



Convention on the Rights of the Child

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Consideration of reports of States parties

List of issues in relation to the third and fourth periodic reports of Germany

Addendum

Replies of Germany to the list of issues*

[1 November 2013]

Part I

In this section, the State party is requested to submit its responses to the following questions (30 pages maximum).

- 1. Please provide updated information on the measures taken by the State party in follow-up to its National Action Plan “Für ein kindergerechtes Deutschland 2005-2010”. In doing so, please provide details on measures taken to evaluate the said National Action Plan and establish a comprehensive policy and strategy for the further implementation of the Convention.**

1. Central national conferences were held on each of the six fields of action addressed in the NAP. The participants were drawn from a broad range of social groups and included children and young people. In order to translate the intentions of the NAP in the everyday lives of children and young people, 35 municipalities were invited to take part in the process of deliberating how local measures to ensure a child-friendlier local environment can be implemented.

2. The “Quality Standards for the Participation of Children and Youth” drafted within the framework of the NAP are noteworthy. The widespread adherence to these quality

* The present document is being issued without formal editing.



standards will serve to advance the cause of structurally anchoring participation in the everyday lives of children and young people as well as in institutional contexts.

3. The final conference on the NAP took place on 9 December 2010 under the motto “Perspectives for a Child-Friendly Germany” and received wide public attention in the wake of addresses by the Federal Minister of Family Affairs, Senior Citizens, Women and Youth and the UN Special Representative of the Secretary General on Violence against Children Marta Santos Pais.

4. The final report was drafted in cooperation with all of the participants, including young people, and formulated guidelines and perspectives for continuing to work towards our goal of a child-friendly Germany.

5. The website www.kindergerechtes-deutschland.de reflects all of the activities for implementing the NAP and provides access to the results along with other materials for further use. The “Qualitätsstandards für die Beteiligung von Kindern und Jugendlichen” (Quality Standards for the Participation of Children and Youth), the final report “Perspektiven für ein kindergerechtes Deutschland” (Perspectives for a Child-Friendly Germany) and other material can be found there and accessed at any time. There is still considerable traffic on the website, which shows that the effects of the impulses provided by the NAP continue to be felt even after its official conclusion.

6. The Federal Government provided important impulses for a more child-friendly Germany through the National Action Plan (“Für ein kindergerechtes Deutschland 2005-2010”), initiating a sustainable process in German society in which political actors from all levels of government, non-governmental organisations and associations, researchers and professionals as well as children and youth participate.

7. An expert opinion drafted by the German Youth Institute in 2012/2013 shows that the developments that were initiated by the NAP have had sustainable effects beyond the formal duration of the programme. In the fields of action that were studied, participation, education and health, numerous positive developments could be identified. This pertains to new legal regulations, e.g., the legal obligation to establish a complaint management system in residential child and youth services institutions, as well as for the further development of professional discourse and actual practice. It has established a good basis for meeting further challenges.

8. Current political initiatives introduced by the Federal Government are based on the NAP, including the development of a new Youth Policy, which began in 2011. It focuses on adolescents and young adults up until entry into working life and will develop a holistic approach to this phase of life. Our experience with and the results of this independent youth policy also inform the Federal Government’s Demographic Strategy. The working group “Jugend gestaltet Zukunft” (Youth Shapes the Future), in which representatives of various government departments will participate along with partners from civil society, will begin addressing the concerns of young people in a period of demographic transition as of 2014.

2. Please provide updated details on measures, if any, taken to provide its National Human Rights Institution with a mandate, along with adequate human, technical and financial resources, to monitor the implementation of the Convention and receive complaints on its violations.

9. In view of the recent ratification of the Optional Protocol on a communications procedure, the Federal Government currently sees no necessity of additionally providing the German Institute for Human Rights with a special mandate and funding for monitoring the Convention on the Rights of the Child in Germany. Regardless of this, other options for strengthening children’s rights in Germany are being reviewed.

3. Please provide detailed information on measures taken, including legislation, to ensure respect for children's rights by the business sector.

(a) Act on the Protection of Young People at Work Place

10. Children and young people must be comprehensively protected in the working world, because the strain placed upon them in the working environment not only affects them directly, it also affects their long-term development.

11. That is why the Act on the Protection of Young People at Work prohibits child labour. When young people are employed, special measures for safety and health in the workplace that take account of their special need for protection are required.

12. The text of the Act on the Protection of Young People at Work and the Ordinance on the Protection against Child Labour that was enacted on this basis of the Act can be found (in German) under the following links on the webpage of the Federal Ministry of Justice:

(a) <http://www.gesetze-im-internet.de/bundesrecht/jarbschg/gesamt.pdf>;

(b) <http://www.gesetze-im-internet.de/bundesrecht/kindarbschv/gesamt.pdf>.

(i) Fundamental Provisions for Protection

13. The fulltime employment of children and young people who are still obliged to attend school is prohibited (Section 5 (1) in conjunction with Section 2 (3)).

14. Young people shall not be employed for longer than eight hours per day and not more than 40 hours per week (Section 8). As a rule, they shall not work on more than five days per week (Section 15).

(ii) Special Protection for Young People

15. Young people shall not be employed on Sun- and holidays. Exceptions are possible in some legally determined areas, such as in hospitals and the hospitality industry (Sections 17, 18).

16. Young people must be allowed to take 30 minute breaks when working for periods in excess of four and a half hours and 60 minute breaks when working for periods in excess of six hours (Section 11).

17. When young people are employed, the shift (working time plus breaks) shall not exceed ten hours (Section 12).

18. Young people shall only be allowed to work between 6:00 am and 8 pm. Exceptions are allowed, i.e., in the hospitality industry and in shift work.

19. After completing a day's work, young people shall not commence work again before at least 12 hours of uninterrupted free time (Section 13).

20. Employers must grant young people paid holidays every calendar year on a scale graduated according to age (Section 19).

21. Young people shall not engage in dangerous work, particularly not in work that exceeds their capabilities or involving increased danger of accidents. Exceptions are only admissible when necessitated by the requirements of vocational training and the protection of young people is ensured by the presence of a qualified supervisor (Section 22). Piecework and other time-dependent work are prohibited for young people (Section 23).

22. A young person entering working life shall only be employed pending a previous examination by a physician and when certification by said physician is provided to the employer (Section 32).

23. Employers must grant young people leave from employment in order to attend classes at a vocational school. Employing a young person before a class that begins at 9:00 is prohibited. A vocational school day in excess of 5 hours will be equated to 8 working hours (Section 9).

(iii) *Special protection for children and young people who are obliged to attend school fulltime*

24. The employment of children over the age of 13 and young people who are obliged to attend school fulltime is admissible under certain circumstances. In such cases, employment is to be limited to no more than two hours per day between 8 am and 6 pm, never before or during school hours, not more than five days per week and, as a rule, never on Saturdays or on Sun- and holidays. Children shall only be allowed to perform simpler tasks in keeping with their abilities (Section 5 (3)). Tasks admissible for children are enumerated in the Ordinance on the Protection against Child Labour. These include such tasks as services in private households (e.g., caring for children, tutoring, running errands) and tasks in the agricultural sector. Employment in a commercial context is inadmissible with the exception of the delivery of newspapers, magazines, advertising and flyers.

25. The employment of young people who are obliged to attend school fulltime is also admissible during school holidays, however only for a maximum of four weeks per calendar year (Section 5 (4)). In such cases, the provisions of the Act on the Protection of Young People at Work, cited above, apply.

26. In addition, the employment of children in the field of culture and the media is also admissible under certain circumstances subject to prior approval by the authorities responsible for monitoring health and safety at work (Section 6).

(iv) *Monitoring of the Act on the Protection of Young People at Work*

27. Adherence to the provisions of the Act on the Protection of Young People at Work is monitored by the authorities responsible for monitoring health and safety at work in the individual Länder. The authorities investigate complaints regarding non-adherence to the provisions within the context of their monitoring activities and engage in specific activities for the purpose of auditing, informing and advising employers, children and young people as well as their parents.

28. Offences against this law are punishable by fines of up to € 15,000 or imprisonment of up to one year.

29. The federal government supports these activities within the context of its public relations work and through the publication of a brochure on the protection of children and young people at work.

(b) **Children's rights in the tourism industry**

30. Children and young people in countries that are commonly tourist destinations must be protected against becoming victims of sexual violence and exploitation. In order to start by enhancing appropriate measures in German-speaking countries, the governments in Germany, Austria and Switzerland launched an information campaign in cooperation with the tourism industry to protect children and young people against sexual exploitation in tourism on World Tourism Day 2010 (27 September). Other countries, including France and Luxembourg, joined in the campaign in early 2013. On the one hand, the campaign uses a video advertisement as part of an information initiative to inform travellers in all of the countries. On the other hand, police authorities in Germany and the other participating countries have established special contact addresses under which travellers can report suspicions of such criminal activities.

4. Please provide updated information on measures taken to ensure the prioritisation of the right of the child to have his or her interests taken as a primary consideration in all legislative, executive and judicial processes, decisions and outcomes in the State party. In doing so, please provide specific details on measures taken to guarantee this right in the legislation on refugee status determination.

31. The welfare of the child is a guiding principle in the German legal system. This is especially true with regard to German law on the parent-child relationship. Hence, under Section 1697a of the Civil Code, courts pass judgement in custody and contact rights proceedings, provided no other provisions have been made, in keeping with the child's best interests in light of the actual circumstances and options as well as the justified interests of all of the parties. Special provisions can be found in Sections 1627, 1666, 1671, 1684 and 1685 of the Civil Code. Under Section 1627 (1) of the Civil Code, the parents shall exercise their rights to care for the child on their own responsibility and in mutual agreement for the benefit of the child. If the physical, mental or psychological welfare of the child or the child's property are endangered and the parents are not willing or not able to avert this danger, the family court is obliged to take the measures necessary to avert the danger (Section 1666 (1) of the Civil Code). Under Section 1671 (1) (2), the family court must approve applications to assign sole parental custody or partial parental custody to the applicant, when the parents who share custody are not only temporarily separated and it is to be expected that suspension of joint custody and assignment to the applicant best serves the child's welfare. Under Section 1671 (2) (2) of the Civil Code, the father can apply to the family court for the assignment of sole parental custody or partial parental custody in cases where the mother's sole custody results from her not being married to the father of the child and no custody declaration has been submitted; the application is to be approved, when joint custody is out of the Question and it is to be expected that the assignment to the father best serves the child's welfare. The family court can limit or prohibit contact between a parent and a child under Section 1684 (4) of the Civil Code when this is deemed necessary for the welfare of the child. Under Section 1685 of the Civil Code, grandparents, siblings and others also have a right to maintain contact with the child if this serves the child's best interests.

32. The welfare of the child also plays an important role in relation to paternity law. Hence, it is only admissible for a child's legal guardian to contest paternity under Section 1600a (4) of the Civil Code when this best serves the child's welfare. Under Section 1598a (3) of the Civil Code, courts can suspend proceedings to determine paternity if and for as long as the determination of paternity considerably compromises the welfare of the minor child in a manner that is unacceptable despite the concerns of the party with a right to clarification.

33. The welfare of the child is also the guiding principle in social law governing child and youth services. On 1 January 2012 an additional reform came into force in Germany with the new Federal Child Protection Act. The Federal Child Protection Act represents a comprehensive improvement in child protection in Germany. It promotes both prevention and intervention in relation to protecting children and strengthens the position of all of the actors who engage in efforts to promote children's welfare – beginning with the parents and including paediatricians and midwives through to youth services agencies and family courts. This especially enhances the position of children and young people themselves: the law provides them with their own subjective claim to assistance in crisis and conflict situations. It also obliges institutions in child and youth services to establish appropriate mechanisms for registering effective complaints. The law also more concretely defines the obligation on the part of the state and service providers to provide protection when the welfare of the child is in danger. For example, home visits are now obligatory in cases in which the child's welfare is deemed to be in danger, provided that such visits do not

compromise the effective protection of the child and such visits are deemed necessary in the wake of a professional assessment.

34. In the wake of the Act Strengthening the Rights of Victims of Sexual Abuse of 26 June 2013, provisions important for the protection of children who appear as victims in criminal proceedings have been expanded and improved. For example, there are now greater options for recording the questioning of witnesses by a judge on video during investigative proceedings so that the court has the option of assessing their testimony during the subsequent main proceedings rather than requiring the witness to submit to renewed questioning (Sections 58a and 255a (2) of the Code of Criminal Procedure). The tremendous stress placed upon children and young people during criminal proceedings must be explicitly considered when deciding whether to exclude the public during the questioning of children and young people in the future (Section 171b (1) (3) of the Judiciary Act). The Act Strengthening the Rights of Victims of Sexual Abuse also expands the opportunities for pursuing the charges at a regional court, in cases where the victims require special protection as witnesses in order to ensure that children, in particular, are not forced to suffer through a second hearing when appearing as victims of sexual crimes (Section 24 Judiciary Act). In order to better fulfil the intention of protecting minor witnesses, the special responsibility of the regional court for cases involving the protection of young people under Section 26 of Judiciary Act is currently being further expanded. Cases involving the protection of young people, particularly against criminal acts by adults that injure or directly endanger a child or young person shall be heard before a special chamber for cases involving the protection of young people at regional courts. A new regulation regarding the qualification of public prosecutors for youth law (Section 36 of the Youth Court Law) is intended to increase awareness on the part of decision makers who deal with the sexual abuse of children and young people. In the future, secondary prosecutors who were victims of sexual offences as minors and only decide to press charges as adults will now be better able to assert their right to the assignment of legal counsel free of charge regardless of their financial situation (Section 397a of the Code of Criminal Procedure). The Act Strengthening the Rights of Victims of Sexual Abuse also extends the statute of limitations for the prosecution of sexual offences against minors under criminal law and for pursuing related claims under civil law.

35. The European Directives on procedures and on reception conditions for asylum seekers, which include numerous guarantees for minors, play an essential role in asylum procedures. The revised versions of these directives (Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection and Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection) provide additional procedural guarantees for minors, some of which are already standard procedure in Germany. This is, for example, true of the modalities for ensuring that the procedure is child-friendly (e.g., specially trained personnel). Additional implementation requirements must be reviewed when the revised versions of the directives cited above are implemented. In relation to further details, please see the answer to Question 16.

5. Please provide information on measures to ensure the issuance of birth certificates for children born in irregular migration situations.

36. Every birth that takes place in Germany must be recorded by the competent public registry, which must also provide certification, regardless of the nationality of the parents or their status in terms of residency law. When, in cases of illegal migration, the parents data cannot be ascertained, the data registered will be augmented by a descriptive note indicating that this is the case ("Identity not established"). Even in such cases, a birth certificate will be issued for the child.

6. In the context of children deprived of parental care, please provide specific information on measures taken, including any regulations for ensuring accountability and transparency, by the State party to address children's rights violations, inter alia, articles 4, 7, 8, 9 and 19, arising from so-called "baby boxes" and anonymous birth.

37. In the wake of the amendment of Section 2 (2) of the Act on Pregnancies in Conflict Situations, which came into force on 1 January 2012, the legal claim to anonymous counselling, which previously only applied to counselling in conflict situations, has been extended to all pregnant women. Due to the unconditional assurance of anonymous counselling, the threshold that pregnant women must overcome in seeking counselling, particularly in precarious emergency and conflict situations, has been lowered as far as possible. The goal is to convince women, particularly those who deny their pregnancy, either to themselves or within their immediate social context, to seek counselling and thus prevent them from abandoning the child, committing infanticide (Sections 4 and 19 (1)), using a baby box or giving birth to the child anonymously.

38. The Act to Expand Assistance for Pregnant Women and Regulating Births in Confidence, which will come into force on 1 May 2014, will include numerous measures (Section 1 (4 and 5) of the Act on Pregnancies in Conflict Situations, new version) intended to convince women who deny or conceal their pregnancy and who are currently not reached by the regular system of providing help to seek psycho-social counselling and bear and give birth to their children with medical support. The intention is to prevent the abandonment of new-born babies and infanticide (Section 7). The new option of a confidential birth (Sections 25 – 34 of the Act Amending the Act on Pregnancies in Conflict Situations) – foreseen only when there is no alternative – is intended to address pregnant women who are determined to remain anonymous and keep them from depositing their infants in a baby box or giving birth anonymously, which will still be possible. The registration of children born confidentially in the birth registry immediately after their birth, as foreseen by Section 7 (1), is thus ensured (Section 21 (2a) (1) of the Civil Status Act, revised version). In addition, the administrative authorities determine the forename and the family name of the child (Section 21 (2a) (2) Civil Status Act, new version). Moreover, it is refutably assumed that children who are born confidentially are entitled to German citizenship by birth (Section 4 (2) (2) of the Nationality Act, new version).

39. The certificate of origin that is filled out (Section 26 (2 and 3) Act on Pregnancies in Conflict Situations, new version) will allow the child to discover the mother's identity after its sixteenth birthday (Section 7 (1)). By providing information on the rights of the child and by emphasising the importance of knowing about the parents' backgrounds for the development of a child (Section 25 (2) (2) (2) Act on Pregnancies in Conflict Situations, new version), pregnant women are to be encouraged to provide the most comprehensive information possible regarding the child's background and the reasons that contributed to its surrender (Section 25 (3) Act on Pregnancies in Conflict Situations, new version). A separation of the mother from the child against the mother's will (Section 9 (1) (1)) will be prevented by informing her about how a woman can invoke her rights in relation to the child in the wake of a confidential birth (Section 25 (2) (2) (5) Act on Pregnancies in Conflict Situations, new version). Before the adoption of a child takes effect, the return of the child to the mother can only be refused on grounds of the child's welfare (Section 1674a new versions in combination with Sections 1666, 1666a of the Civil Code).

7. Please provide measures taken by the State party to address the rights of children residing in the State party territory but whose surrogate mothers are not from the State party. In doing so, please provide information on measures to prevent children in such situations from becoming Stateless.

40. Surrogate motherhood is prohibited in Germany under Section 1 (1) (7) of the Act on the Protection of Embryos. Hence, the Question regarding the statelessness of children borne by surrogate mothers in Germany does not pose itself.

41. In general, the following rules apply with regard to attaining German citizenship by birth:

42. A child attains German citizenship by birth when one of the parents is a German citizen (Section 4 (1) Nationality Act).

43. According to Section 1591 of the Civil Code, the mother is (always) the woman who bore the child. (The English version of the Civil Code can be accessed under http://www.gesetze-im-internet.de/englisch_bgb/index.html). According to German law, the father of a child is the man who was married to the mother when it was born (Section 1592 (1) of the Civil Code), or who effectively recognises his paternity of the child (Section 1592 (2) of the Civil Code, Section 1594 (2) of the Civil Code) or who was determined to be the father under Section 1600d of the Civil Code, or some other provision, by a court of law. In order to derive a claim to German citizenship from a (German) sperm donor, it is not sufficient to simply determine biological paternity by submitting a DNA analysis, parentage must be determined in the legal sense.

44. According to Article 19 (1)(2) of the Introductory Act to the German Civil Code, parentage can also be determined in relation to each individual parent according to the law of the country of which the parent is a citizen.

45. Even if a child born in a foreign country to a surrogate mother generally does not attain the genetic father's (German) citizenship by birth, it is still not stateless, since, as a rule, it at least attains the mother's citizenship.

8. Please provide information on measures taken to ensure that the prohibition of corporal punishment in all contexts is effectively enforced. In doing so, please provide information on any reporting and monitoring mechanisms and sanctions for perpetrators of corporal punishment.

46. The Act Condemning the Use of Violence in Raising Children of 2 November 2000 (Federal Law Gazette I 1479) legally prohibits corporal punishment, psychological injury and other degrading measures. The previous law under which battery within the context of raising children could be justified under criminal law under Section 223 of the Criminal Code, which had been subject to considerable controversy and repeated restrictions in the wake of court proceedings, was thus abolished.

47. In the event of a case of corporal punishment coming to the attention of the family court, the court can – depending on the severity of the physical intervention – initiate proceedings to limit, alter or completely deny the right to maintain contact or proceedings to partially or fully deny custody rights due to endangerment of the child's welfare.

9. Please provide information on measures taken by the State party to prevent and remedy bullying, including mobbing and cyber-bullying, of children in the State party.

48. Violence among children and young people – including mobbing – always requires a rapid, clear and deliberate response. Parents and teachers have a special responsibility in this context. The professional staff in schools, afterschool programmes and youth clubs are

called upon to develop a joint concept for dealing with violence in conjunction with the perpetrators and the victims. Many schools and youth centres have already embarked on this path by adopting diverse approaches to mediation and conflict resolution. Youth services and school authorities, child and youth protection agencies, and many independent organisations that fund youth services, provide support and assistance in these efforts. The education ministries of the individual Länder are responsible for making such programmes available. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has also conducted and supported a number of projects in its capacity as initiating agent in recent years, for example, the “Evaluation von Mediationsprogrammen an Schulen” (Evaluation of Mediation Programmes at Schools http://www.gesis.org/sofiswiki/Evaluation_von_Mediationsprogrammen_an_Schulen) or the Mediators Conference (<http://www.streitschlichtungskongress.de>).

49. There are also various national programmes in the Federal Republic of Germany to prevent cybermobbing as well as initiatives supported by various agencies on the local, regional, Länder and national level.

(a) Definitions of terms and information related to cybermobbing and contact addresses are available on the website of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth under www.bmfsfj.de/cybermobbing.

(b) The media guide “SCHAU HIN! Was Dein Kind mit Medien macht.” (TAKE A LOOK! See how your child uses electronic media.) also regularly provides information on recognising cybermobbing and the options parents have for protecting their children. “SCHAU HIN! Was Dein Kind mit Medien macht.” is a joint initiative of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the telecommunications company Vodafone, the public broadcasting companies as well as the magazine *TV SPIELFILM*.

(c) Parents can find information on ensuring a safe start in the use of the Internet under www.surfen-ohne-risiko.net. The site provides parents and children with valuable information on how to protect personal data and what they can do if problems arise.

(d) For the beginning of the 2013/2014 school year, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth had a webcam sticker “Stop! Geheim” (Stop! Secret!) and the poster “Chatten. Teilen. Schützen!” (Chat. Share. Protect!) printed up. The poster provides children with valuable information on protecting their privacy and the steps that are advisable in cases of cybermobbing or in reaction to signs of sexual harassment (cybergrooming). In conjunction with a flyer for the parents, they serve to raise awareness of children’s safety issues in chat rooms and communities. The materials can also be ordered by school classes and used in addressing the topic of safety in chat rooms and communities in the classroom. The webcam stickers and the poster (DIN A3) can be distributed to every child in the class. Using the poster, it is possible to briefly introduce the topic. Together with the flyer, the materials in the package are suited for parents’ evenings. The package, which consists of a poster, webcam stickers and a flyer, can be ordered free of charge from the publications distributing agency (Publikationsversand) of the Federal Government.

(e) In addition, the I-KiZ – Zentrum für Kinderschutz im Internet (I-KiZ Child Online Protection Centre) establishes a basis for proactive measures to protect young people who use electronic media by anticipating the risks of interaction that result from children’s and young people’s online behaviour.

(f) The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth publishes the following brochures providing concrete advice on dealing with risks on the Internet:

(i) “Ein Netz für Kinder – Surfen ohne Risiko?” (The Internet for Children – Surfing without Risk?) is a practical guide for parents and teachers that provides information regarding children’s search engines and good websites for children, on the one hand, and an extensive chapter on the darker sides of the Internet and how to protect children against the dangers, on the other.

(ii) “Chatten ohne Risiko? – Sicher kommunizieren in Chat, Messenger und Community” (Chatting without Risk? Communicating Safely in Chat, Messenger and Community”) provides information on the phenomenon of cybermobbing/cyberbullying and tells parents and teachers what they need to know (for example the corresponding legal regulations, where to report offences and how to obtain counselling).

(g) The Federal Ministry of Education and Research is supporting the establishment of a Junior Professorship for Sexual Science and Preventive Internet Research within the context of the funding line “Sexual Violence against Children and Young People in Pedagogical Contexts” at the University Hospital Hamburg-Eppendorf. In this context, research will be conducted as to the extent to which the Internet is used as a site for committing or planning sexual assaults (cybergrooming). Interfaculty courses are being developed for the University of Hamburg on the topics covered by the junior professorship.

(h) The Police Programme of Criminal Prevention supported by the Länder and the Federal Government uses the following media:

(i) A handout, “Herausforderung Gewalt” (The Challenge of Violence), for teachers which addresses the phenomenon of violence among young people and presents options for prevention as well as intervention (especially) within the context of schools. It includes a description of the internationally successful violence prevention programme developed by the psychologist Dan Olweus, which has been evaluated as highly effective, and recommendations for violence prevention efforts in actual school settings based on the programme. Target group: influencers.

(ii) A handout, “Im Netz der Neuen Medien” (In the Network of New Media), which offers a comprehensive basis of information on the media competence of children and young people. It provides essential knowledge on the topic, including such aspects as cybermobbing. References are also provided allowing those interested in pursuing the matter in more depth to access selected material and information. Target group: influencers.

(iii) A comic-style brochure, “Hallo – jetzt reicht’s” (Hey – that’s enough”), which depicts experience with violence, mobbing, extortion, vandalism and chatting on the Internet from the everyday lives of children in a child-appropriate manner and provides recommendations on how they should behave in such situations. Target group: grade schools.

(iv) The flyer “... und redest selber von Respekt und Würde” (... and you’re the one talking about respect and dignity) was created in cooperation with www.handysektor.de in order to enhance media competency. It describes the dangerous consequences that sharing defamatory content via the Internet, mobile telephones or social networks can have. Target group: children, adolescents.

(v) The flyer “Das Netz vergisst nichts” (The Internet Never Forgets) was also created in cooperation with “handysektor”. A story, illustrated as a comic, explains

why people should reveal as few personal details as possible, both about themselves and others, on the Internet. Target group: children, adolescents.

(vi) The victim-oriented flyer “Opfer, Schlampe, Hurensohn – gegen Mobbing” (Victim, Slut, Son-of-a-Bitch – against Mobbing) contains a comic (published in cooperation with handysektor), which depicts the course of events in a case of “cybermobbing”. It illustrates the functions of so-called smartphones and how links to social networks can be used in “cybermobbing”. On the other hand – as the main message – information is provided on how to stand up to mobbing. Victims of cybermobbing can and should seek the help of third parties. Target group: children, adolescents.

(vii) The media package “Netzangriff” (Internet Attack) consists of a DVD and a brochure to accompany the film. It was developed to be used in schools. In addition, a workshop-module is available as a download. The film produced for the Südwestdeutscher Rundfunk series Krimi.de deals explicitly with the topic of cybermobbing. The film underlines the fact that cybermobbing is not only morally abhorrent but also illegal, because it can constitute the criminal offences of defamation, slander or libel, with the corresponding legal consequences. The media package is no longer available. However, the film is still available on youtube and the brochure to accompany the film is available as a download. Source: <http://www.youtube.com/watch?v=aHMgcmYuz2M>. Target group: children, adolescents.

(viii) In addition, extensive information and recommendations are available on the Police Programme of Criminal Prevention website under <http://www.polizei-beratung.de/themen-und-tipps/gefahren-im-internet/cybermobbing.html>.

10. Please provide information on measures taken by the state party to ensure adequate family support services, particularly early childhood education and care for children under the age of three and/or of ethnic/linguistic minorities whose parents may not speak German. In doing so, please provide information on plans, if any, for the State party to achieve the “Europe 2020” targets for the provision of early childhood education and care.

50. Numerous studies show that good childcare has a positive influence on the development of children. The evaluation of marriage- and family-related benefits in Germany has, for example, shown that attending a childcare centre between the ages of one and three has positive short-, mid- and long-term effects on a child’s development. Good childcare and early childhood education for all children therefore count among to the most important tasks for Germany’s future.

51. Federal, Länder and municipal governments thus support the expansion of childcare capacities for children under three years of age in keeping with need and oriented on quality. This is essential in light of the legal entitlement to early childhood education and care in a child day care centre or in family day care as of age one, which came into force on 1 August 2013. Länder and municipal governments have undertaken considerable efforts in recent years to ensure that childcare capacities meet the demand. According to information provided by the Länder, a total of 810,000 spaces are expected to be available for childcare during the 2013/2014 kindergarten year. According to a survey of parents by the Deutsches Jugendinstitut, the nationwide demand is for roughly 780,000 spaces.

52. The Federal Government has been helping the Länder to finance the expansion of childcare for years: the Federal Government will provide the Länder with a total of 5.4 billion euros in 2014 in order to create additional capacity in childcare centres and in family day care and to finance their operation. As of 2015, the Federal Government will

support the newly created childcare capacity long-term by providing 845 million euros annually.

53. At the same time, the Federal, Länder and municipal governments are also focusing on enhancing the quality of the childcare offered. An important aspect of this is language training integrated into an everyday setting for all children as well as targeted language development assistance for children with a greater need. Hence, language skills surveys will be conducted in 14 Länder. Children who exhibit a greater need of assistance in their development will receive additional language training. Childcare centres and schools now offer numerous activities to improve children's competency in German as their educational language. With the goal of developing a combined concept for these activities in order to focus and intensify them, the Federal Government and the Länder launched a joint initiative to improve language training, the diagnosis of language problems and support in developing reading skills in October of 2012. The initiative is supported by the Federal Ministry of Education and Research, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder as well as the Youth and Family Minister Conference of the Länder. The goal of the research and development programme planned for up to five years, "Bildung durch Sprache und Schrift (BiSS)" (Education through Language and Writing), is to consolidate, evaluate and further develop the measures to promote language development, reading skills and the diagnosis of language problems that were introduced in the Länder. In this conjunction, associations representing childcare centres and schools work together closely in order to share their experience and implement coordinated measures in language training. In addition, the programme supports the further and additional training of kindergarten teachers and teachers that is needed to qualify them in this field.

54. The Federal Government also supports efforts to promote the development of childcare by improving its quality. Within the framework of the "Frühe Chancen: Schwerpunkt-Kitas Sprache & Integration" (Early Opportunities: Priority Childcare Centres Language & Integration) offensive mounted by the Federal Ministry for Family Affairs, funding is provided for additional staff in roughly 4,000 childcare centres in priority areas in order to promote systematic early language training integrated into an everyday setting. In order to provide all children with a fair chance from the very beginning, the measures already begin in early childhood and focus on centres that provide care for children under the age of three. The emphasis in this conjunction is on child day care centres attended by an above average number of children with a greater need of assistance in language development. These measures are augmented by the Federal Government programme "Elternchance ist Kinderchance" (The Parents' Opportunity Is the Child's Opportunity). The goal of this programme is to provide additional training for up to 4,000 parental advisors who will support parents both with and without migrant backgrounds in choosing the best educational paths for their children. The task of parental advisors is to provide well-informed advice on education and child development to parents who live near the Priority Childcare Centres Language & Integration. Their role will be to make it easier for parents to gain access to educational options in their everyday lives.

55. Germany is already close to achieving the goal of the "Europe 2020" strategy for childcare, which is to provide childcare for at least 95% of the children between the ages of four and school age by 2020. In 2012, 94% of all children aged three to six attended some form of childcare. A legal entitlement to childcare was introduced for this age group in 1996.

- 11. Please provide information on measures taken by the State party to ensure adequate support, including inter-disciplinary early intervention programmes, to children with disabilities and their families. Please also provide detailed information on measures taken to ensure the full compliance of the State party's education policies and support measures for children with disabilities with, inter alia, article 23 of the convention.**

(a) Early Intervention

56. The benefits provided for "inter-disciplinary early intervention" in Germany encompass both special needs therapy as well as medical therapy for disabled children who have not yet entered school or for children threatened with becoming disabled. In Germany there are currently some 700 early intervention facilities and centres, which provide care for roughly 110,000 children.

57. The "framework agreements" or "framework contracts" between the organisations that provide funding for early intervention (health care funds, social and youth services) and the organisations that support the facilities providing early intervention, which were recommended in the Early Intervention Ordinance of 2003, have, in the meantime, been concluded in all of the Länder but Baden-Württemberg. They facilitate the funding of the facilities and ensure their continued existence.

58. Within the context of implementing the "Federal Government's National Action Plan to Implement the United Nations Convention on the Rights of Persons with Disabilities", the Federal Government commissioned a study on the implementation of inter-disciplinary early intervention within a benefit complex under Section 26 (2) (2) in conjunction with Sections 30 and 56 (2) of Book Eight of the Social Code in five regions used as examples in 2012.

59. Considerable regional differences were found in the organisation of the early intervention benefits complex for pre-school age disabled children and children threatened by disability. This is, in part, due to the legal regulations, which allow the organisations that fund and organise early intervention diverse options regarding how they do it. However, the study comes to the conclusion that despite the different manners in which early intervention was implemented in the five regions studied, sufficient programmes in the field of inter-disciplinary early intervention were always available. In the wake of the recommendations made in the study, a group of experts from the "Bundesarbeitsgemeinschaft für Rehabilitation" (Federal Association for Rehabilitation) was established in order to institute clearer definitions and more binding agreements regarding inter-disciplinary early intervention. The group of experts will submit their recommendations in late 2013.

(b) Integration Assistance

60. Children and young people with disabilities can, under certain circumstances, claim integration assistance for the purpose of promoting the social integration of people with disabilities. Integration assistance can be provided, as required in the individual case, in outpatient care, child day care facilities or other semi-institutional settings by qualified caregivers as well as in institutional or other residential settings. Integration assistance benefits include:

- (a) Benefits to facilitate social participation (especially the provision of aids and appliances special needs services at preschool age, aid to attain practical skills, communication with others, procuring, furnishing and maintaining a residential situation, assistance in leading a self-determined life, participation in social and cultural life);
- (b) Benefits for medical rehabilitation;
- (c) Assistance in attaining an appropriate education;

- (d) Assistance in attending school to learn an appropriate occupation;
- (e) Assistance to complete training for some form of appropriate work;
- (f) Benefits to facilitate participation in working life.

61. The social welfare authorities are responsible for children and adolescents with physical and intellectual disabilities. Child and youth services agencies are responsible for children and adolescents with psychological disabilities.

(c) The National Education Report “Bildung in Deutschland”

62. The Federal and Länder governments’ national education report “Bildung in Deutschland” (Education in Germany) has been submitted every two years since 2006 by the Autorengruppe Bildungsberichterstattung (Group Responsible for Authoring the Education Report); each of these reports contains a main chapter on the focal topic to which the report is dedicated. The next national education report will be published in June of 2014; the focal topic will be “Disabled Persons”. The national education report 2014 will also provide important data and information on the analysis, assessment and further development of measures to support disabled children and their families. (<http://www.bildungsbericht.de/>)

(d) National Educational Panel Study (NEPS)

63. The National Educational Panel Study (NEPS), which will have received a total of over 80 million euros in financing from the Federal Ministry of Education and Research by the end of 2013, and will continue to be institutionally supported as the Leibniz Institute by the Federal and Länder governments as of 2014, provides researchers with longitudinal data on the educational careers and development of competencies of roughly 60,000 people. In this conjunction, the collection of data on educational processes and the development of competencies by pupils with special needs represents a special methodological challenge. Currently, a feasibility study is being conducted at special needs schools focusing on learning, along with a supplementary project, in order to determine how inclusive education can be surveyed and taken into consideration in studies. This is a Question that is not only of great interest for the educational panel but also for educational research. (<https://www.neps-data.de/>)

(e) Weiterbildungsinitiative Frühpädagogische Fachkräfte (WiFF)

64. The project for Advancing Further Education of Early Childhood Professionals (Weiterbildungsinitiative Frühpädagogische Fachkräfte - WiFF) is supported by the Federal Ministry of Education and Research, the Robert Bosch Foundation and the German Youth Institute. The three partners advocate for greater transparency in the system of further education for early development in Germany, ensuring the quality of the programmes available and promoting educational pathways that can be built upon. Within the context of the WiFF project, individual initiatives that serve to generate knowledge that will help address the special needs of children with disabilities and the implementation of inclusion are also supported. For example, in this conjunction materials have been published on the topics of “Inklusion – Kinder mit Behinderungen. Grundlagen für die kompetenzorientierte Weiterbildung” (Inclusion – Disabled Children. Fundamentals of Skill-Oriented Further Education), “Kulturelle Heterogenität in Kitas – Anforderungen an Fachkräfte” (Cultural Heterogeneity in Kitas – Challenges for Professional Staff), “Kinder mit Behinderung – Anforderungen an eine inklusive Frühpädagogik” (Disabled Children – Demands Placed on Inclusive Early Childhood Education and Care), “Inklusion in Kindertageseinrichtungen” (Inclusion in Child Day Care Facilities) and “Inklusion in der Frühpädagogik” (Inclusion in Early Childhood Education and Care) that make scientific findings on implementation in

everyday practice and further education accessible.
(<http://www.weiterbildungsinitiative.de/>)

(f) Quality Campaign in Teacher Training

65. The goal of the “Qualitätsoffensive Lehrerbildung” (Quality Campaign in Teacher Training) is to support and accelerate reforms that have been initiated in the field of teacher training and to provide impulses and support for new developments that focus on the institutions of higher education that train teachers. One of the aims of the “Quality Campaign in Teacher Training”, which was initiated by the Gemeinsamen Wissenschaftskonferenz (Joint Science Conference) on 12 April 2013, is to further develop teacher training in response to the challenges of heterogeneity and inclusion. Hence, projects are also to be supported that improve the way inclusion is dealt with in all phases of teacher training. The Federal Ministry of Education and Research will fund the “Quality Campaign in Teacher Training” with up to 500 million euros over a period of ten years beginning in 2014. (<http://www.gwk-bonn.de/fileadmin/Papers/Bund-Laender-Vereinbarung-Qualitaetsoffensive-Lehrerbildung.pdf>)

(g) National Conference “Inklusion gestalten – gemeinsam. kompetent. professionell” (Shaping Inclusion – together. competently. professionally.)

66. On 17 and 18 June 2013, the BMBF staged a national conference under the title “Inklusion gestalten - gemeinsam. kompetent. professionell” in conjunction with the Federal Ministry of Labour and Social Affairs and the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in Berlin; it was attended by over 400 participants from various fields of research, politics, educational administration and educational practice who discussed a variety of recommendations, including some on ways to improve the manner in which disabled and non-disabled children learn together in child day care centres and in schools. (<http://www.konferenz-inklusion-gestalten.de/>)

67. In preparation for the national conference, the Federal Ministry of Education and Research commissioned the German Institute for International Educational Research to draft an expert opinion, which was also to include an analysis of the current situation in the field of teacher training and further education for pre-schools and schools and formulate corresponding recommendations for action in view of inclusive education. This expert opinion was subsequently published (Döbert, H. & Weishaupt, H. (ed.) *Inklusive Bildung professionell gestalten*. Münster, 2013).

(h) The Transition from School to Working Life

68. Within the context of the implementation of the Convention on the Rights of Persons with Disabilities in Germany, a closer look is also being taken at the transition from school to working life. It is particularly important for young people with disabilities to receive systematic, professional support in determining their vocational orientation before completing school in order to ensure their successful integration into the labour market.

69. Within the context of the “Inclusion Initiative”, the central element of the Federal Government’s National Plan of Action to Implement the United Nations Convention on the Rights of Disabled Persons in relation to labour policy, a total of 40 million euros will be provided in order to intensively prepare up to 20,000 severely disabled pupils with special needs for the transition to vocational training or working life. The programme will provide support to the Länder, which are responsible for the schools that will be established or, in cases where they already exist, where structures will be further developed and measures taken to provide vocational orientation in close cooperation with the Federal Employment Agency.

70. These vocational orientation measures include such elements as:
- (a) An analysis of skills and potential;
 - (b) The establishment of career development conferences (career planning, determining individual special needs);
 - (c) A programme of vocational internships;
 - (d) Involving all of the parties (the young people, their parents, teachers, support providers, as well as services and institutions) in the process of vocational orientation; and
 - (e) Providing support during the transition into working life, as needed.

71. This ensures that the vocational preferences as well as the needs and strengths of severely disabled young people are determined and that they receive recommendations regarding their subsequent vocational paths supported by all of the parties involved. The goal of the vocational orientation measures supported within the context of the “Inclusion Initiative” is to contribute to such measures’ becoming established as a regular form of support and for disabled school children to regularly be supported in determining their vocational orientation in the future.

72. In addition, young people with disabilities also have access to extensive measures to support their (initial) entry into working life. Occupational rehabilitation is – in keeping with the Convention on the Rights of Persons with Disabilities – characterised by the principle: “as normal as possible – as special as necessary”. As a rule, the general benefits for participation in working life in Germany encompass the same measures as those provided to promote vocational training for non-disabled young people. For disabled young people, who require special benefits due to the type or severity of their disability, or to ensure their participation in working life, a broad range of support measures are also available. They encompass – depending upon the need for support – a graduated programme of support that ranges from personal support provided during vocational training in an apprenticeship situation through to training measures in preparation for working life in special facilities for young people with disabilities (vocational training centres) and other institutions for occupational rehabilitation.

12. Please provide information on measures taken by the State party to ensure adequate hospital facilities and psychotherapy services that are specifically tailored to the needs of children.

73. Within the framework of the federal structure of the Federal Republic of Germany, assuring the provision of efficient hospitals for the care of the population is the responsibility of the Länder. They fulfil their duty to ensure the provision of sufficient care through hospital planning measures by determining specific aspects of required care and by commissioning hospitals with the provision of the care required to satisfy the demand. This includes satisfying the demand for the inpatient care of children.

74. The outpatient psychotherapeutic care of children is subsumed among the duties of the regional Associations of Statutory Health Insurance Physicians and the National Association of Statutory Health Insurance Physicians within the context of their responsibility to ensure treatment by statutory health insurance physicians. The legislator has also specifically determined that 20 per cent of the capacity for certifying therapists who can be reimbursed by the statutory health insurance funds, in keeping with the documented demand in all areas of planning, must be reserved for therapists who provide psychotherapeutic treatment exclusively for children and young people. This legal requirement ensures that sufficient specialists are available for the children in need of treatment.

- 13. Please provide detailed updated information on how children are diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) and/or Attention Deficit Disorder (ADD). Please also provide information on measures taken by the State party to address the root causes of the symptoms of ADHD, ADD, and other mental health issues that may be related to, inter alia, nutrition, life-style or stress. In doing so, please include information on the diagnosis procedures and medications prescribed therefore. Please also provide information on safeguards and/or periodic reviews on instances of such diagnosis and medication.**

75. Physicians and psychotherapists with special expertise in the field of behaviour disorders in children and young people are responsible for diagnosing ADHD in children and young people. This includes physicians specialising in child and adolescent psychiatry, physicians specialising in child and adolescent medicine as well as child and adolescent psychotherapists. The training and further training standards for these professions are one of the essential factors contributing to a quality assured diagnosis of ADHD. In order to ensure evidence-based diagnosis and therapy, physicians and psychotherapists have been provided with medical/scientific guidelines, on which they can orient their work. For ADHD there are two guidelines in Germany, one proposed by the German Society of Child and Adolescent Psychiatry, Psychosomatics and Psychotherapy and a guideline proposed by the ADHD Working Group of the German Society of Pediatrics and Adolescent Medicine. According to the guidelines, making a specific diagnosis of ADHD encompasses a differentiated survey of symptoms through interviews with the parents and the child or adolescent, when possible the collection and consideration of information from the kindergarten or school as well as an extensive exploration of the parents to reconstruct the development of the child in relation to the specific disorder. In addition, the diagnosis of possible accompanying psychiatric disorders is also necessary as well as a survey of the psychosocial context and family resources. Additional diagnostic procedures involving psychological and laboratory tests are needed for a differential diagnosis and also help to rule out other possible physical disorders.

76. After a diagnosis of ADHD has been made, treatment according to the guidelines commences on several levels in a so-called “multimodal treatment concept”. This includes counselling the parents and other significant persons as well as psychotherapeutic and psychosocial intervention. Depending upon how severe the presentation of the disorder is, psychotherapy, individually or in groups, can be integrated into a programme of pedagogical and psychosocial measures. In cases where these measures alone are insufficient, treatment involving medication is also considered. In Germany, stimulants containing methylphenidate have been approved for treatment of ADHD along with the norepinephrine re-uptake inhibitor atomoxetine.

77. In order to also ensure the evidence-based and quality assured use of medicinal products in treating ADHD in routine care and as a measure to protect the children and adolescents affected, special regulatory precautions were taken in Germany by the Federal Institute for Drugs and Medical Devices and by the Federal Joint Committee in 2009 and 2010. In 2009, the Federal Institute for Drugs and Medical Devices amended the information it provides to specialists and on the use of medicinal products containing methylphenidate in the wake of a European risk-assessment procedure. Consequently, these medicinal products can now only be prescribed within the context of a larger treatment concept including other therapeutic measures and only as a “subordinate” measure in such concepts. In addition, the Federal Joint Committee amended its medicinal product guideline the following year, 2010, so that the physician’s decision in favour of the treatment of ADHD with stimulants can only be made after a comprehensive diagnostic assessment and only by a specialist for behavioural disorders in children and adolescents and when the use of the medicinal product in treatment is continually monitored and accompanied by attempts to wean the child or adolescent off of them.

78. The Federal Ministry of Education and Research has taken measures to support clinical research projects to investigate the neurobiological mechanisms of ADHD, to investigate the effects and underlying mechanisms of psychotherapeutic treatment for ADHD patients, and to elucidate the preventive effects of special food supplementation on ADHD/ADD symptoms. The importance of behavioural and environmental factors in influencing the development of common diseases such as mental health disorders has been acknowledged by Federal Ministry of Education and Research. The ministry only recently launched an action plan on “Prevention and Nutrition Research” which brings together research funding for all approaches that are relevant to prevention and nutrition research – from epigenetics to epidemiology – in an inter-disciplinary effort.

- 14. Please provide detailed updated information on measures taken, if any, to implement the recommendation (A/HRC/4/29/Add.3, para. 91(c))¹ of the Special Rapporteur on the Right to Education in follow-up to his visit to the State party in February 2006 to: undertake an extensive national debate on the relationship between the educational systems currently in operation, including the appropriateness of maintaining a two or three-track system, and the phenomena of exclusion and marginalization of schoolchildren, in particular those of immigrant origin or with disabilities.**

79. The school landscape in the Federal Republic of Germany has been subject to a process of change for a number of years now, affecting various areas both in terms of the curriculum as well as the organisation: the goals are to ensure and improve the quality of the educational system, raise the final level of education attained by children and adolescents with migrant backgrounds and from homes with little experience in the educational system as well as to implement Article 24 of the Convention on the Rights of Persons with Disabilities.

80. Viewing the improvement of education and individual social mobility as a national task, the Federal and Länder governments launched the qualification initiative “Advancement through Education” in Dresden on 1 October 2008. The original and subsequent reports on the implementation process are available under <http://www.kmk.org/bildung-schule.html>.

(a) Inclusion

81. The support provided for pupils with special educational needs in Germany has been characterised by diverse organisational forms and approaches in recent decades. The plurality of the sites in which special educational needs are met, experiences with classes that include disabled and non-disabled children, impulses from pedagogical research and the focus adopted in school policy in individual Länder in the Federal Republic of Germany underline the fact that a personal, individualised perspective on special educational needs and integrative education now takes precedence over institution-orientated support.

82. On 26 March 2009, the Convention on the Rights of Persons with Disabilities came into force in Germany and has affected many areas of society and political action. Hence, the Conference of Ministers of Education and Cultural Affairs of the Länder created an important basis for participation by people with disabilities in education by recommending the principle of “Inclusive Education for Children and Adolescents with Disabilities in

¹ “9. The Special Rapporteur recommends ...

(c) provide impulses and more depth for the national debate on the relationship between the current educational structures and the phenomenon of the exclusion or marginalisation of pupils, especially those with migrant backgrounds and disabilities. Within the context of the debate, it should also be analysed whether it makes more sense to maintain a dual or tripartite school system.”

Schools” on 20 October 2011. This created a framework for increasingly inclusive pedagogical approaches in schools of general education and vocational education. Based on an altered understanding of disability and the principles of participation and barrier-free accessibility, mainstream schools’ responsibility for all children and adolescents with disabilities was emphasised. The Länder are therefore now facing tasks of organisational and pedagogical development that will decisively influence the school landscape. They regularly share information regarding the progress made in implementing an inclusive educational system and provide interested professionals with annual progress reports.

(b) Improving Educational Attainment of Children and Young People with Migrant Backgrounds and from families with a low educational level

83. In the education system of the Federal Republic of Germany there is no structural or systemically rooted exclusion or marginalisation of children and young people with migrant backgrounds. Nevertheless, socio-geographic segregation may lead to a situation that, children and adolescents who are already disadvantaged in terms of the learning conditions, due to their family background, often attend childcare centres and schools with a high percentage of children and adolescents particularly in need of support. In recent years, a careful analysis of the causes of the sometimes poor educational achievement of this group of pupils, as well as children and adolescents from families with a low educational level, has been undertaken in order to be able to adopt effective measures.

84. The Standing Conference of Ministers of Education and Cultural Affairs of the Länder has made targeted support for pupils with lower achievement the focus of their joint activities and adopted a “Support Strategy for Schoolchildren with Lower Achievement Levels” on 4 March 2010.

85. Support for the development of language skills plays a key role in this context since it was found that the percentage of children who do not have the language skills they need to follow classroom teaching when they enter school is too large. This pertains not only to multilingual children but also to monolingual children who grow up speaking German. The numerous initiatives to promote language development in the Länder range from procedures to assess the language skills of pre-schoolers, support for developing language skills to remedial language training at the primary and lower secondary level through to vocationally oriented approaches integrating specific terminology and support for developing language skills at vocational schools. In addition, parents of children with migrant backgrounds are to be integrated into the process of promoting language development. For pupils who have immigrated to Germany (side-entrants), special preparatory and preliminary classes are offered. Out-of-school offers such as camps to promote language skills, programmes to promote language skills in the afternoon and on weekends and projects such as “Remedial Classes for Children and Adolescents with Migrant Backgrounds” at lower and upper secondary level complement the opportunities offered in school.

86. Beyond this, there are also many measures offered by the Federal Government and the Länder to provide support to adolescents who are at risk of not completing school. The goal is to reduce the percentage of young people without a school-leaving qualification by half by 2015. The various measures can be classified in five areas of activity:

- (a) Enhancement of individual support;
- (b) Re-organisation of the learning process;
- (c) Creation of transition options and facilitating the attainment of certification;
- (d) Enhancement of quality assurance and quality development including the intensification of educational research;

(e) Establishment of cooperation and networks.

87. In order to support the work of the schools, social work within the schools and counselling by school psychologists is being further expanded.

88. All of these measures have already demonstrated initial success: in relation to the population at the typical ages of between 15 and 17, the percentage leaving school without a lower secondary school-leaving certificate has been steadily reduced since 2004 from 8.5% to 6.5% or down to roughly 53,000 pupils (2010) (cf. Federal Statistical Office, Fachserie 11, Reihe 1, Allgemeinbildende Schulen Schuljahr 2010/2011, Tabelle 6.7).

89. A markedly positive development is also in evidence in relation to the integration of children and adolescents with migrant backgrounds in schools. The percentage of foreign pupils leaving school with an entrance qualification for a university or a university of applied science increased between 2005 and 2010 markedly, namely by a total of 36% to a total of 15% of all foreign adolescents (9. Bericht über die Lage der Ausländerinnen und Ausländer in Deutschland [Lagebericht], Kurzfassung, p. 7). The measures for promoting the development of language skills in schools have proven successful: PISA 2009 shows that the level of reading skills of pupils with migrant backgrounds increased markedly in comparison to PISA 2000. The percentage of foreign pupils without a school-leaving qualification has been decreasing. The data from the 2010 micro-census allow us to draw comparisons between pupils with and without migrant backgrounds. They show that from 2005 to 2010 the disparities in attainment in terms of the basic school leaving qualifications (Hauptschulabschluss) and the intermediate school-leaving qualifications (Mittlerer Schulabschluss) have been steadily reduced. However, young migrants are still considerably less successful than adolescents without migrant backgrounds in completing vocational education and training after leaving school. However, the trend is positive: hence, the so-called vocational training participation quota among foreign adolescents has been steadily increasing (from 31.4% in 2009 to 33.5% in 2010, s. Lagebericht, Kurzfassung, p. 10.).

(c) School structure

90. In the system of schools of general education, the Länder have adopted a variety of measures to enhance permeability between the educational tracks. The entitlement to attend grammar school at upper secondary level (*Gymnasiale Oberstufe*) cannot only be acquired by attending *Gymnasium* from the beginning of secondary schooling but also – subject to appropriate performance – with an intermediate school leaving qualification (*Mittlerer Schulabschluss*) that can be attained *at all types of* general secondary schools. In 2010, 37.1% of the pupils changing school in order to attend a course at upper secondary level in order to acquire a higher education entrance qualification came from a school other than *Gymnasium*; most of them had attended different types of vocational and technical secondary schools (assessment on the basis of data from the Fachserie 11 Reihe 1, Allgemeinbildende Schulen 2010/2011 and Reihe 2, berufliche Schulen 2010/2011). This trend has also been accompanied by the tendency, observed in the Länder in recent years, to restructure the three-track school system by reducing tracks and merging *Hauptschulen* and *Realschulen* and sometimes also comprehensive schools (*Integrierte Gesamtschulen*). In some Länder there exists only one school type besides *Gymnasium* offering different courses of secondary schooling. If these schools have a *Gymnasiale Oberstufe*, pupils usually take their Abitur (higher education entrance qualification) exam after 13 years of schooling. All in all, the percentage of the population in the corresponding age group with a higher education entrance qualification has risen from 31% in 1992 to nearly fast 50% (2010) nationwide in Germany.

91. In 2010, a total of roughly 177,000 pupils acquired a general higher education entrance qualification or an entrance qualification for universities of applied sciences at a

vocational school. This represents 19.2% of the resident population of the same age in comparison with 17.4% in 2009. In courses offering double qualifications a higher education entrance qualification and a vocational qualification can be acquired simultaneously.

92. In total, in relation to all school-leaving qualifications, there are an increasing number of young people who attain certification allowing them to attend a university or a university of applied science at vocational schools after having failed to attain a certificate at a school of general education or after returning to a vocational school for the purpose of attaining such certification (cf. Nationaler Bildungsbericht 2012, p. 96). In addition, people can go back to school in one of the two common forms of adult education (*Zweiter Bildungsweg and Volkshochschule*) to attain school-leaving certificates or by taking special exams for people who do not attend a school or outside of schools. In addition, courses of vocational education and training are now also designed so that lower and intermediate level school leaving certificates (*Hauptschulsabschluss and Mittlerer Schulabschluss*) can be attained during the period of vocation training.

15. Please provide detailed information on measures taken by the State party to ensure an adequate standard of living for children and combat social exclusion, especially those in single parent families, in families with three children or more, and in families from ethnic minority backgrounds, and those affected by unemployment.

93. The Federal Government pursues a strategy of combatting poverty among children and families based on various elements. Targeted financial assistance, a greater orientation on the family in the working world as well as a good infrastructure for providing child care and measures to promote the development of children of all ages represent a triad of coordinated measures. Social transfer benefits in Germany are an important building block for reducing poverty. Claiming social transfer benefits has contributed to a reduction in the percentage of minors threatened by poverty in Germany by roughly half; the risk of poverty is thus below the European average. This benefits single parents as well as multi-child families and families with migrant backgrounds.

94. The following benefits, introduced since 2009, reduce child poverty:

(a) On 1 January 2010 the child benefit was increased by 20 euros for every child. The tax deductions for children were also increased – from a total of 6,024 euros to 7,008 euros. Through the increase in the child benefit and, in part, also through the increase in the maintenance payments linked to the increased tax deduction, more families are able to rise above the level defined as “needy” in Book Two of the Social Code;

(b) In connection with the tax deductions for children, the maintenance advance for single parents was also increased as of 1 January 2010. The maintenance advance increased for children from birth to five years of age from 117 euros to 133 euros and for children from six to eleven years of age from 158 euros to 180 euros;

(c) The legal claim to childcare for one- and two-year-old children, which came into force on 1 August 2013, can also contribute to reducing child poverty. Offering childcare from an early age without citing specific conditions makes it possible for parents to begin working or to expand their working hours and thus enhances their income situation. The child-care benefit for home-based care closes a gap in the system of support for parents; in this case for parents who do not take advantage of a publicly supported or financed form of childcare for their one- or two-year-old children. The child-care benefit for home-based care is paid regardless of whether and to what extent the parents are employed; it does not require one or both of the parents to reduce the extent of their gainful employment. The child-care benefit for home-based care thus expands the leeway that parents have in relation to the reconciliation between family and working life, to the

economic basis of the family and to the children's options for participation, thereby allowing a freedom of choice in individual cases;

(d) The Federal Government provided both financial as well as considerable qualitative support for the expansion of child day care for children under the age of three in light of the new legal claim to childcare. With two investment programmes and by contributing to the operating costs, the Federal government will have provided a total of 5.4 billion euros for the expansion of childcare for children under age three by 2014. As of 2015, the Federal Government will provide 845 million euros annually to support the operating costs of the newly created childcare spaces. According to information from the Länder, a total of roughly 810,000 childcare spaces are expected to be available for the year 2013/2014; this means that the calculated overall demand can be met;

(e) The basic needs calculated for the Basic Security Benefits for Job-Seekers as well as for social assistance – thus also for children and young people – are adjusted annually on the basis of a mixed index derived from changes in the prices of all goods and services (70%) relevant to basic needs and the development of net wages and salaries per employee (30%);

(f) In addition, under the Act on Determining Basic Needs and Amending Books Two and Twelve of the Social Code of 24 March 2011, educational and participation benefits were introduced for those receiving support under such programmes as Basic Security Benefits for Job-Seekers, social assistance as well as for families that receive the child supplement or residential supplement. This benefits families with low incomes. By providing a legal claim to benefits from this so-called educational package, the Federal Government is fulfilling its special responsibility towards roughly 2.5 million legally entitled children and adolescents in Germany. The educational package serves to provide children, adolescents and young adults with the means to satisfy specific minimum socio-cultural needs. Under certain conditions, the educational package includes benefits to promote learning closely oriented on the school curriculum as well as for personal school needs, the costs of one or multi-day school excursions or excursions by a childcare facility, covering the additional costs for a joint midday meal at school, at a childcare centre and in family day care as well as up to 10 euros per month for children and adolescents up to and including age eighteen for social participation, for example in sports clubs or music school.

95. The following activities by the Federal Government to improve the reconciliation of family and working life help to maintain an adequate standard of living:

(a) The parental allowance facilitates early re-entry into the labour market. Five years after its introduction, an evaluation study by the German Institute for Economic Research confirms that the parental allowance has led to greater participation by fathers in caring for children and increased participation in working life by mothers during the second year of a child's life. Thus, the law has had the intended effect;

(b) The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth launched the initiative "Enhancing Resources – Ensuring the Future: Employment Perspectives for Mothers with Migrant Backgrounds" (Ressourcen stärken – Zukunft sichern: Erwerbsperspektiven von Müttern mit Migrationshintergrund). The goal of the initiative is to support mothers with migrant backgrounds while they are re-entering the working world, and thus improve the economic stability of families with migrant backgrounds and reduce their dependency on transfer benefits. In order to augment the existing structures for providing support, various approaches to addressing, activating and integrating those affected will be tested within the framework of the initiative, and the mothers with migrant backgrounds will be supported in organising the reconciliation of family and working life.

16. Please provide information on measures taken to ensure that refugee or/or asylum-seeking children, particularly those above the age of 16 years, are provided adequate advice, support, legal aid, and counselling.

96. The process of applying for political asylum through the Federal Office for Migration and Refugees is conducted in a manner that takes the needs of minors into consideration. Specifically, in the cases of all unaccompanied persons under 18 years of age, i.e. including those over the age of 16, and, when necessary, also in the cases of accompanied minors, specially trained decision makers (special commissioners) are assigned to the case. There are currently roughly 80 special commissioners at the Federal Office for Migration and Refugees for unaccompanied minors.

97. Regardless of whether an application for political asylum has been submitted, all unaccompanied children and adolescents under the age of 18 entering Germany are placed in the custody of the youth services agency and are supported by a legal guardian. When they apply for political asylum, they are also entitled to counselling by a lawyer with expertise in this field.

98. The youth services agencies are obliged to take the following measures for anyone placed under their custody:

- (a) Temporary placement with a suitable person in a suitable facility or in some other (suitable) residential setting (institution);
- (b) Provide care and exercise custody; and
- (c) Ensure the maintenance of the minor and assistance in case of illness.

99. The youth services agencies are obliged to initiate a legal guardian or custodian appointed by the family court within just a few days after taking custody. The guardian/custodian serves in place of the parents regarding care and custody (Sections 1773 and following of the Civil Code).

100. Custody is only relinquished when it has been determined where the child or the young person will remain subsequently. Assistance as provided by child and youth services (e.g., placement in a foster family) or other types of assistance come into consideration.

101. According to Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) and Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), a representative must also be assigned to all unaccompanied minors under 18 years of age in the future, especially in order to support them in enforcing their claims to the rights they derive from these directives.

102. According to the provisions of the Directive on reception conditions for asylum seekers, minors are entitled to appropriate mental health care where needed. In cases they have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or have suffered from armed conflicts, they are entitled to access to rehabilitation services.

17. Please provide detailed updated information on measures taken, if any, to implement the Committee's previous recommendation (CRC/C/OPAC/DEU/CO/1, para. 11) to raise the minimum age for voluntary recruitment into the armed forces to 18 years.

103. When, on 13 December 2004, the Federal Republic of Germany deposited the instrument of ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 25 May 2000, the government

declared that it views the minimum age of 17 years as legally binding in the sense of Article 3 para. 2 of the Optional Protocol.

104. This position still stands. Hence, no measures were taken to raise the minimum age.

Part II

In this section the Committee invites the State party to briefly (three pages maximum) update the information presented in its report with regard to:

(a) New bills or law, and their respective regulations

105. Only new regulations or laws on the federal level will be presented in the following section.

106. Since 1 January 2011, the Act on Determining Basic Needs and Amending the Second and Twelfth Books of the Social Code of 24 March 2011 (Federal Law Gazette I, p. 453) has served to determine the basic needs of recipients of Basic Income Security for Job-Seekers and the basic needs categories in the social assistance system (jointly referred to basic needs) in a plausible and realistic manner. Children in need of assistance now also have an individual legal claim to a specific minimum level of socio-cultural support; this is provided by special educational and participation benefits – referred to as the Educational Package (cf. Part I, Question 15). Under the regulations pertaining to asylum-seekers, providing educational and social participation benefits is still at the legal discretion of the authorities. Nevertheless, authorities in the Länder have also agreed to provide these benefits voluntarily to ensure that such children and young people are not, in fact, disadvantaged in this context.

107. With the Federal Child Protection Act of 22 December 2011 (Federal Law Gazette I, p. 2975; in force since 1 January 2012) the Federal Government established a basis for active and effective child protection (cf. Part I, Question 4).

108. The Act on the Privileged Treatment of Children's Noise Emitted by Child Day Care Centres and Children's Playgrounds of 20 July 2013 (Federal Law Gazette I, p. 1474) now ensures that noise made by children at day care centres, children's playgrounds and similar facilities is not, as a rule, considered a "threat to the environment". In addition, the emission limits and standards used to assess the effects of noise emitted by industrial plants or sports facilities may not be applied.

109. The Act to Strengthen Internal Development in Cities and Municipalities and the Advancement of Urban Development Law of 11 June 2013 (Federal Law Gazette I, p. 1548) includes provisions allowing centres for the care of children that serve the needs of the inhabitants of an area to be established in purely residential areas. In addition, it has been clarified that children and adolescents are to be counted among the public at large for the purpose of early public participation in planning processes.

110. The Act to Strengthen the Rights of Victims of Sexual Abuse of 26 June 2013 (Federal Law Gazette I, p. 1805) improves the protection of children and juvenile victims in criminal proceedings (cf. Part I, Question 4).

111. The Act to Reform the Parental Custody Rights of Parents Not Married to Each Other of 16 April 2013 (Federal Law Gazette I, p. 795; in force since 19 May 2013) is based on the new general principle that, fundamentally, both parents should have custody rights, even if they are not married to each other, provided this serves the child's best interests; fathers can seek shared custody without the mothers' consent (cf. Part I Question 4).

112. In cases where the child has both a legal father and a biological father, the Act Strengthening the Rights of the Biological, Non-Legal Fathers of 4 July 2013 (Federal Law Gazette I, p. 2176; in force since 13 July 2013) enables a biological father who has demonstrated a serious interest in his child to maintain contact to his child provided this is in the child's best interest. The best interest of the child is of primary concern.

113. The Act Amending the Guardianship and Custodial Care Law of 29 June 2011 (Federal Law Gazette I, p. 1306) expressly requires sufficient personal contact between a guardian and a ward and places greater emphasis on the guardian's duty to promote and ensure the care and education of the ward.

114. The Act to Simplify the Administration of Child and Youth Services of 27 August 2013, which comes into force on 3 December 2013 (Federal Law Gazette I p. 3463), gives children and young people better access to child and youth services benefits.

115. The amendment of Article 2 (2) of the Act on Pregnancies in Conflict Situations, which came into force on 1 January 2012, extends the legal right to anonymous counselling, which pertained only to conflict counselling up until 2011, to all pregnant women (cf. Part I Question 6).

116. The Act Expanding Assistance for Pregnant Women and Regulating Births in Confidence of 28 August 2013 (Federal Law Gazette I, p. 3458), which comes into force on 1 May 2014, creates the new option of a confidential birth as an alternative to the legally unregulated options of giving a child up anonymously.

117. The Act to Promote Prevention adopted by the German Bundestag on 27 June 2013 improves primary and secondary prevention among children, especially by closing the gap between child early detection examinations under Article 26 of Book Five of the Social Code during the first years of school and by mandating primary prevention counselling elements in early detection examinations.

(b) New institutions (and their mandates) or institutional reforms

118. On 24 March 2010, the Federal Government charged an independent commissioner with addressing cases in which children were sexually abused. The responsibilities include the establishment of a contact point for victims, addressing past cases of sexual abuse in institutions and in the family and drafting recommendations on how to help victims. A successor was named on 7 December 2011.

119. Foundation of the I-KiZ Child Online Protection Centre (I-KiZ – Zentrum für Kinderschutz im Internet) in 2012 – its aim is to make the efforts to combat the distribution of child pornography and to protect children more effective. I-KiZ is to assess potential threats to children and young people posed by technical developments on the Internet, pool knowledge, information and education, and thus develop comprehensive protection strategies.

(c) Recently introduced policies, programs and action plans and their scope and financing

120. Policies and programmes that were already mentioned in the Third and Fourth State Party Reports will not be specifically cited even if they have been continued or developed further. Please refer also to the measures cited in Part I.

121. Since 2011 the Federal Government has been developing a new policy for youth as a stage of life and will focus more strongly on the concerns of the younger generation in the demographic transition process in 2014 (cf. Part I, Question 1).

122. On 24 March 2010, the Federal Government decided to establish a round table on the "Sexual Abuse of Children in Dependent and Subordinate Relationships in Private and

Public Institutions and in the Family” with the goal of better fulfilling the shared responsibility to protect children and young people against sexualised violence. Chaired by the Federal Ministry of Justice, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Ministry of Education and Research and with members from political organisations, the Länder, municipal governments, academia, churches, non-governmental organisations along with victims of sexual abuse, five meetings were held and a final report with recommendations was submitted at the end of November 2011.

123. The Federal Ministry of Education and Research made 32 million euros available for research on sexual violence against children and adolescents in the wake of the meetings. The goal is to establish and sustain research on this topic. This research is to be closely tied to actual practice.

124. The programmes “Kinderschutz geht alle an!” (Protecting children is everyone’s business!) launched in 2010 and “Missbrauch verhindern!” (Prevent abuse!) launched 2013, are intended to raise awareness of the physical and psychological forms of child ill-treatment and child abuse, thus improving the ability of important adult figures in the lives of minors (such as parents, teachers, youth services staff) to take action and intervene.

125. On 27 September 2011 the Federal Government adopted the Action Plan 2011 to Protect Children and Young People against Sexual Violence and Exploitation. It includes an overall concept on protecting children and young people against all forms of sexual violence and exploitation. Children and adolescents were involved in drafting the action plan. Within the context of the action plan, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is providing approx. 4 million euros to support the national prevention initiative “Trau Dich!” (Go ahead!), 3.1 million euros to for a national campaign to promote further training for child and youth services professionals and approx. 2.3 million euros for a broadly based research project (MIKADO) to study the occurrence and causes of sexual abuse.

126. The Federal Initiative for Early Intervention promotes the establishment and expansion of networks for early intervention as well as the deployment of family midwives and similarly qualified health care professionals on a model basis up to the end of 2015. Family midwives are to provide young families in difficult situations throughout Germany with support in caring for their children. As of 2016, the Federal Government will establish a permanent fund to act on the results of the research.

(d) Recent ratifications of human rights instruments

127. Germany has, with effect from 15 July 2010, withdrawn its reservations to the Convention on the Rights of the Child, which it had submitted when depositing its instrument of ratification.

128. The Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005 was ratified on 19 December 2012 and entered into force in Germany on 1 April 2013.

129. The Optional Protocol to the Convention on the Rights of the Child on a communications procedure was ratified on 28 February 2013.

130. The Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS 210) was signed 11 May 2011; the ratification is currently in preparation.

Part III

1. Please provide statistical data on how many children are living in foster care disaggregated by sex, age, geographic location and socio-economic background.

131. The data compiled in the following represent benefits (supportive services) for minors provided under Section 33 of Book Eight of the Social Code in 2009, 2010 and 2011. The data are disaggregated by sex, age and the receipt of transfer benefits and presented for Germany as well as in separate tables of the number of benefits in the individual Länder.

Table 1

Fulltime foster care under Section 33 of Book Eight of the Social Code for under-eighteen-year-olds disaggregated by sex (Germany; 2009 to 2011; sum of assistance being provided on 31 December and assistance concluded during the year; absolute figures, claims per 10,000)

	2009	2010	2011
Total	63,663	66,842	69,113
Male	32,222	33,989	34,998
Female	31,441	32,853	34,115
Claims per 10,000	2009	2010	2011
Total	47.2	50.1	52.3
Male	46.6	49.7	51.6
Female	47.9	50.6	53.0

Source: Federal Statistical Office: Statistics on Child and Youth Welfare – educational assistance, integration assistance, assistance for young adults, various age groups; compiled and calculated by the Arbeitsstelle Kinder – und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

Table 2

Fulltime foster care under Section 33 of Book Eight of the Social Code for under-eighteen-year-olds according to age (Germany; 2009 to 2011; sum of the assistance being provided on 31 December and concluded during the year; absolute figures)

Age	2009	2010	2011
0 to under 1 year	1,573	1,595	1,706
1 to under 2 years	2,677	2,611	2,620
2 to under 3 years	3,133	3,382	3,365
3 to under 4 years	3,441	3,726	4,002
4 to under 5 years	3,560	3,817	4,125
5 to under 6 years	3,510	3,831	4,160
6 to under 7 years	3,655	3,833	4,110
7 to under 8 years	3,557	3,885	3,967
8 to under 9 years	3,801	3,822	4,049
9 to under 10 years	3,808	4,048	3,958
10 to under 11 years	3,864	4,008	4,211
11 to under 12 years	3,790	4,089	4,205
12 to under 13 years	3,834	3,986	4,205
13 to under 14 years	3,826	4,095	4,146

<i>Age</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
14 to under 15 years	3,793	4,084	4,176
15 to under 16 years	3,879	3,985	4,152
16 to under 17 years	3,983	4,092	4,040
17 to under 18 years	3,979	3,953	3,916
Total under 18 years	63,663	66,842	69,113

Source: Federal Statistical Office: Statistics on Child and Youth Welfare – educational assistance, integration assistance, assistance for young adults, various age groups; compiled and calculated by the Arbeitsstelle Kinder- und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

Table 3

Fulltime foster care under Section 33 of Book Eight of the Social Code for under 18-year-olds (Länder; 2009 to 2011; sum of assistance being provided on 31 December and assistance concluded during the year; absolute figures)

<i>Länder</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Baden-Württemberg	6,761	6,964	6,965
Bavaria	7,590	7,995	8,318
Berlin	1,620	1,593	1,603
Brandenburg	2,009	2,123	2,114
Bremen	425	871	808
Hamburg	1,485	1,727	1,775
Hesse	3,825	3,837	4,051
Mecklenburg-West Pomerania	1,582	1,613	1,707
Lower Saxony	6,452	6,974	7,524
North Rhine-Westphalia	17,923	18,907	19,951
Rhineland-Palatinate	3,707	3,775	3,873
Saarland	1,012	973	1,037
Saxony	2,501	2,589	2,784
Saxony-Anhalt	1,957	1,918	1,434
Schleswig-Holstein	3,337	3,528	3,641
Thuringia	1,477	1,455	1,528
Western Germany (incl. Berlin)	54,137	57,144	59,546
Eastern Germany	9,526	9,698	9,567
Germany	63,663	66,842	69,113

Source: Federal Statistical Office: Statistics on Child and Youth Welfare – educational assistance, integration assistance, assistance for young adults, various age groups; compiled and calculated by the Arbeitsstelle Kinder- und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

2. Please provide statistical data on the conviction rates for non-payment of child maintenance for the years 2009, 2010 and 2011.

132. The annual criminal prosecution statistics published by the Federal Statistical Office include information on defendants adjudicated and defendants convicted disaggregated by categories such as the most serious offence on which judgement was based. In cases where judgement was passed on a number of offences during the same proceedings, data is only recorded for the offence subject to the most serious punishment. Hence, data is therefore

only available for adjudication and conviction on grounds of non-payment of child maintenance as (legally) required under Section 170 (1) of the Penal Code when this was the most serious offence in the case in question.

133. However, Section 170 (1) of the Penal Code pertains not only to the non-payment of maintenance for children (as required under Section 1612a of the German Civil Code) but also the non-payment of maintenance for spouses (maintenance when spouses are living apart – Section 1361 of the German Civil Code), maintenance for divorced spouses or registered partners after dissolution of the registered partnership (maintenance to care for a child – Section 1570 of the German Civil Code; maintenance by reason of old age – Section 1571 of the German Civil Code; maintenance for reasons of illness or infirmity – Section 1572 of the German Civil Code; maintenance for unemployment and topping-up – Section 1573 of the German Civil Code; maintenance for training, further training or retraining – Section 1575 of the German Civil Code; maintenance for reasons of equity – Section 1576 German Civil Code) as well as duty to provide maintenance for parents (Section 1601 German Civil Code).

134. The following table thus only includes the data for adjudication and conviction for non-payment of all legally required forms of maintenance. Differentiated data on non-payment of statutory child maintenance are not collected and can therefore not be provided.

Table 4

Adjudication and conviction due to non-payment of statutory maintenance under Section 170 (1) of the Penal Code from 2009 to 2011

<i>Year</i>	<i>Adjudicated</i>		<i>Convicted</i>	
	<i>Total</i>	<i>Number of males</i>	<i>Total</i>	<i>Number of males</i>
2009	5,205	5,068	2,640	2,595
2010	4,540	4,433	2,323	2,291
2011	4,021	3,929	2,106	2,076

Source: Federal Statistical Office, Fachserie 10 Reihe 3, Strafverfolgung 2009-2011.

3. Please specify the number of children with disabilities, up to the age of 18, disaggregated by age, sex, geographic location, socio-economic background and type of disability covering the years 2009, 2010, and 2011:
- (a) Living with their families;
 - (b) Living in institutions;
 - (c) Placed in foster care;
 - (d) Attending regular schools;
 - (e) Attending special schools;
 - (f) Not attending school;
 - (g) Subject to violence, in schools, institutions and domestic settings.

Regarding subparagraph (a)

135. No statistical information is available on how many severely disabled children live in their own families. As an alternative, the number of severely disabled children recorded in long-term care statistics can be provided (see below), whereby no differentiation is made as to whether these children live in their own families or not. Additional differentiation according to characteristics such as the type of disability or socio-economic background is not possible. Data for the year 2010 are not available, because the statistics are compiled biannually.

Table 5
Severely disabled persons according to age

Age	Severely disabled persons according to age...	
	on 31 December 2009	on 31 December 2011
under 4 years	14,275	14,194
4-6 years	14,336	14,376
6-15 years	94,708	97,988
15-18 years	38,250	38,696
Total	161,569	165,254

Source: Federal Statistical Office: "Social Assistance – Severely Disabled Persons 2011".

Regarding subparagraphs (b) and (c)

- (i) *Children and young people with psychological disabilities who receive benefits for the integration of children and young people under Section 35a of Book Eight of the Social Code*

136. The data compiled in the following table represent benefits under Section 35a of Book Eight of the Social Code for minors for the years 2009, 2010 and 2011. The data are disaggregated by sex, age and the receipt of transfer benefits for Germany and augmented by a table of the number of benefits provided in the Länder.

Table 6

Integration assistance under Section 35a of Book Eight of the Social Code for under-eighteen-year-olds by age, sex and residential situation (Germany; 2009-2011; sum of the assistance still being provided on 31 December and concluded during the year; absolute figures)

Age	2009			Total			Male			Female		
	Number who live:			Number who live:			Number who live:			Number who live:		
	Total	at home/ semi-institu- tionalised	with a qualified person	in an institution	Total	at home/ semi-institu- tionalised	with a qualified person	in an institution	Total	at home/ semi-institu- tionalised	with a qualified person	in an institution
under 1 yr	19	16	0	3	14	12	0	2	5	4	0	1
1 to under 2 yrs	22	20	0	2	13	12	0	1	9	8	0	1
2 to under 3 yrs	33	31	0	2	21	20	0	1	12	11	0	1
3 to under 4 yrs	127	118	0	9	88	83	0	5	39	35	0	4
4 to under 5 yrs	295	279	1	15	207	197	1	9	88	82	0	6
5 to under 6 yrs	554	534	4	16	387	375	3	9	167	159	1	7
6 to under 7 yrs	1,455	1,397	5	53	1,102	1,058	3	41	353	339	2	12
7 to under 8 yrs	1,878	1,726	13	139	1,432	1,321	6	105	446	405	7	34
8 to under 9 yrs	2,772	2,484	25	263	1,981	1,764	16	201	791	720	9	62
9 to under 10 yrs	4,612	4,107	52	453	3,117	2,765	29	323	1,495	1,342	23	130
10 to under 11 yrs	5,830	5,116	77	637	3,890	3,384	54	452	1,940	1,732	23	185
11 to under 12 yrs	5,888	5,007	64	817	4,008	3,365	44	599	1,880	1,642	20	218
12 to under 13 yrs	4,984	4,041	81	862	3,490	2,795	53	642	1,494	1,246	28	220
13 to under 14 yrs	3,833	2,875	42	916	2,783	2,062	34	687	1,050	813	8	229
14 to under 15 yrs	3,068	1,986	40	1,042	2,245	1,456	21	768	823	530	19	274
15 to under 16 yrs	2,662	1,397	35	1,230	1,892	1,033	30	829	770	364	5	401
16 to under 17 yrs	2,422	1,088	30	1,304	1,635	775	15	845	787	313	15	459
17 to under 18 yrs	2,149	791	23	1,335	1,328	521	10	797	821	270	13	538
under 18 years	42,603	33,013	492	9,098	29,633	22,998	319	6,316	12,970	10,015	173	2,782

Aged	2010				2010				2010			
	<i>Total</i>				<i>Male</i>				<i>Female</i>			
	<i>Number who live:</i>				<i>Number who live:</i>				<i>Number who live:</i>			
	<i>Total</i>	<i>at home/ semi-institu- tionalised</i>	<i>with a qualified person</i>	<i>in an institution</i>	<i>Total</i>	<i>at home/ semi-institu- tionalised</i>	<i>with a qualified person</i>	<i>in an institution</i>	<i>Total</i>	<i>at home/ semi-institu- tionalised</i>	<i>with a qualified person</i>	<i>in an institution</i>
under 1 yrs	27	19	0	8	17	12	0	5	10	7	0	3
1 to under 2 yrs	29	26	0	3	19	17	0	2	10	9	0	1
2 to under 3 yrs	46	41	3	2	33	30	2	1	13	11	1	1
3 to under 4 yrs	130	123	0	7	86	83	0	3	44	40	0	4
4 to under 5 yrs	428	409	5	14	307	297	2	8	121	112	3	6
5 to under 6 yrs	820	782	4	34	610	586	1	23	210	196	3	11
6 to under 7 yrs	1,497	1,426	9	62	1,115	1,063	4	48	382	363	5	14
7 to under 8 yrs	2,041	1,887	16	138	1,558	1,442	13	103	483	445	3	35
8 to under 9 yrs	3,046	2,727	39	280	2,184	1,962	23	199	862	765	16	81
9 to under 10 yrs	4,874	4,357	42	475	3,338	2,966	27	345	1,536	1,391	15	130
10 to under 11 yrs	6,495	5,755	60	680	4,323	3,793	36	494	2,172	1,962	24	186
11 to under 12 yrs	6,581	5,689	79	813	4,482	3,825	55	602	2,099	1,864	24	211
12 to under 13 yrs	5,458	4,400	64	994	3,851	3,043	46	762	1,607	1,357	18	232
13 to under 14 yrs	4,568	3,458	61	1,049	3,369	2,545	43	781	1,199	913	18	268
14 to under 15 yrs	3,490	2,318	41	1,131	2,617	1,751	33	833	873	567	8	298
15 to under 16 yrs	2,943	1,645	39	1,259	2,127	1,212	21	894	816	433	18	365
16 to under 17 yrs	2,742	1,241	32	1,469	1,829	907	21	901	913	334	11	568
17 to under 18 yrs	2,395	865	27	1,503	1,531	597	13	921	864	268	14	582
under 18 years	47,610	37,168	521	9,921	33,396	26,131	340	6,925	14,214	11,037	181	2,996

Aged	2011				Male				Female			
	<i>Total</i>				<i>Male</i>				<i>Female</i>			
	<i>Number who live:</i>				<i>Number who live:</i>				<i>Number who live:</i>			
	<i>Total</i>	<i>at home/ semi-institu- tionalised</i>	<i>with a qualified person</i>	<i>in an institution</i>	<i>Total</i>	<i>at home/ semi-institu- tionalised</i>	<i>with a qualified person</i>	<i>in an institution</i>	<i>Total</i>	<i>at home/ semi-institu- tionalised</i>	<i>with a qualified person</i>	<i>in an institution</i>
under 1 yr	36	30	0	6	20	17	0	3	16	13	0	3
1 to under 2 yrs	39	33	3	3	24	21	1	2	15	12	2	1
2 to under 3 yrs	53	48	0	5	37	33	0	4	16	15	0	1
3 to under 4 yrs	172	166	4	2	117	114	2	1	55	52	2	1
4 to under 5 yrs	385	370	1	14	267	258	0	9	118	112	1	5
5 to under 6 yrs	780	741	6	33	572	542	3	27	208	199	3	6
6 to under 7 yrs	1,603	1,529	12	62	1,189	1,138	8	43	414	391	4	19
7 to under 8 yrs	2,267	2,098	20	149	1,766	1,638	11	117	501	460	9	32
8 to under 9 yrs	3,484	3,158	33	293	2,538	2,300	25	213	946	858	8	80
9 to under 10 yrs	5,346	4,758	71	517	3,627	3,224	47	356	1,719	1,534	24	161
10 to under 11 yrs	6,928	6,105	84	739	4,687	4,093	54	540	2,241	2,012	30	199
11 to under 12 yrs	7,285	6,335	88	862	4,994	4,302	60	632	2,291	2,033	28	230
12 to under 13 yrs	5,982	4,934	99	949	4,299	3,493	71	735	1,683	1,441	28	214
13 to under 14 yrs	4,899	3,745	73	1,081	3,622	2,743	50	829	1,277	1,002	23	252
14 to under 15 yrs	4,061	2,769	69	1,223	3,037	2,110	46	881	1,024	659	23	342
15 to under 16 yrs	3,307	1,920	56	1,331	2,433	1,470	44	919	874	450	12	412
16 to under 17 yrs	2,872	1,370	47	1,455	1,965	1,007	27	931	907	363	20	524
17 to under 18 yrs	2,664	1,016	43	1,605	1,700	709	27	964	964	307	16	641
under 18 years	52,163	41,125	709	10,329	36,894	29,212	476	7,206	15,269	11,913	233	3,123

Source: Federal Statistical Office: Statistics on Child and Youth Welfare – educational assistance, integration assistance, assistance for young adults, various age groups; compiled and calculated by the Arbeitsstelle Kinder- und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

Table 7

Integration Assistance under Section 35a Book Eight of the Social Code for six- to under-eighteen-year olds by residential type (Länder; 2009-2011; sum of the assistance still being provided on 31 December and concluded during the year; absolute figures and per 10,000 of all six- to under-eighteen-year-olds)*

Länder	Absolute				Per 10,000 of the 6- to under 18-year-olds			
	Integration assistance for 6- to under 18-year-olds	Number who live:			Integration assistance for 6- to under 18-year-olds	Number who live:		
		at home/ semi-institutionalised	with a qualified person	in an institution		at home/ semi-institutionalised	with a qualified person	in an institution
Brandenburg	1,478	1,312	1	165	67.5	59.9	0.0	7.5
Bavaria	9,603	6,910	37	2,656	63.1	45.4	0.2	17.4
Berlin	1,545	1,296	11	238	49.1	41.2	0.3	7.6
Saarland	438	286	3	149	38.7	25.3	0.3	13.2
Rhineland-Palatinate	2,526	2,248	6	272	51.8	46.1	0.1	5.6
Lower Saxony	3,796	2,882	192	722	37.7	28.6	1.9	7.2
Hesse	3,247	1,950	59	1,238	45.6	27.4	0.8	17.4
Schleswig-Holstein	1,434	1,057	10	367	40.8	30.1	0.3	10.4
N. Rhine-Westphalia	8,945	7,650	82	1,213	40.7	34.8	0.4	5.5
Baden-Württemberg	5,748	4,486	63	1,199	42.8	33.4	0.5	8.9
Thüringia	585	332	7	246	31.7	18.0	0.4	13.3
Saxony	1,166	879	6	281	34.7	26.1	0.2	8.4
Bremen	88	15	5	68	12.7	2.2	0.7	9.9
Mecklb-W. Pomerania	270	163	1	106	19.6	11.8	0.1	7.7
Saxony Anhalt	517	389	3	125	27.2	20.5	0.2	6.6
Hamburg	167	160	1	6	9.4	9.0	0.1	0.3
Germany	41,553	32,015	487	9,051	44.4	34.2	0.5	9.7
West + Berlin	37,537	28,940	469	8,128	45.2	34.9	0.6	9.8
East	4,016	3,075	18	923	37.6	28.8	0.2	8.6

Länder	Absolute				Per 10,000 of the 6- to under 18-year-olds			
	Integration assistance for 6- to under 18-year-olds	Number who live:			Integration assistance for 6- to under 18-year-olds	Number who live:		
		at home/ semi-institutionalised	with a qualified person	in an institution		at home/ semi-institutionalised	with a qualified person	in an institution
Brandenburg	1,800	1,580	3	217	80.9	71.0	0.1	9.8
Bavaria	10,373	7,431	54	2,888	69.3	49.7	0.4	19.3
Berlin	1,937	1,571	9	357	61.2	49.6	0.3	11.3
Saarland	595	405	10	180	54.2	36.9	0.9	16.4
Rhineland-Palatinate	2,746	2,442	10	294	57.6	51.2	0.2	6.2
Lower Saxony	4,509	3,509	184	816	45.6	35.5	1.9	8.2
Hesse	3,481	2,160	44	1,277	49.5	30.7	0.6	18.2
Schleswig-Holstein	1,652	1,257	7	388	47.8	36.3	0.2	11.2
N. Rhine-Westphalia	9,596	8,269	83	1,244	44.5	38.4	0.4	5.8
Baden-Württemberg	6,191	4,803	71	1,317	46.9	36.4	0.5	10.0
Thüringia	669	413	9	247	35.8	22.1	0.5	13.2
Saxony	1,307	1,025	8	274	38.0	29.8	0.2	8.0
Bremen	150	31	10	109	22.0	4.6	1.5	16.0
Mecklb-W. Pomerania	330	200	3	127	23.7	14.4	0.2	9.1
Saxony Anhalt	557	442	3	112	29.2	23.2	0.2	5.9
Hamburg	237	230	1	6	13.4	13.0	0.1	0.3
Germany	46,130	35,768	509	9,853	49.9	38.7	0.6	10.7
West + Berlin	41,467	32,108	483	8,876	50.8	39.4	0.6	10.9
East	4,663	3,660	26	977	43.1	33.8	0.2	9.0

Länder	Absolute				Per 10,000 of the 6- to under 18-year-olds			
	Number who live:				Number who live:			
	Integration assistance for 6- to under 18-year-olds	at home/ semi-institutionalised	with a qualified person	in an institution	Integration assistance for 6- to under 18-year-olds	at home/ semi-institutionalised	with a qualified person	in an institution
Brandenburg	1,913	1,642	2	269	84.2	72.3	0.1	11.8
Bavaria	11,427	8,508	72	2,847	77.7	57.8	0.5	19.4
Berlin	2,392	1,982	13	397	74.8	62.0	0.4	12.4
Saarland	647	465	9	173	60.6	43.6	0.8	16.2
Rhineland-Palatinate	3,127	2,775	10	342	67.2	59.6	0.2	7.3
Lower Saxony	5,360	4,142	195	1,023	55.3	42.8	2.0	10.6
Hesse	3,700	2,402	45	1,253	53.1	34.5	0.6	18.0
Schleswig-Holstein	1,740	1,373	8	359	51.2	40.4	0.2	10.6
N. Rhine-Westphalia	10,534	8,962	218	1,354	49.9	42.4	1.0	6.4
Baden-Württemberg	6,330	4,866	94	1,370	48.7	37.5	0.7	10.6
Thüringia	738	480	7	251	38.9	25.3	0.4	13.2
Saxony	1,361	1,089	6	266	38.6	30.9	0.2	7.5
Bremen	168	48	7	113	24.9	7.1	1.0	16.7
Mecklb-W. Pomerania	377	226	3	148	26.6	16.0	0.2	10.4
Saxony Anhalt	503	412	4	87	26.0	21.3	0.2	4.5
Hamburg	381	365	2	14	21.4	20.5	0.1	0.8
Germany	50,698	39,737	695	10,266	55.5	43.5	0.8	11.2
West + Berlin	45,806	35,888	673	9,245	57.1	44.7	0.8	11.5
East	4,892	3,849	22	1,021	44.3	34.9	0.2	9.2

* Due to sometimes divergent regulations in the Länder to distinguish between social assistance benefits, health insurance benefits, as well as in the field of education (for example, early education), the number of cases related to children under six and to young adults will not be taken into consideration for methodological reasons.

Federal Statistical Office: Statistics on Child and Youth Welfare – educational assistance, integration assistance, assistance for young adults, various age groups; compiled and calculated by the Arbeitsstelle Kinder- und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics)

Table 8

Integration Assistance under Section 35a Book Eight of the Social Code up to the age of eighteen disaggregated by the receipt of transfer benefits and residential situation (Germany; 2009-2011; initiated assistance; absolute figures and in %)

Year	<i>Total</i>				<i>With transfer benefits (absolute)</i>				<i>With transfer benefits (in %)</i>			
	<i>Number who live:</i>				<i>Number who live:</i>				<i>Number who live:</i>			
	<i>Integration assistance up to the age of 18</i>	<i>at home/ semi-institutionalised</i>	<i>with a qualified person</i>	<i>in an institution</i>	<i>Integration assistance up to the age of 18</i>	<i>at home/ semi-institutionalised</i>	<i>with a qualified person</i>	<i>in an institution</i>	<i>Integration assistance up to the age of 18</i>	<i>at home/ semi-institutionalised</i>	<i>with a qualified person</i>	<i>in an institution</i>
2009	16,488	12,822	160	3,498	3,951	2,586	63	1,300	24,0	20,2	39,4	37,2
2010	17,296	13,348	161	3,787	4,383	2,879	75	1,429	25,3	21,6	46,6	37,7
2011	19,018	15,028	249	3,741	5,037	3,427	99	1,511	26,5	22,8	39,8	40,4

Federal Statistical Office: Statistics on Child and Youth Welfare – educational assistance, integration assistance, assistance for young adults, various age groups; compiled and calculated by the Arbeitsstelle Kinder- und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics)

- (ii) *Children and adolescents with considerable physical or mental disabilities who receive integration assistance benefits from social assistance programmes*

137. It should be noted that this table refers to fully institutional as well as semi-institutional settings. The figures thus include children and adolescents who are institutionalised as well as those who only spend part of the day in institutions but live elsewhere. More specific differentiation is not possible for areas covered by Book Twelve of the Social Code.

Table 9

Recipients of Integration Assistance under Chapter 6 of Book Twelve of the Social Code in institutions and not institutionalised disaggregated by age groups and sex (at the end of the year)*

2009									
Age groups	Total			Male			Female		
	Total	Differentiated as		Total	Differentiated as		Total	Differentiated as	
		Institutional	Non-institutional		Institutional	Non-institutional		Institutional	Non-institutional
under 3	10,061	1,162	9,038	5,932	679	5,320	4,129	483	3,718
3 to 7	77,900	34,696	46,524	51,623	22,811	31,049	26,277	11,885	15,475
7 to 11	18,756	11,541	8,928	12,070	7,419	5,765	6,686	4,122	3,163
11 to 15	14,836	10,309	6,257	9,177	6,352	3,871	5,659	3,957	2,386
15 to 18	11,038	8,614	3,700	6,715	5,190	2,287	4,323	3,424	1,413
Total	132,591	66,322	74,447	85,517	42,451	48,292	47,074	23,871	26,155
2010									
Age groups	Total			Male			Female		
	Total	Differentiated as		Total	Differentiated as		Total	Differentiated as	
		Institutional	Non-institutional		Institutional	Non-institutional		Institutional	Non-institutional
under 3	10,690	1,257	9,573	6,270	759	5,589	4,420	498	3,984
3 to 7	88,411	42,026	49,616	58,322	27,689	32,804	30,089	14,337	16,812
7 to 11	20,751	12,993	9,148	13,430	8,422	5,925	7,321	4,571	3,223
11 to 15	16,056	10,688	6,802	10,028	6,658	4,257	6,028	4,030	2,545
15 to 18	11,414	8,605	3,785	6,953	5,210	2,346	4,461	3,395	1,439
Total	147,322	75,569	78,924	95,003	48,738	50,921	52,319	26,831	28,003
2011									
Age groups	Total			Male			Female		
	Total	Differentiated as		Total	Differentiated as		Total	Differentiated as	
		Institutional	Non-institutional		Institutional	Non-institutional		Institutional	Non-institutional
under 3	10,982	1,504	9,677	6,398	879	5,642	4,584	625	4,035
3 to 7	89,594	41,932	52,257	59,350	27,674	34,727	30,244	14,258	17,530
7 to 11	19,388	11,257	10,460	12,501	7,288	6,767	6,887	3,969	3,693
11 to 15	16,287	10,547	8,191	10,233	6,577	5,191	6,054	3,970	3,000
15 to 18	11,465	8,478	4,746	6,921	5,088	2,869	4,544	3,390	1,877
Total	147,716	73,718	85,331	95,403	47,506	55,196	52,313	26,212	30,135

Source: Federal Statistical Office: Fachserie 13 Reihe 2.3, Beneficiary of social assistance after the 5th to 9th Chapter SGB XII; compiled by the Federal Ministry of Labour and Social Affairs.

* There are cases in which people receive benefits in institutions as well as outside of institutions. Hence, the figures in the "Total" column are lower than the sum of the figures in the two other columns.

Regarding subparagraphs (d) and (e)

138. 2009: The total number of children with disabilities in Germany is 483,267, which corresponds to 6.2 per cent of all pupils. In 2009, 95,475 (19.8%) pupils attended regular schools and 387,792 (80.2%) attended special schools.

139. 2010: The total number is 486,564 (6.4%). 108,642 (22.3%) of them attended regular schools and 377,922 (77.7%) attended special schools.

140. 2011: The total number is 487,718 (6.4%). 121,999 (25.0%) of them attended regular schools and 377,922 (75.0%) attended special schools.

141. Different types of disabilities are included in the German statistics (see tables below).

142. No further statistical data on children with disabilities disaggregated by sex, age, geographic location and socio-economic background are available.

Table 10

Pupils with special educational support in general education schools in 2009

<i>Focus of special education</i>	<i>Pupils with special educational support in</i>			<i>Attendance rate in per cent¹</i>
	<i>Mainstream schools</i>	<i>Special schools</i>	<i>Mainstream schools and special schools in total</i>	
Learning	42,563	163,363	205,926	2.6
Sight	1,995	5,163	7,158	0.1
Hearing	4,084	11,034	15,118	0.2
Speech	14,553	37,514	52,067	0.7
Physical and motor development	6,671	24,882	31,553	0.4
Mental development	2,713	75,194	77,907	1.0
Emotional and social development	22,167	36,595	58,762	0.8
Sick	294	10,230	10,524	0.1
Types of special education not assigned to any other disability category	435	23,817	24,252	0.3
All types of special education	95,475	387,792	483,267	6.2

Source: Statistische Veröffentlichungen der Kultusministerkonferenz, Nr. 196, 2012.

¹ Percentage of all pupils of compulsory schooling age (Years 1-10 including special schools).

Table 11
Pupils with special educational support in general education schools in 2010

<i>Focus of special education</i>	<i>Pupils with special educational support in</i>			<i>Attendance rate in per cent¹</i>
	<i>Mainstream schools</i>	<i>Special schools</i>	<i>Mainstream schools and special schools in total</i>	
Learning	47,259	154,958	202,217	2.6
Sight	2,232	4,931	7,163	0.1
Hearing	5,210	10,987	16,197	0.2
Speech	16,550	36,717	53,267	0.7
Physical and motor development	7,341	25,123	32,464	0.4
Mental development	3,189	75,088	78,277	1.0
Emotional and social development	25,478	37,214	62,692	0.8
Sick	174	10,175	10,349	0.1
Types of special education not assigned to any other disability category	1,209	22,729	23,938	0.3
All types of special education	108,642	377,922	486,564	6.4

Source: Statistische Veröffentlichungen der Kultusministerkonferenz, Nr. 196, 2012

¹ Percentage of all pupils of compulsory schooling age (Years 1-10 including special schools).

Table 12
Pupils with special educational support in general education schools in 2011

<i>Focus of special education</i>	<i>Pupils with special educational support in</i>			<i>Attendance rate in per cent¹</i>
	<i>Mainstream schools</i>	<i>Special schools</i>	<i>Mainstream schools and special schools in total</i>	
Learning	53,334	145,383	198,717	2.6
Sight	2,393	4,804	7,197	0.1
Hearing	5,583	11,045	16,628	0.2
Speech	18,725	35,326	54,051	0.7
Physical and motor development	7,951	24,834	32,785	0.4
Mental development	4,229	74,621	78,850	1.0
Emotional and social development	28,266	37,129	65,395	0.9
Sick	566	10,631	11,197	0.1
Types of special education not assigned to any other disability category	952	21,946	22,898	0.3

<i>Focus of special education</i>	<i>Pupils with special educational support in</i>			<i>Attendance rate in per cent¹</i>
	<i>Mainstream schools</i>	<i>Special schools</i>	<i>Mainstream schools and special schools in total</i>	
All types of special education	121,999	365,719	487,718	6.4

Source: Statistische Veröffentlichungen der Kultusministerkonferenz.

¹ Percentage of all pupils of compulsory schooling age (Years 1-10 including special schools).

Regarding subparagraph (f)

143. As a rule, general compulsory schooling begins for all children in the Federal Republic of Germany in the year in which they reach the age of six and involves nine years of full-time schooling (ten years in Berlin, Brandenburg, Bremen and Thuringia; in North Rhine-Westphalia, the duration of full-time compulsory education is nine years for the Gymnasium, and ten years for other general education schools). Disabled children and young people are also required to attend school and complete their compulsory education. On the basis of their special educational needs, they are either taught in mainstream schools together with non-handicapped pupils, or in special schools.

Regarding subparagraph (g)

144. No statistics are available on how many children with disabilities are victims of violence at schools, institutions etc.

4. Please provide, if available, statistical data on:

(a) **The number of children who have been victims of ill-treatment and abuse as well as the number of complaints, investigations, prosecutions and convictions in this regard;**

(b) **The number of children who have been victims of sexual abuse and exploitation, including victims of trafficking, as well as number of complaints, investigations and prosecutions carried out in this regard**

(c) **The number of working children disaggregated by age, sex, geographic location and socio-economic background.**

Table 13
**Police Criminality Statistics, Table 91; Victims disaggregated by age and sex; Territory: Federal Republic of Germany;
 Compiled on: 28 August 2013; Part 1 Reporting period: 2012**

Offence code	Offence		Victims			Children								
			Total	Male	Female	Under 6			6 to under 14			Total		
						total	male	female	total	male	female	total	male	female
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
110000	Criminal offences against the right to sexual self-determination involving the use of force or exploitation of a dependent relationship Sections 174, 174a, 174b, 174c, 177, 178 of the Penal Code	committed	11,709	829	10,880	36	12	24	474	94	380	510	106	404
110000	Criminal offences against the right to sexual self-determination involving the use of force or exploitation of a dependent relationship 174, 174a, 174b, 174c, 177, 178 of the Penal Code	attempted	2,373	126	2,247	2	2	0	68	11	57	70	13	57
110000	Criminal offences against the right to sexual self-determination involving the use of force or exploitation of a dependent relationship Sections 174, 174a, 174b, 174c, 177, 178 of the Penal Code	total	14,082	955	13,127	38	14	24	542	105	437	580	119	461
131000	Sexual abuse of children Sections 176, 176a, 176b of the Penal Code	committed	13,934	3,543	10,391	1,857	568	1,289	12,077	2,975	9,102	13,934	3,543	10,391
131000	Sexual abuse of children Sections 176, 176a, 176b of the Penal Code	attempted	931	237	694	79	32	47	852	205	647	931	237	694
131000	Sexual abuse of children Sections 176, 176a, 176b of the Penal Code	total	14,865	3,780	11,085	1,936	600	1,336	12,929	3,180	9,749	14,865	3,780	11,085

Offence code	Offence		Victims			Children								
			Total	Male	Female	Under 6			6 to under 14			Total		
						total	male	female	total	male	female	total	male	female
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
223100	Ill-treatment of children	committed	3,967	2,285	1,682	1,712	1,046	666	2,255	1,239	1,016	3,967	2,285	1,682
223100	Ill-treatment of children	attempted	31	16	15	13	6	7	18	10	8	31	16	15
223100	Ill-treatment of children	total	3,998	2,301	1,697	1,725	1,052	673	2,273	1,249	1,024	3,998	2,301	1,697
236200	Human trafficking to the detriment of children for the purpose of sexual exploitation under Section 232 (3) (1) of the Penal Code	committed	13	8	5	2	0	2	11	8	3	13	8	5
236200	Human trafficking to the detriment of children for the purpose of sexual exploitation under Section 232 (3) (1) of the Penal Code	attempted	2	0	2	0	0	0	2	0	2	2	0	2
236200	Human trafficking to the detriment of children for the purpose of sexual exploitation under Section 232 (3) (1) of the Penal Code	total	15	8	7	4	1	3	4	2	2	0	0	0
237000	Human trafficking for the purpose of exploiting labour under Section 233 of the Penal Code	committed	37	17	20	0	0	0	0	0	0	0	0	0
237000	Human trafficking for the purpose of exploiting labour under Section 233 of the Penal Code	attempted	1	1	0	0	0	0	0	0	0	0	0	0
237000	Human trafficking for the purpose of exploiting labour under Section 233 of the Penal Code	total	38	18	20	0	0	0	0	0	0	0	0	0

145. Data on investigative proceedings initiated by public authorities or public prosecutors are published in the annual statistics on “Staatsanwaltschaften” (public prosecutors) compiled by the Federal Statistical Office. They are, however, not differentiated according to individual offences so that data on the topic of “offences against sexual self-determination” can neither be attributed to individual offences nor to the victims’ age groups.

146. The data provided in the following table on the adjudicated cases have been taken from statistics on criminal prosecution (cf. the answer to Question 2) and represent an approximation of the number of investigative proceedings. Adjudication results either in the sentencing of the defendant or the conclusion of criminal proceedings in the wake of a judgement or a decision to drop charges. The number of adjudications represents the sum of convictions and other decisions (including acquittal). In the case of adjudications and convictions involving concurrent criminal offences (Section 52 of the Penal Code) or multiple criminal offences (Section 53 of the Penal Code), only the offence for which the law foresees the severest punishment is recorded. In the case of the adjudication of one person for numerous offences in multiple proceedings, each of the criminal proceedings against the defendant is counted.

Table 14
Adjudications and convictions according to the type of criminal offence – 2011

Penal Code (Sections)	Type of Criminal Offence (t=total / m=male)		Adjudications				Convictions						
			Under general law		Under juvenile law		Adolescents						
			Total	Total	Adolescents	Juveniles	Total	Adults	Total	Under general law	Under juvenile law	Juveniles	
174	t		130	129	-	1	-	102	101	1	-	1	-
	m	Abuse of a position of trust ¹⁾ (sexual abuse)	129	128	-	1	-	101	100	1	-	1	-
176 (1,2,3)	t	Sexual abuse of children; acts involving direct physical contact	1,432	985	19	55	373	1,042	783	39	1	38	220
	m		1,410	973	19	55	363	1,032	775	39	1	38	218
176 (4)	t	Sexual abuse of children; acts not involving direct physical contact	445	355	10	26	54	366	304	22	5	17	40
	m		438	349	10	26	53	362	301	22	5	17	39
176 (5)	t	Sexual abuse of children; supplying a child	3	3	-	-	-	3	3	-	-	-	-
	m		3	3	-	-	-	3	3	-	-	-	-
176a	t	Aggravated sexual abuse of children	814	615	11	109	79	725	571	98	2	96	56
	m		806	608	11	109	78	719	566	98	2	96	55
176b	t	Sexual abuse of children resulting in death	1	1	-	-	-	1	1	-	-	-	-
	m		1	1	-	-	-	1	1	-	-	-	-
180	t	Causing minors to engage in sexual activities	22	19	-	1	2	15	13	1	-	1	1
	m		15	13	-	-	2	9	8	-	-	-	1
182 (1, 2)	t	Sexual abuse of juveniles by taking advantage of an exploitative situation or for financial reward	65	62	1	1	1	46	43	2	1	1	1
	m		65	62	1	1	1	46	43	2	1	1	1

Penal Code (Sections)	Type of Criminal Offence (t=total / m=male)		Adjudications					Convictions					
			Under general law		Under juvenile law			Adults	Adolescents				
			Total	Total	Adolescents	Juveniles	Total		Total	Under general law	Under juvenile law	Juveniles	
182 (3)	Sexual abuse of juveniles by taking advantage of the victim's lack of capacity for sexual self-determination	t	24	24	-	-	-	18	18	-	-	-	-
		m	24	24	-	-	-	18	18	-	-	-	-
184b	Distribution, acquisition and possession of child pornography	t	1,716	1,620	25	40	31	1,611	1,530	59	20	39	22
		m	1,709	1,613	25	40	31	1,604	1,523	59	20	39	22
184c	Distribution, acquisition and possession of juvenile pornography	t	109	78	4	6	21	90	73	9	4	5	8
		m	104	78	4	6	16	90	73	9	4	5	8
225		t	290	264	4	20	2	169	149	18	1	17	2
	Abuse of a position of trust ²⁾ (ill-treatment)	m	178	163	-	13	2	103	90	11	-	11	2
232	Human trafficking for the purpose of sexual exploitation ³⁾	t	139	133	1	3	2	117	112	3	1	2	2
		m	102	97	1	2	2	86	82	2	1	1	2
233	Human trafficking for the purpose of exploiting labour ³⁾	t	9	7	-	1	1	4	4	-	-	-	-
		m	7	5	-	1	1	4	4	-	-	-	-
236		t	7	4	-	2	1	5	2	2	-	2	1
	Child trafficking	m	4	2	-	2	-	4	2	2	-	2	-

Source: Federal Statistical Office, Fachserie 10 Reihe 3, Strafverfolgung 2011.

¹⁾ A position of trust in the sense of Section 174 of the Penal Code are positions in which: a) persons under sixteen years of age have been entrusted to the person in Question for the purpose of upbringing/education, training or to supervise their conduct, b) persons under eighteen years of age have been entrusted to the person in Question for the purpose of upbringing/education, training or supervision of their conduct or as a subordinate within an employment relationship or in the performance of duty c) the person in Question has a biological or adopted child under the age of eighteen.

²⁾ Legal wards in the sense of Section 225 of the Penal Code are persons under the age of eighteen or persons who are defenceless due to frailty or illness and have been entrusted to a guardian for care or custody, belong to one's household and have been entrusted to one's care or authority or are subordinates in an employment relationship or in the performance of duty.

³⁾ The data are related to human trafficking of all people or age groups. A differentiation between the victims as children and/or juveniles or according to age is not possible.

Data on the reporting year 2012 are not yet available. The publication of the criminal statistics for 2012 is not expected until the third quarter of 2013.

147. Within the context of the Round Table on the “Sexual Abuse of Children in Dependent and Subordinate Relationships in Private and Public Institutions and within the Family”, the Federal Ministry of Education and Research has commissioned a study of the dark areas to provide representative data on the prevalence of sexual abuse.² The survey period was from January to May 2011. The study made it possible to update the database, which had last been compiled in 1992. Sexual abuse of children was defined as the occurrence of sexual acts (with or without physical contact) between a child or juvenile up to the age of 16 and an adult at least five years older. The following data have been drawn from a sample of 9,175 persons without migrant backgrounds aged between 16 and 40 years of age.

- Prevalence of sexual abuse with physical contact, age of consent 14 years of age female: 5.2%, male: 1.1%;
- Prevalence of sexual abuse with physical contact, age of consent 16 years of age female: 6.7%, male: 1.4%;
- Prevalence of sexual abuse without physical contact, age of consent 14 years of age female: 4.6%, male: 1.3%,
- Prevalence of sexual abuse without physical contact, age of consent 16 years of age female: 5.5%, male: 1.5%.

148. The study showed that, overall, relatively few victims were willing to register a complaint, ranging between 11.9% and 18.4% (depending on the type of abuse).

Table 15

Frequency with which abuse was experienced (up to and including the age of 16)

	<i>SKM1</i>	<i>SKM2</i>	<i>SKM3</i>	<i>SKM4</i>	<i>SKM5</i>	<i>SKM6</i>	<i>SKM7</i>
1 time	1.8	0.8	1.5	0.3	0.3	0.1	
2 times	0.8	0.4	0.7	0.2	0.1	0.1	
Several times a year	0.6	0.8	0.9	0.4	0.9	0.2	
Several times a month	0.3	0.2	0.3	0.2	0.1	0.1	
Several times a week	0.1	0.1	0.2	0.1	0.1	0.0	1.0

Note: Data in %; weighted data; N = 9,175; SKM1 = exhibitionism; SKM2 = touching the perpetrator; SKM3 = victim touched by the perpetrator; SKM4 = penetration with a finger/tongue/object; SKM5 = vaginal/anal penetration; SGM6 = oral penetration; SKM7 = other sexual acts.

Table 16

Frequency with which abuse was experienced according to age of consent and sex of the person surveyed

<i>Offence</i>	<i>Age of consent</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>
SKM1 Exhibitionism	< 14 years	2.9	1.3	4.6
	< 16 years	3.5	1.5	5.5
	≤ 16 years	3.7	1.5	5.9
SKM2	< 14 years	1.8	0.7	2.9

² Kriminologisches Forschungsinstitut Niedersachsen e.V.: Representative Survey on Sexual Abuse (2012).

<i>Offence</i>	<i>Age of consent</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>
Touching the perpetrator	< 16 years	2.1	0.9	3.4
	≤ 16 years	2.3	1.1	3.6
SKM3	< 14 years	2.5	0.9	4.2
Victim touched by the perpetrator	< 16 years	3.3	1.1	5.6
	≤ 16 years	3.6	1.1	6.1
SKM4	< 14 years	0.9	0.2	1.6
Penetration with a finger/tongue/object	< 16 years	1.1	0.2	1.9
	≤ 16 years	1.2	0.3	2.1
SKM5	< 14 years	0.6	0.2	1.1
Vaginal/anal penetration	< 16 years	0.8	0.2	1.4
	≤ 16 years	0.9	0.2	1.7
SKM6	< 14 years	0.4	0.2	0.7
Oral penetration	< 16 years	0.5	0.3	0.9
	≤ 16 years	0.6	0.3	0.9
SKM7	< 14 years	0.7	0.3	1.1
Other sexual acts	< 16 years	0.9	0.3	1.4
	≤ 16 years	1.0	0.4	1.6

Note: Data in %; weighted data; ≤16 encompasses all experiences up to and including the age of 16; the values are related only to the information provided by those who indicated when they first became victims.

5. In addition, the State party may list areas, affecting children that it considers to be of priority with regard to the implementation of the Convention.

(i) *Data compiled on adopted children and juveniles under the age of 18*

149. The data compiled in the following represent adopted minors (including foreign adoptions) for the years 2009, 2010 and 2011.

Table 17

Adoptions of under-eighteen-year-olds according to the form of adoption (Germany; 2009 to 2011; absolute figures and in %)

	<i>2009</i>	<i>2010</i>	<i>2011</i>
Adoptions in total	3,888	4,021	4,060
Third-party adoptions	1,692	1,669	1,690
Step-parent adoptions	2,011	2,184	2,266
Adoptions by relatives	185	168	104
Percentage	2009	2010	2011
Adoptions in total	100.00	100.00	100.00
Third-party adoptions	43.5	41.5	41.6
Step-parent adoptions	51.7	54.3	55.8
Adoptions by relatives	4.8	4.2	2.6

Source: Federal Statistical Office: Statistics on Child and Youth Welfare – Adoptions, various age groups; compiled and calculated by the Arbeitsstelle Kinder- und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

Table 18
**Adoptions of under-eighteen-year-olds according to sex (Germany; 2009 to 2011;
 absolute figures and in %)**

<i>Absolute</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Adoptions in total	3,888	4,021	4,060
Male	1,971	1,999	2,046
Female	1,917	2,022	2,014
Percentage	2009	2010	2011
Adoptions in total	100.0	100.0	100.0
Male	50.7	49.7	50.4
Female	49.3	50.3	49.6

Source: Federal Statistical Office: Statistics on Child and Youth Welfare – Adoptions, various age groups; compiled and calculated by the Arbeitsstelle Kinder- und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics ISTICS).

Table 19
**Adoptions of under-eighteen-year-olds according to age (Germany; 2009 to 2011;
 absolute figures and in %)**

<i>Age groups</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Under 1 year	109	75	118
1 to under 3 years	1,066	1,197	1,224
3 to under 6 years	618	614	596
6 to under 9 years	532	588	601
9 to under 12 years	576	595	557
12 to under 15 years	494	485	484
15 to under 18 years	493	467	480
Total adoptions	3,888	4,021	4,060
Percentage	2009	2010	2011
Under 1 year	2.8	1.9	2.9
1 to under 3 years	27.4	29.8	30.1
3 to under 6 years	15.9	15.3	14.7
6 to under 9 years	13.7	14.6	14.8
9 to under 12 years	14.8	14.8	13.7
15 to under 18 years	12.7	12.1	11.9
Total adoptions	100.0	100.0	100.0

Source: Federal Statistical Office: Statistics on Child and Youth Welfare – Adoptions, various age groups; compiled and calculated by the Arbeitsstelle Kinder- und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

Table 20
Adoptions of under-eighteen-year-olds (Länder; 2009 to 2011; absolute figures)

<i>Länder</i>	2009	2010	2011
Baden-Württemberg	615	609	652
Bavaria	583	600	657
Berlin	114	76	103
Brandenburg	102	102	101
Bremen	19	24	23
Hamburg	69	60	89
Hesse	327	322	262
Mecklenburg-Western Pomerania	71	69	61
Lower Saxony	350	412	406
North Rhine-Westphalia	870	953	929
Rhineland-Palatinate	197	166	204
Saarland	55	58	53
Saxony	209	235	236
Saxony-Anhalt	72	110	77
Schleswig-Holstein	137	125	117
Thuringia	98	100	90
Western Germany (incl. Berlin)	3,336	3,405	3,495
Eastern Germany	552	616	565
Germany	3,888	4,021	4,060

Source: Federal Statistical Office: Statistics on Child and Youth Welfare – Adoptions, various age groups; compiled and calculated by the Arbeitsstelle Kinder- und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

- (ii) *The compilation of data on unaccompanied minor refugees within the context of measures taking them into custody under Section 42 of Book Eight of the Social Code*

150. Information is available through the data collected on cases in which minors were taken into custody on grounds of “unaccompanied entry from a foreign country” under Section 42 of Book Eight of the Social Code within the context of official child and youth welfare statistics. These are cases in which the Youth Services Agencies have been obliged, since 2005, under Section 42 (1) (3) of Book Eight of the Social Code to take children and juveniles who enter the country unaccompanied into custody.

151. Data up to and including the year 2012 are available by referring to the standard tables. With regard to microdata, which are available for analysis in the data research centres of the Federal Statistical Office and the statistical offices in the Länder, only data up to 2011 can currently be accessed.

152. The standard tables provide statistics on the total number of minors who have been taken into custody due to unaccompanied entry into the country as well as statistics disaggregated by age, sex and location previous to when the measure was taken. The number of cases are also available for the Länder. On the basis of the microdata, it is also possible to evaluate the data regarding the child’s residential situation in the wake of the measure’s being taken, the initiator of the measure, the duration of the measure as well as

its conclusion. In principle, it is also possible to differentiate the data according to individual Länder.

Table 21

Development of the key indicators on unaccompanied minor refugees being taken into custody (Germany; 2000 to 2012; absolute figures and cases per 10,000)

<i>Year</i>	<i>Number</i>	<i>Number per 10,000 of the 12 to under 18-year-olds</i>	<i>Percentage taken into custody total (%)</i>
1995	996	18	4.3
1996	1,897	35	6.8
1997	2,113	39	6.6
1998	1,680	31	5.3
1999	1,714	31	5.4
2000	1,453	26	4.7
2001	1,693	30	5.4
2002	1,441	25	5.0
2003	1,155	20	4.2
2004	919	16	3.5
2005	602	11	2.3
2006	612	12	2.4
2007	888	17	3.1
2008	1,099	22	3.4
2009	1,949	40	5.8
2010	2,822	59	7.8
2011	3,482	73	9.1
2012	4,767	10	11.8

Source: Federal Statistical Office: Statistics on Child and Youth Welfare – Temporary Protective Measures, various age groups; compiled and calculated by the Arbeitsstelle Kinder- und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics)

Table 22

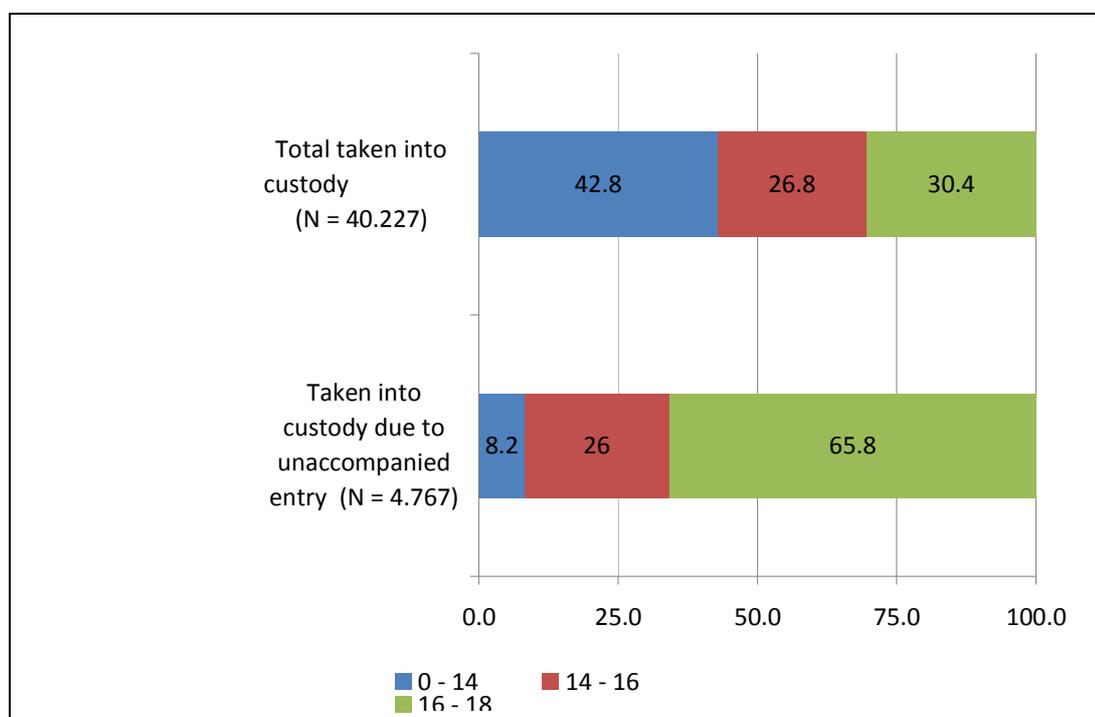
Unaccompanied minor refugees within the context of preliminary protective measures (Länder; 2011 and 2012; absolute figures and change in %)

	<i>2011</i>	<i>2012</i>	<i>Change in %</i>
Schleswig-Holstein	453	267	-41.1
Hamburg	808	687	-15.0
Lower Saxony	187	211	12.8
Bremen	25	48	92.0
North Rhine-Westphalia	542	1115	105.7
Hesse	441	547	24.0
Rhineland-Palatinate	136	155	14.0
Baden-Württemberg	292	270	-7.5
Bavaria	197	334	69.5

	2011	2012	Change in %
Saarland	176	225	27.8
Berlin	75	823	997.3
Brandenburg	8	9	12.5
Mecklenburg-Western Pomerania	13	14	7.7
Saxony	94	38	-59.6
Saxony-Anhalt	19	18	-5.3
Thuringia	16	6	-62.5
Germany in total	3,482	4,767	36.9

Source: Federal Statistical Office: Statistics on Child and Youth Welfare – Temporary Protective Measures, various age groups; compiled and calculated by the Arbeitsstelle Kinder- und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

Figure 1
Minors taken into custody due to unaccompanied entry into the country according to age groups (Germany; 2012; distribution in %)



Source: Federal Statistical Office Statistics on Child and Youth Welfare – Temporary Protective Measures, various age groups; compiled and calculated by the Arbeitsstelle Kinder- und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

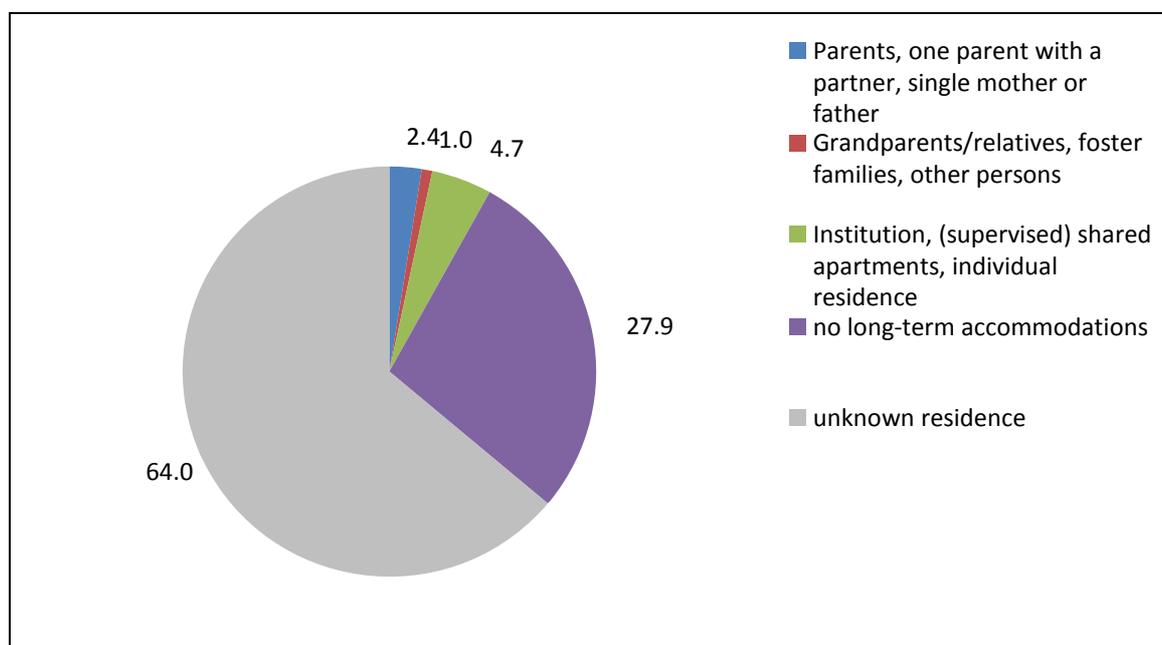
Table 23
Cases of minors taken into custody due to unaccompanied entry into the country according to sex and age groups (Germany; 2012; distribution in %)

<i>Absolute</i>			
<i>Age group</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
under 14 yrs.	392	249	143
14 to under 16 yrs.	1,239	1,076	163
16 to under 18 yrs.	3,136	2,772	364
Total	4,767	4,097	670
<i>In columns-%</i>			
<i>Age group</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
under 14 yrs.	8.2	6.1	21.3
14 to under 16 yrs.	26.0	26.3	24.3
16 to under 18 yrs.	65.8	67.7	54.3
Total	100.0	100.0	100.0
<i>In rows-%</i>			
<i>Age group</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
under 14 yrs.	100.0	63.5	36.5
14 to under 16 yrs.	100.0	86.8	13.2
16 to under 18 yrs.	100.0	88.4	11.6
Total	100.0	85.9	14.1

Source: Federal Statistical Office: Statistics on Child and Youth Welfare – Temporary Protective Measures 2012, various age groups; compiled and calculated by the Arbeitsstelle Kinder – und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

Figure 2

Minors taken into custody due to unaccompanied entry into the country according to their residence previous the measure's being taken (Germany; 2012; distribution in %)



Source: Federal Statistical Office: Statistics on Child and Youth Welfare – Temporary Protective Measures 2012, various age groups; compiled and calculated by the Arbeitsstelle Kinder – und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

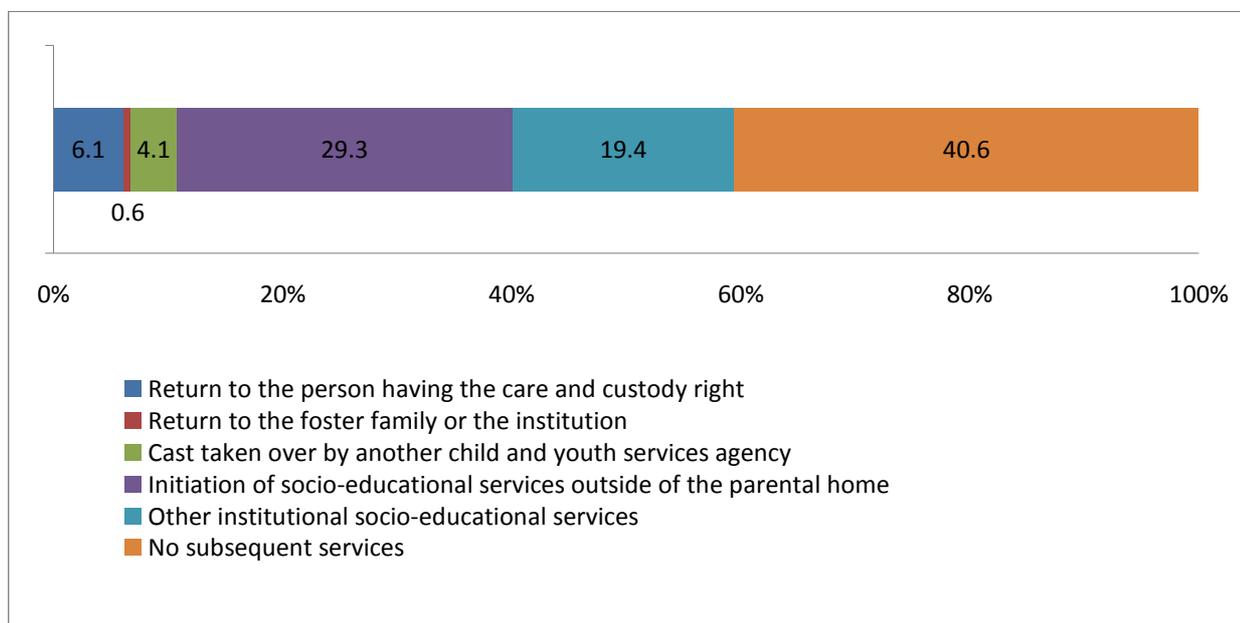
Table 24

Minors taken into custody due to unaccompanied entry into the country according to their placement for the duration of the measure (Germany; 2011; distribution in %)

Age group	Placement			Total (N =)
	with a qualified person	in an institution	in a different supervised residential situation	
under 12 yrs.	18.4	75.9	5.7	141
12 to under 14 yrs.	11.2	83.7	5.1	196
14 to under 16 yrs.	4.4	93.0	2.5	1,104
16 to under 18 yrs.	3.0	94.3	2.7	2,041
Total	4.6	92.5	2.9	3,482

Source: Research data centres of the Federal Statistical Office and the statistical offices of the Länder: Statistics on Child and Youth Welfare – Temporary Protective Measures, 2011; compiled and calculated by the Arbeitsstelle Kinder – und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

Figure 3
Minors taken into custody due to unaccompanied entry into the country after the measure was concluded (Germany; 2011; distribution in %)



Source: Research data centres of the Federal Statistical Office and the statistical offices of the Länder: Statistics on Child and Youth Welfare – Temporary Protective Measures, 2011; compiled and calculated by the Arbeitsstelle Kinder – und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).

Table 25
Average duration in days of custody due to unaccompanied entry into the country by age groups (Germany; 2011; median values)

	<i>Average duration in days (median)</i>
under 12 yrs	21
12 to under 14 yrs	5
14 to under 16 yrs	7
16 to under 18 yrs	9

Source: Research data centres of the Federal Statistical Office and the statistical offices of the Länder: Statistics on Child and Youth Welfare – Temporary Protective Measures, 2011; compiled and calculated by the Arbeitsstelle Kinder – und Jugendhilfestatistik (Centre for Child and Youth Welfare Statistics).