action. If it coincides with family or social stress factors or if other multi-factorial causes need to be considered, excessively violent scenes can act as a pattern for identification and action.

Violence – whether it is borne, accepted or abhorred – is a part of human interaction and is therefore also a subject for the media. This applies both to reporting on real violence and to fictional portrayals of violence.

However, the media are not just a mirror of society; they also greatly influence it. Since it can be seen that today's society is increasingly losing "conventional" forms of integration and identification – such as churches, families, associations – and is becoming more individualistic, the integrative (model) function of the media because of its still growing use by people is gaining in importance. Media companies, programme organisers and service providers consequently bear social

responsibility for the community – in particular with respect to preventing violence against children.

Using the media – primarily electronic media – bodies with social responsibility (media companies, parents, kindergarten and school teachers) have the opportunity to address children and young people and to win them over for goals of coexistence with tolerance, non-violent action and the prevention of violence. The media are consequently important communicators for the problem of violence against children; through them possible solutions can be developed and the public's attention can be drawn to them. Society therefore needs the media where violence has to be stopped and to stand up for tolerance. The media also have the task of conveying these values and goals to the public, especially children and young people.

So that the media can actually perform these functions, it is essential that children and young people be enabled to handle the various media and the media offers. This is especially the case against the background that the media landscape is becoming increasingly complex and the applications require ever more extensive (technical and conceptual) knowledge. The declared goal of effective media protection of children and young people and of German media policy, but also of the media providers themselves is therefore to promote and strengthen the media skills of children and young people. The aim must be to enable young people to handle the media responsibly and to maintain a critical distance from problematic contents. That is why measures to teach and strengthen media skills, both to parents, teachers as well as children and young people, are a key element of the Federal Government's work.

In addition to a large number of effective PR measures, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth together with the magazine HÖRZU, ARD, ZDF and ARCOR is conducting the campaign "Schau hin! Was Deine Kinder machen" [Look! What your children are doing"]. "Schau hin!" says watch out: not everything on television or in computer games is suitable for children! Media consumption also entails dangers to children. "Schau hin!" is a friendly reminder to parents to take an interest in their children's media consumption.

Furthermore, a study on the subject of "Media and Violence" as compiled on behalf of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, which investigated the links between media use and the resultant propensity to use violence.

Dealings with information technology and new media is an integrated component of school education and vocational training in Germany. It is not just a matter of teaching technical knowledge, but also of media education considering all media, the orientation of values, critical perception and judgement capabilities and awareness of responsibility.

But individual self-perception and knowledge of foreign cultures can also be taught using the medium of film. Films can thus be a help for children's lives. The Federal Government's specific film promotion funds scripts and films that make children strong, teach them self-confidence and basic human values, but also tell of their dreams and stimulate their imagination (e.g. "Blindgänger", "Toni Goldwäscher", "Malunde"). In addition to the promotion of children's films with this goal, in the last few months, the Federal Government's Commissioner for Culture and Media, in

conjunction with the Film Promotion Agency and the film industry, set up a film skills agency "Vision KinogGmbH – Netzwerk für Film- und Medienkompetenz". This measure to strengthen film skills as part of the overarching subject of media skills is also based on the fact that the ability to understand and analyse film language puts children in a position to critically come to terms with the contents of films.

The efforts against violence and for tolerance is a shared task. In Germany, politicians and those responsible for the media actively work together to use media for good interaction and to promote consideration, tolerance and a freedom from violence as well as solidarity. In particular, the media themselves make an active contribution to removing portrayals of violence. This is part of the media's social responsibility that they practise in Germany with forms of self-monitoring.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section is designed to extract information on children's activities to address violence.

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.

Answer:

As part of involving children and young people, a workshop on the subject of sexual violence against children and young people was held in Berlin in March 2003. This workshop was initiated by terre des hommes and the Federal Government. Approx. 40 girls and boys aged between 13 and 16 took place in the workshop. One of the key demands of the young people was to strengthen the skills of friends so that they can act as mentors and offer help. More information can be found in the documentation "Unsere Stimme zählt" published in the autumn of 2003.

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details, including ages and other details of the children involved.

Answer:

Children and young people were involved in the production of the brochure "Ich habe Recht(e) – Ein Wegweiser durch das Strafverfahren für jugendliche Zeuginnen und Zeugen" [I've got rights/I'm right – A guide to the criminal law system for young witnesses]. Young people who have been the victim of a crime are often fearful of reporting the act. They do not know what to expect and what role they will have as the injured party in the investigation and court case. A Federal Government-*Länder* working group produced the brochure to take this uncertainty away from boys and girls. The brochure uses age-appropriate language to tell young people about how criminal proceedings work. In particular, it helps children and young people who are affected to make better preparations for the criminal proceedings and to feel more secure overall.

40. Describe the amount and type of resources made available to support children's participation in activities to address violence against children.

Answer:

The Federal Government paid the costs for the participation of children and young people in the production of the brochure described in question 39.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.

41. Does your Government have a comprehensive policy concerning violence against children?

If YES, provide details and describe any gender-specific provisions included in the policy.

Answer:

Cf. response to Question 16.

Furthermore, the subject of "Violence against Children" is the subject of the National Action Plan "For a Child-Friendly Germany 2005-2010" (NAP) adopted by the Federal Government on 16 February 2005. In particular, the NAP ties into the Second World Children's Summit, which took place in New York in 2002. By signing the final document of this Conference, which is designed to help improve the lives of children all over the world, the Federal Republic of Germany undertook to produce a National Action Plan that should contain specific goals and measures.

In the National Action Plan the Federal Government places six fields of action at the heart of its child-friendly course. There are other chapters as well as the subject of growing up without violence: Equality of opportunities through education; promoting a healthy life and a healthy environment; participation by children and young people; developing an appropriate standard of living for all children and international obligations.

The deliberations on the field of violence contains analyses of problems on the one hand, but above all specific measures designed to help make Germany more child-friendly in the next five years. The individual subjects that are dealt with are

- Violence and child neglect in upbringing,
- Children as witnesses and parties to violence between partners,
- Violence among children and young people,
- The media and violence.

The creation of child-appropriate living conditions for the future generations is a matter for all citizens. It is in the overall interest of our society because the future viability of our community depends on it. That is why it was important for the Federal Government not only to involve representative of all governmental levels, including the Children's Commission of the German Bundestag, in producing the NAP, but also the non-governmental organisations and the children themselves. Children – and, according to the definition of the United Nations, they are young people under the age of 18 – contributed their ideas to the Action Plan as part of a specially designed participation project. These contributions have been included in the NAP.

But that was not the end of the involvement of young people. Within the context of Project P, a joint participation initiative of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the Deutscher Bundesjugenring and the Bundeszentral für politische Bildung, many thousands of children and young people will have the opportunity to deal with the contents of the National Action Plan in more detail. The ideas on the Federal Government's proposals developed in the National Action Plan will then be presented to the Federal Cabinet again.

The NAP is currently being translated into English and will then be submitted to the United Nations so that it can be used within the framework of this study.

Another element in the Federal Government's policy of making Germany more child and family friendly are the "Local Alliances for the Family". In the opinion of the Federal Government, the move towards more family-friendliness in society must be done on a decentralised level. That is why the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth called the initiative "Local Alliances for the Family" into being with personalities from business, local government and associations. Representatives of companies, local authorities, chambers, associations, churches and charities are involved in this broad-based initiative, which was launched nationwide in early 2004. The initiative "Local Alliances for the Family" intends to strengthen activities and encourage the initialisation of new alliances. A key element of this is the service office established by the Federal Ministry in Berlin. From January 2004 to the end of 2006 it has offered free advice on setting up alliances and support for ongoing work. Currently, advice is offered at around 250 locations. Throughout Germany, over 120 local alliances have already declared themselves prepared to participate. They include alliances that stand up for suppressing violence against children.

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?

If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home						
Schools						
Interior Designs						
Neighbourhood / Community						
Workplace						
Law enforcement						
Other						

Answer:

Reference is made to the answers to questions 12, 16, 36 and 54.

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children?

If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

Answer:

Generally, the Federal Government is interested in improving the situation of children – i.e. also preventing and combating violence against children – and in observing current developments for this purpose. That is why the Federal Government attaches great importance to monitoring the implementation of the Convention on the Rights of the Child. In Germany there are many efforts included in monitoring. In particular, they include:

- In Germany there are approx. 500 children's parliaments including the children's councils and round tables as well as children's forums in which children exercise their right to co-determination and demand their rights, specifically relating to their surroundings and lives.
- Otherwise, reference is made to the many regulations of the Federal Government, the *Länder* and the municipalities that contain participation obligations mentioned in Part III D of the Second Report of the Federal Republic of Germany on the Implementation of the United Nations Convention on the Rights of the Child. This report can be found on the internet at www.bmfsfj.de.
- Children's commissioners have been deployed in many municipalities; their job is to represent the concerns of children. The Convention on the Rights of the Child is a main reference point of their work. There are now approx. 350 children's commissioners in Germany.
- The Commission for Children's Concerns of the German Bundestag is one of the most important bodies involved with the implementation of the Convention. The Commission was deployed again in 2002 at the beginning of the current legislative period of the Bundestag.
- The National Coalition was specially founded with the aim of monitoring implementation of the Convention. The Federal Government funds the National Coalition to the tune of approx. € 95,000.00 per year.
- Furthermore, children's rights are the subject of teaching children by kindergartens, schools and youth associations. They are often also an explicit reference point of the work of these institutions.

All of these bodies work on relevant child policy issues. They are subjects that they have often set for themselves or that have been suggested by children. Because children always approach these bodies directly with their concerns.

Irrespective of the elements of monitoring described, the Federal Government is still concerned to optimise monitoring within the framework of the federal structures of the Federal Republic.

As part of the National Action Plan "For a Child-Friendly Germany 2005-2010" (cf. question 41), which deals specifically with "Growing Up without Violence", the Federal Republic has designed its own procedure for monitoring and evaluation that includes measures against violence:

- The Federal Government will propose that the Conference of Youth Ministers and the working group of the supreme *Land* youth authorities regularly deal with the implementation of the National Action Plan in their meetings. Questions on the implementation of the UN Convention on the Rights of the Child should also be included because there is a close link between the Convention and the National

Action Plan. This opens up the opportunity of making children's rights into a priority subject of the deliberations of the Federal *Länder*, in which the Federal Government plays a key role.

- The Federal Government intends to use the children's and young people's reports that deal with the situation of young people in Germany for monitoring or evaluation.
- The 3rd State Report on the Implementation of the UN Convention on the Rights of the Child, which is due in 2009, will also include an evaluation of the results of the National Action Plan. The Federal Government is thus adhering to a proposal from the final document of the 2002 World Children's Summit.
- In 2007 the Federal Government will conduct a congress, with the participation of non-governmental organisations, with the aim of reaching conclusions and updating the National Action Plan. For this, the Federal Government will submit an interim report on the implementation of the National Action Plan.

Reference is made to the answer to question No. 16 for the monitoring of the Federal Government's Action Plan to protect children and young people against sexual violence.

Physical violence against children is always an infringement of the Criminal Code, neglect only above a certain degree of severity. These offences are recorded in the police crime statistics that are published every year. These also identify how often children have been victims of violence.

Furthermore, if necessary studies are commissioned that investigate the extent of the physical and psychological violence against children.

44. Does your Government participate in any internationally coordinated activities concerning violence against children?

If YES, please provide details.

Answer:

The Federal Government has long been involved in all international measures that make an effective contribution to combating violence against children.

In the field of combating the commercial sexual exploitation of children, for example:

- The 1st World Congress against the Commercial Sexual Exploitation of Children in Stockholm in 1996,
- The regional Preparatory Conference for Europe and Central Asia in Budapest for the 2nd World Congress against the Commercial Sexual Exploitation of Children in Yokohama/Japan in December 2001,
- The 2nd World Congress against the Commercial Sexual Exploitation of Children in Yokohama/Japan in December 2001,

In the field of child trafficking and the sexual exploitation of children, particularly serious forms of violence against children, Germany is very heavily committed at international level.

A working group for the protection of children in the Baltic Sea area has been established within the context of Baltic Sea cooperation, building on the existing

internet-based network. It supports the Baltic states in initiating specific prevention projects, including combating child trafficking and the sexual abuse of children.

A key focus of German activities in the human rights bodies of the United Nations in recent years was to draw the attention on the international community to the global evil of trafficking in women and children. When dealing with the subject, the aim was to expand the perspective towards improved human rights protection for the victims of trafficking in women and children.

Among other things, this goal was promoted by a discussion event jointly organised by Poland, Germany and the NGO "Franciscans International" on the periphery of the 59th session of the UN Human Rights Commission entitled "Trafficking in Women – Victim Protection as a Field of Action for Government Policy and Transboundary Cooperation using the example of Germany and Poland".

Moreover, the working group on "Children Moving across Borders" as deployed upon a German suggestion during the children's rights conference "Making Europe and Central Asia Fit for Children" meeting in Sarajevo from 13 – 15 May 2004, in order to deal with the subject of child trafficking thoroughly. The Conference, which continued the "Berlin Process" initiated by the Preparatory Conference for the World Children's Summit and was under the shared auspices of the governments of Bosnia and Herzegovina and Germany and the UN's children's charity, UNICEF, made a call to all states in the region, supported by the 44 participating countries from the region Europe and Central Asia, numerous international organisations and NGOs as well as 27 young delegates, to take effective measures to end child trafficking.

The commitment of the Federal Government was rewarded when a unanimous was accepted at the 60th Human Rights Commission upon a German initiative to appoint a special rapporteur on the subject of "Trafficking in persons, especially women and children". The Bangladeshi lawyer Sigma Huda was appointed to the responsible position of the special rapporteur. It will be her task to report to the UN Human Rights Commission on current developments in human trafficking from a human rights perspective and to make recommendations as to how these crimes can be more effectively prevented and its victims more effectively protected. The Federal Government sees the future active support of the mandate and support for the work of the special rapporteur as an important contribution to constantly drawing the attention of the international community to the importance and urgency of combating human trafficking, especially trafficking in women and children and in the protection of the dignity and human rights of its victims.

Among other things, in March 2002 the Federal Government set up an interministerial German-Czech-Polish working group to combat transboundary crime in relation to smuggling, human trafficking, in particular trafficking in women, and the prevention and protection of children against sexual exploitation, which is made up of representatives from the interior ministries as well as the local police and border guards and NGOs and deals with problems of transboundary crime and coordinating tri-state cooperation.

Furthermore, the Federal Government actively took part in the 2nd International Congress against Sexual Exploitation in Yokohama in December 2001 (organised by the Japanese government, UNICEF and two non-governmental organisations). As a concrete result of the Yokohama Congress, the Federal Government adopted the

Action Plan to Protect Children and Juveniles against Sexual Violence and Exploitation in 2003 and is now implementing it. The action Plan also comprises international cooperation and networking with respect to the problem of sex tourism.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

45. Over the past five years, has there been any victimisation, epidemiological or other population-based surveys of any forms of violence against children in your country?

If YES, provide details or references, or attach.

Answer:

There is no specific picture of the situation concerning "Violence against Children". Regardless of this, relevant pieces of information can be found in both the annually published police criminal statistics and the First Periodical Security Report of the Federal Government.

46. Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children?

If YES, provide details.

Answer:

Comprehensive accompanying research was commissioned to evaluate the effects on non-violent upbringing of the legislation in force since November 2000. These results were compared with those of previous studies from the 1990s and published in the brochure "Eine Bilanz nach Einführung des Rechts auf gewaltfreie Erziehung" [Appraisal after the Introduction of the Right to Non-Violent Upbringing]. The brochure is enclosed in English and German (Annex B, only in paper form). It can be called up on the internet (www.bmfsfj.de – under Publications -).

- Parents' Study (October 2001): nationwide, representative face-to-face interviews with 3,000 parents of children aged under 18.
- Young People's Study (March 2002): nationwide, representative face-to-face interviews with 2,000 young people aged between 12 and 18.
- Multipliers' Study (October 2001): Nationwide, representative written survey of 1,074 practitioners in governmental and non-governmental counselling and assistance institutions.

The results of the "Parents' Study" on the "Act to Banish Force in the Upbringing of Children and Juveniles" with regard to the use of violence against children can be summarised as follows:

The introduction of a right to non-violence upbringing meets with extraordinary broad approval. Around three quarters of parents are of the following opinion: "Slapping is a punishable physical injury against all people, there is no reason why that should be any different when chastising children" (74%). The majority of parents (54%) also agreed that the law also ensured clarity in this area of life: "Parents interpret their right to chastise very differently, meaning that the limits

can only be clearly set by a law.” Only 13% of parents are of the opinion that parents should set their own limits without any legal restrictions, only 16% still believe in an inviolable natural right of parenting. Violence in upbringing has today largely lost its traditional normality and acceptance. Compared to previous studies (1995/1996), a positive development in parenting attitudes can thus be seen. Over 80% of parents today believe that non-violent upbringing is right and are of the opinion that parents would be better to talk to their children (82%). Over half say that if they do hit their children it is not because of an educational philosophy, but out of helplessness (57%). Even most parents affected by violence aim for non-violent upbringing (74%), but even this group now expresses doubts about the benefits of physical punishments. The fact that the reality in this group is often very different is due to the mechanism of the “cycle of violence” and that this group often does not define physical attacks as violence, meaning that they very rarely contradict their own attitudes rejecting violence.

The results of the “Youth Study” on the “Act to Banish Force in the Upbringing of Children and Juveniles” with regard to the use of violence against children can be summarised as follows:

The comparison with the 1992 study shows a drastic fall in the use of violence in upbringing. In the case of light slaps from 81% to 69%. Serious physical punishments are experienced only by a small minority (beating: 3%, in comparison to 1992: 30%). The fall in serious physical punishments in recent years was an average of 30% and was not compensated for by parents with a corresponding rise in other sanctions (forms of psychological violence, bans). Gender-specific differences are slight. However, the proportion of girls falls as the severity of the physical attacks increases/ Nevertheless: even today around 16% of children and young people still undergo an upbringing marred by violence.

There are many empirical national and international studies on the violent victimisation of children and young people. For example, reference is made to the deliberations in the 1st PSR, p. 494 – 512, 564 – 567.

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?

If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail.

Answer:

Here, reference is made to the databases of the German Youth Institute [Deutsches Jugendinstitut – (DJI)]. www.dji.de

Furthermore, cf. answer to Question 46.

48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children?

If YES, provide details or references, or attach.

Answer:

Reference is made to the answer to question 12.

49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?

Provide details.

Answer:

There is no special system for official inquiries into child deaths. However, it is generally the case that if there are any indications that someone – irrespective of his or her age – has died a non-natural, not necessarily violent, death, or if the corpse of an unknown person is found, it must be reported immediately to the public prosecutor if the local court (cf. Article 159 of the Code of Criminal Procedure). The public prosecutor then checks whether there is an initial suspicion of a crime to be investigated (Article 152 para. 2 of the Code of Criminal Procedure). If it comes to a positive result, it is required to start investigations, under the scope of which a post mortem examination and autopsy are considered to determine the cause of death (cf. Article 87 of the Code of Criminal Procedure).

50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?

If YES, what proportion of all homicide deaths are under the age 18?
.....%

Answer:

As already stated in the answer to question 49, there is no special system for official investigations in child deaths. Consequently, there cannot be any regularly published reports on them. Otherwise, information about the trends in registered cases of violence against children can be found in the police crime statistics and the Federal Government's Periodical Statistical Report (cf. answer to question 1).

The number of victims of recorded homicides below the age of 18 can be found in the annually published police crime statistics. In 2003 a total of 155 victims under the age of 18 were recorded for the offences of murder, manslaughter and bodily injury leading to death. For further details, reference is also made to the enclosed tabular overview: Federal Office for Criminal Investigation KI 12-5907/627.04 police crime statistics, extract from the time series for Table 91 (Table 2, Annex A).

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply):

Sex	
Age	
Ethnicity	
Manner of death (homicide, suicide, undetermined)	

External causes of death (firearm, strangulation, etc.)	
Geographical location of incident (address)	
Scene of occurrence (home, school, etc.)	
Time and date of incident	
Victim-perpetrator relationship	
Other:	

Answer:

Table 2 (Federal Office for Criminal Investigation KI 12-5907/627.04 police crime statistics, extract from time series to Table 91) breaks the victim structure down for the offences recorded into age (for the area of interest here: under 6; 6 to under 14; 14 to under 18) and sex (Table 2, Annex A).

Table 92 of the police crime statistics (2003) gives an overview of the victim-perpetrator relationship, with the following categories being recorded: relationship; acquaintance; fellow national; slight prior relationship; no prior relationship; undeclared (Table 3, Annex A).

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

Answer:

The answer to the question depends on how the extremely heterogeneously used term "violence" is defined. The police crime statistics include the following offences under "violent crime": murder; manslaughter and killing on request; rape and sexual coercion; robbery, blackmail with robbery and theft from drivers; bodily harm resulting in death; dangerous and serious physical injury; robbery with blackmail; hostage-taking; attacks to air and sea traffic. For the figures of victims of violent crime under the age of 18 in the period 2000-2003 reference is made to the enclosed tabular overview Federal Office for Criminal Investigation KI 12-5907/627.04 police crime statistics, extract from the time series for Table 91 (Table 2, Annex A).

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

Answer:

Reference is made to the answer to question 12.

VII. AWARENESS, ADVOCACY AND TRAINING

This section is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children which may have been conducted by your Government.

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?

If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.).

Answer:

The Act that entered into force in November 2000 was accompanied by the campaign "More Respect for Children". On the one hand, this measure was designed to publicise the change in the law, on the other hand it was concerned with telling parents and society about the necessary paradigm change in upbringing and to raise their awareness of the problem of violence in upbringing. Parents were to be given support in overcoming conflict situations and stress situations without violence, i.e. to be familiarised with alternatives. The campaign was launched in September 2000 and ended at the end of 2002. It comprised a multimedia roof and a foundation of practical projects and on-site campaigns.

In the on-site campaigns, parents and all of the local organisations and institutions involved in bringing up children were motivated and encouraged to take part in a dialogue about upbringing issues in around 35 towns/districts all over the country. It was based on the consideration that directly involving parents in an active discussion process is the best way of achieving the change in awareness intended by the law.

The on-site campaigns were used to take the matter to the public and convey all of its facets in line with the regional conditions, alternative conflict solving methods were brought into the discussion, they helped local networking, the various institutions involved in upbringing were brought around a table (counselling, family education, youth welfare offices, schools, kindergartens, etc.) and the local counselling and help offerings were strengthened in their role as a central contact point.

The parental group work of local authority and private providers was also specifically included in the on-site campaigns and particular target groups, such as foreigners/repatriates were addressed. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth provided impetus for initiatives and discussions. But the concrete campaigns remained in the hands of those directly involved.

The documentation "More Respect for Children 2000 – 2002" (Annex B, only in paper form) provides an overview of the objectives, measures, activities and experience. It can be called up on the internet (www.bmfsfj.de – under Publications -).

As part of the campaign "More Respect for Children", a number of projects and measures associated with providers of family education, further training and counselling were conducted or launched to strengthen parenting skills.

For example, the following projects can be cited here:

- Drawing up seminar concepts and strategies on the subject of non-violent upbringing in family education
- Workshops for multipliers of family education
- Non-violent upbringing as an interdisciplinary task of family education (multiplier projects)
- Mobile parents' schools (low-threshold parental education offers)
- Various letters to parents
 - Three special letters to parents on the subject of violence (general violence, sexual abuse and non-violent upbringing)
 - German/Turkish letter to parents on non-violent upbringing
- Strong Parents – Strong Children (parental education project)
- Violence in families – Bringing people up with dignity (project for political education)
- Dealing with conflicts in the neighbourhood using mediation (neighbourhood project)

In April 2004 the Federal Government launched the prevention campaign "Look.Do.Help" against the sexual abuse of children. The campaign is designed to raise adults' awareness of the subject and provide information of qualified offers of help and counselling centres. It is enshrined in the "Federal Government's Action Plan to Protect Children and Juveniles against Sexual Violence and Exploitation".

More information on the prevention campaign against the sexual abuse of children and juveniles:

Start: 20. April 2004 in Berlin

Period: until the end of 2004

Target Group: Parents, adults in the environment of children as well as multipliers (e.g. from schools, child day care centres, etc.)

Aims of the Campaign:

To achieve general awareness and further knowledge of the subject,

To create awareness that every individual can do something about child abuse,

To provide information on qualified offers of help and counselling centres.

To develop persona and thematic alliances in the interest of the children and their families.

Approach of the Campaign: The subject matter should be addressed at a level that is as calm and confidential as possible – emotional, but not shocking. Information instead of sensation.

Implementation: In integrated campaign with advertising, PR (press work) and online presence (internet).

Testimonials: Inclusion of celebrities from sport, music, film, TV, show business, business and politics

Headline Text for Posters, Adverts: e.g. Wer schweigt, lässt die Opfer allein [Be silent to leave victims alone]. Schützt Kinder vor sexueller Gewalt [Protect children against sexual violence]

Logo: Hinsehen.Handeln.Helfen! [Look.Do.Help!] Subline: www.hinsehen-handeln-helfen.de.

Use of the Adverts: Whole-page adverts in general appeal magazines, large posters, possibly city light posters, TV adverts, possible cinema adverts as part of releases that are made available via media partners.

Press and Media Work: The aim is to keep the subject present in regional and national daily and weekly newspapers, general appeal media, women's magazines, TV, radio, online media, etc. for the duration of the campaign. Federal Minister Renate Schmidt, experts and celebrities are to be involved in the media work for this (e.g. with named articles, interviews, advice programmes, expert telephone campaigns).

The campaign will be accompanied by intensive press and media work from the campaign office, both at regional and national level.

The Bus Tour: A bus specially fitted out in the campaign look will travel through towns and municipalities in the 16 Federal *Länder* for approx. 3 months (from April to June). A high-profile media start at each location will include press discussions with the Federal Minister with her *Land* counterpart on selected dates. The bus will be equipped with a campaign package, comprising an internet terminal in the bus and information offers.

Internet: All of the elements of the campaign are brought together on a website. The central element is a database of advice facilities throughout Germany.

55. How were the campaign messages and information disseminated (check all that apply)?

Answer:

Print media	X
Radio	X
Television	X
Theatre	X
Schools	X
Other	X

In addition, reference is made to the answer to question 54.

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children?

If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply).

	Preventio n	Protectio n	Redres s	Rehabilitati on	Penaltie s
Medical Professionals (including paediatricians, nurses, psychiatrists and dentists)					
Public health practitioners					
Social workers and Psychologists					
Teachers and other educators					
Court officials (including judges)					
Police					
Prison officers					
Juvenile offenders personnel Institution personnel Parents/guardians					
Other (please specify)					

Please provide details.

Answer:

In the field of licensing in the medical profession the Federal Government's power is not sufficient to offer programmes in the field of violence against children. But the Federal Government's training regulations in the field of the medical profession do allow the field of violence against children to be dealt with in training. Programmes on this are possible in further and advanced training.

The basic, further and advanced training of public health practitioners is a matter for the *Länder* and is taken care of by the Academies for Public Health in Düsseldorf and Munich.

According to information from the Academy for Public Health in Munich, the subject of violence and neglect from the point of view of a paediatrician has been taught in three hours for the last six years as part of the course for higher health service ("Public Health Practitioner Course").

According to the Academy for Public Health in Düsseldorf the subject of violence against children has been included with 4-6 lecture units in the curriculum of the course for public health doctors in the last five years. The focus of the content is on the field of: prevention, protection and therapy. Violence against children is also being dealt with by a new offering from the Academy, the Basic Course in Social Paediatrics. Here, too, at least 4 lecture units are planned.

The Federal Government sponsors violence prevention projects in schools that mainly aim to enhance the self-confidence and conflict-solving abilities of the children and young people by improving the social school quality and the atmosphere in the school. They also contribute directly to preventing violence against children. The projects contain elements for teacher further and advanced training, but are not training programmes in the classical sense, much rather school development programmes where the teaching staff in schools acquire skills. In this connection, reference can be made to two projects that the Federal Government conducts together with the *Länder*:

- The aim of the Federal Government-*Länder* model programme "Learn and Experience Democracy" is to promote the democratic skills of pupils and a democratic school culture. "Learn and Experience Democracy" is understood as an innovative school development programme that combines aspects of school development with the promotion of the democratic culture involving the social environment of schools and pupils. A relevant internet structure (www.blk-demokratie.de) has been set up so that schools, pupils, teacher and parents who do not directly participate in the programme are able to participate in the information and findings of the programme in the interests of a broad transfer effect.
- At the heart of the integrated research and further training project "Our School...Social School Quality; Internal Evaluation/Further and Advanced Training" is the evaluation of the social school quality, the development of further training profiles in schools and the setting in

motion of a further training process via a distance learning course comprising 26 flexible optional modules (including school apathy and school rejection, teaching about conflicts – mediation, activating parental work in school, school development and prevention). Starting with a representative pupils' survey on juvenile delinquency and school quality, a data report will be compiled for every single school which is designed to support the school in developing its own further training profile. This project was initially developed for the secondary level, since 2004 it has been extended to primary schools.

As part of the campaign for non-violent upbringing, nationwide further training courses on non-violent upbringing have been and are conducted in the field of family education and counselling. For more details, cf. answer to Question 54.