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Consideration of reports of States parties

Replies of Germany to the list of issues in relation to its combined fifth and sixth reports*

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* The present document is being issued without formal editing.



Part one

Reply to paragraph 2 (a) of the list of issues in relation to the combined fifth and sixth periodic reports of Germany (CRC/C/DEU/Q/5-6)¹

1. The coronavirus pandemic has caused considerable strains, especially among children and juveniles. The risks and the impact were recognised early on, and the Federal Government took a variety of measures to mitigate the consequences as well as possible.
2. The Federal Ministry of Education and Research (BMBF) is funding two serological studies on the course of infection in children (SARS-CoV-2-Kids and CorKid). Another project (RECAST) is investigating the immune response of children and the question of why the course of the disease is often less severe among children when compared to adults who become infected with SARS-CoV-2.
3. In contrast, the social restrictions of the pandemic place a particularly heavy burden on children and juveniles. This is confirmed by studies and feedback from professionals and professional organisations from the field. The National Academy of Sciences Leopoldina also pointed this out in its 8th ad-hoc statement of 21 June 2021.²
4. In its 7th statement of February 17, 2022, the Expert Council of the Federal Government also pointed out that the best interests of the child should be given priority during the pandemic. In addition to the primary SARS-CoV-2 disease burden, the statement also addresses the impairment of the mental and social well-being of children and adolescents.³
5. Studies have shown that closing educational and childcare facilities has a negative impact on the well-being of young people. Many children and juveniles complained that they had difficulties learning at a distance, about a lack of contact opportunities with peers, as well as partly also of loneliness. The “COPSY study” of Hamburg Eppendorf University Medical Centre already revealed in the summer of 2020 that almost one in three children was suffering from psychological abnormalities and emotional problems. At the same time, the proportion of children who did no sport at all increased tenfold compared to the time before the pandemic.⁴
6. The Federal Government’s position from the very beginning has been that child day care centres and schools must remain open wherever possible. With regard to child day care, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) has accompanied developments since the summer of 2020 with the Corona “KiTa” Study, which was commissioned jointly with the Federal Ministry of Health (BMG) from the German Youth Institute (DJI) and the Robert Koch Institute (RKI).
7. The exchange in the Corona “KiTa” Council founded by the BMFSFJ with representatives from the *Länder* and municipalities also provided important insights for specialist and political work.
8. The BMBF funded the development of an S3 guideline⁵ across the *Länder* which is intended to help reduce the risk of infection when schools are open, and to enable schools to operate in as safe, orderly and uninterrupted a manner as possible in the pandemic.
9. The Federal Government, the *Länder* and the municipalities have implemented a large number of measures since the beginning of the pandemic to make sure that fundamental rights, and the provisions of the UN Convention on the Rights of the Child, are adhered to. This also includes the action programme entitled “Catching up after COVID for children and

¹ Preliminary remark: The financing of envisaged individual measures of the Federation will have to be discussed in upcoming budget negotiations.

² https://www.leopoldina.org/uploads/tx_leopublication/2021_Corona_Kinder_und_Jugendliche.pdf.

³ <https://www.bundesregierung.de/resource/blob/974430/2006266/47d5893828bc9d1ab4d07ed41b7cb078/2022-02-17-siebte-stellungnahme-expertenrat-data.pdf?download=1>.

⁴ <https://www.thieme-connect.com/products/ejournals/abstract/10.1055/a-1397-5400>.

⁵ [Die S3-Leitlinie als Handlungsempfehlung für Schulen - BMBF](#).

juveniles”, which the Federal Government launched at the beginning of May 2021 with a total volume of two billion Euro.

10. The action programme aims to support children and juveniles in reducing learning lag, to intensify early childhood education programmes, and to enable additional sports, leisure and holiday activities.

11. Firstly, existing structures were used to expand the Federation’s programmes. Secondly, the Federation provided the Länder with a one-off amount of 1.29 billion Euro in the shape of proportions of turnover tax through fixed amounts as part of the vertical distribution of turnover tax in order to support them in coping with the impact of the exceptional pandemic situation in their area of responsibility.

12. The coronavirus pandemic has exacerbated existing inequalities with regard to the chances of growing up healthy. Those children and juveniles who were already subject to increased health and developmental risks before the pandemic were and continue to be exposed to particular burdens during the pandemic. In addition to children from families with low socioeconomic status, these particularly include children with disabilities and severe chronic illnesses who have complex support needs, as well as children whose parents suffer from severe mental illnesses.

13. The Federal Government has established the Interministerial Working Group (IMA) “Impacts on the Health of Children and Juveniles due to COVID”, co-chaired by the BMFSFJ and the BMG, in order to address the impact of the pandemic on children and juveniles quickly, in a focused manner and with concrete recommendations for action.

14. These particularly include lending top priority to avoiding extensive closures of educational and childcare facilities, and keeping opportunities for exercise, as well as extracurricular education and youth work, open to all children and juveniles even under pandemic conditions.⁶

15. The Federal Government organised a large number of virtual dialogue and participation events with juveniles as part of the Youth Strategy in order to involve young people more intensively in the political debate. In addition, the BMFSFJ significantly expanded telephone and online counselling services for children and juveniles such as the “*Nummer gegen Kummer*”, and increased their visibility.

16. The Federation is also making an additional one billion Euro available in the shape of the fifth “Childcare Funding” investment programme – based on the economic stimulus package for dealing with the consequences of the coronavirus pandemic in 2020 and 2021. This will make it possible to create up to 90,000 new places in child day care centres and in-home child day care, and to fund renovation measures and investments to improve the hygiene situation.

17. Furthermore, the BMG set up the portal entitled “Staying mentally stable” of the Federal Centre for Health Education (BZgA) in April 2020, with the objective of raising awareness of the topic of “mental stress” and building up coping skills.

18. The Federal Government is also engaged in the international context to protect children’s rights worldwide in connection with the coronavirus pandemic, and to cushion the socio-economic impact. The Federal Government provided a total of roughly 4.7 billion Euro in 2020 and 2021 for the global mitigation of the effects of the coronavirus pandemic through the Emergency COVID-19 Support Programme of the Federal Ministry for Economic Cooperation and Development (BMZ).

Reply to paragraph 2 (b) of the list of issues

19. Children are holders of all fundamental rights, but at the same time they are particularly vulnerable. Explicitly enshrining children’s rights in the German Basic Law (*Grundgesetz*) was stipulated as a project in the Coalition Agreement for the 19th legislative

⁶ <https://www.bmfsfj.de/resource/blob/185696/317281a594f986c9a4be384a934c1fb5/ima-bericht-gesundheitliche-auswirkungen-auf-kinder-und-jugendliche-durch-corona-data.pdf>.

period. However, the majority required to amend the Constitution did not materialise in the parliamentary procedure. As set out in the Coalition Agreement, the new Federal Government plans to make a fresh attempt to anchor children's rights in the Basic Law in the 20th legislative period, and intends to take as an orientation the stipulations of the UN Convention on the Rights of the Child. At the same time, monitoring for the implementation of the Convention is to be expanded.

Reply to paragraph 2 (c) of the list of issues

20. The realisation and reinforcement of children's rights is the responsibility of all political stakeholders in Germany's federal system – from the local level through Land level, to Federal level. A comprehensive strategy on children's rights can certainly also be drafted and adopted in local territorial entities. The BMFSFJ is of the opinion that the diversity of approaches to action and the existence of sectoral strategies have fundamentally proven their worth, and have shown themselves to be effective.

21. The Federal Government is promoting a wide variety of measures and projects to ensure the awareness and implementation of children's rights. One example is the project entitled "Child-friendly municipalities". The Federation offers expert support to municipalities within this project so that they can raise awareness of children's rights, and as a result promote children's participation.

22. Schools are a particularly relevant field of action for reinforcing children's rights. This is why the Federal Government is involved in promoting the nationwide "Kinderrechteschulen" (Schools on Children's Rights) project, which has been run by the Children's Charity of Germany (DKHW) since 2013.

Reply to paragraph 2 (d) of the list of issues

23. The protection and reinforcement of children's rights is a cross-sectional task that touches on all fields of action and all levels. The Federal Government sees no need for a permanent national body at Federal level to coordinate policy on children's rights.

24. Cross-sectional issues such as children's rights are coordinated in existing, appropriate structures such as the Conference of Youth and Family Ministers of the Federal *Länder* (JFMK), the Association of Supreme *Land* Youth and Family Authorities (AGJF), the Federal Association of *Land* Youth Welfare Offices, and various Federation-*Länder* working parties. The national municipal organisations Association of German Cities and Towns, German Association of Towns and Municipalities and German Association of Rural Districts are also part of this wide-ranging exchange, which has proven its worth and is being continuously developed.

25. The Federal Government also coordinates overarching strategies for individual topics such as the protection of children and young people from harmful media. It has recognised in this regard that there is a need to coordinate an overall strategy, and has initiated the Second Act Amending the Youth Protection Act (*Zweites Gesetz zur Änderung des Jugendschutzgesetzes – 2. JuSchG-ÄndG*), which came into force on 1 May 2021. The new Federal Agency for Child and Youth Protection in the Media (BzKJ) is responsible for monitoring providers' precautionary measures to protect children and juveniles in the digital domain.

Reply to paragraph 2 (e) of the list of issues

26. The statistical data collected in Germany, in particular the official child and youth welfare statistics, provide information on the implementation status of the UN Convention on the Rights of the Child. The Children and Juvenile Support Act (*Gesetz zur Stärkung von Kindern und Jugendlichen – KJSG*), the essential parts of which entered into force on 10 June 2021, further developed the instruments of official child and youth welfare statistics for

the empirical long-term observation of child and youth welfare, and in particular lent them concrete shape with regard to data on children and juveniles.

Reply to paragraph 2 (f) of the list of issues

27. The Federal Government established the independent Monitoring Mechanism for the UN Convention on the Rights of the Child at the German Institute for Human Rights (DIMR) in 2015 at the recommendation of the UN Committee on the Rights of the Child. Its core task is to independently observe and monitor the implementation of the Convention in Germany. In addition, the Monitoring Mechanism is developing examples of child rights indicators.

28. The Federal Government has already explained in the current State Party Report why it does not consider it to be expedient to extend tasks to establish a child-friendly complaints mechanism.

Contact points for individual complaints by children or their representatives should first and foremost be low-threshold, i.e. easily accessible, especially for children, and should above all be located in the children's immediate living environment.

29. The new Act to Strengthen Children and Juveniles (*Kinder- und Jugendstärkungsgesetz*) makes the establishment of independent ombuds offices in the *Länder* mandatory: The ombuds offices serve as contact points for young people and their families to mediate on and resolve conflicts within child and youth welfare. In addition, the new Act gives children and juveniles an unrestricted entitlement to counselling vis-à-vis the youth welfare office. Furthermore, there must be a mandatory external contact person for children and juveniles in institutions, as well as for foster children, in case of complaints.

Reply to paragraph 2 (g) of the list of issues

30. With the Act to Combat Sexualised Violence against Children (*Gesetz zur Bekämpfung sexualisierter Gewalt gegen Kinder*), promulgated on 22 June 2021, the legislature has bindingly regulated concrete qualification requirements for family judges, as well as for guardians ad litem for minors (*Verfahrensbeistände*) in proceedings under the law on parent-child relations. In addition to specific legal knowledge, family judges are to also have basic knowledge of psychology and child-friendly communication in future. Concrete professional and personal qualification requirements are now also regulated by law for guardians ad litem for minors. They are subject to training obligations, and are to guarantee that they represent the interests of the child conscientiously, impartially and independently.

Reply to paragraph 3 (a) of the list of issues

31. The Federal Cabinet passed a draft Bill on Corporate Due Diligence in Supply Chains in March 2021, which was adopted by the Bundestag and the Bundesrat in June 2021. It obliges businesses to implement human rights and specific environmental due diligence obligations along their supply chains. In particular, it is about conducting a risk analysis, taking preventive and remedial measures, as well as establishing a complaints procedure and reporting on their efforts.

32. The Act explicitly mentions as human rights risks potential violations of International Labour Organization (ILO) Convention 138 with regard to the minimum age for admission to employment, and ILO Convention 182 concerning the prohibition and immediate action for elimination of the worst forms of child labour.

33. The Act applies from 2023 onwards to businesses based in Germany and to branches of companies not based in Germany with 3,000 employees or more (roughly 1,000 companies). Businesses/branches with 1,000 or more employees (about 4,800) will be covered from 2024 onwards.

34. The Federal Office for Economic Affairs and Export Control (BAFA), as the supervisory authority, can impose fines of up to 8 million Euro, or 2 per cent of worldwide

annual turnover, depending on the violation. In addition, there is the threat of temporary exclusion from the award of public contracts in particularly serious cases.

Reply to paragraph 3 (b) of the list of issues

35. The Federal Government passed the Draft Bill of an Act to Strengthen Integrity in Business on 16 June 2020, and forwarded it to the German Bundestag via the Bundesrat. However, the bill was not debated. With the draft, the Federal Government pursued the goal of placing the sanctioning of companies on an independent legal basis and of enabling appropriate punishment of corporate criminal offences through an improved set of tools.

Reply to paragraph 3 (c) of the list of issues

36. The Federal Government conducted the “NAP monitoring process” as a scientific study from 2018 to 2020. The monitoring process provided empirical findings on the extent to which companies based in Germany with more than 500 employees are meeting their due diligence obligations. The final report was published in October 2020.⁷ The Federal Government has commissioned the preparation of a National Baseline Assessment to evaluate the implementation measures of the NAP.

Reply to paragraph 4 (a) of the list of issues

37. Children and juveniles also suffer from complex forms of discrimination: This is frequently not limited to one single dimension such as gender, origin, sexuality, social status or disability.

38. The Federal Government particularly supports projects in shaping diversity via the Federal programme “Live Democracy!” which in take into account multiple discrimination and the intersectionality and interconnectedness of several phenomena of group-focused enmity.

39. In addition, a number of initiatives and support programmes of the BMFSFJ address in particular overcoming gender stereotypes that may lead to discrimination and exclusion. Examples of this are the initiative “klischeefrei.de”, the “Mein Testgelände.de” (“my testing ground”) online portal, as well as projects such as “School against sexism” by the project manager “Pinkstinks”.

40. The Federal Government’s Rainbow Portal has been offering comprehensive information on large numbers of LGBTI topics to interested parties since May 2019. Children and juveniles, parents and professionals can also find information and materials there.

41. The Federal Anti-Discrimination Agency (ADS) conducted a campaign in 2018 under the motto “#DarüberReden” (TalkingAboutIt) in order to make everyday experiences of discrimination visible and to enter into a dialogue with young people about them.

Reply to paragraph 4 (b) of the list of issues

42. The new Act to Strengthen Children and Juveniles (KJSG) sets the course for bringing together the responsibilities for children and juveniles with and without disabilities under the umbrella of child and youth welfare. This is to make it easier for children and juveniles with disabilities, and their parents, to realise their rights and receive the benefits to which they are entitled.

43. Children with and without disabilities are to be cared for together in child day care centres as a matter of principle in future and supported independently in the realisation of their rights.

⁷ www.diplo.de/nap-monitoring.

44. When applying for benefits due to an existing or threatened disability, young people or persons having custody will be entitled from 2024 onwards to be accompanied by staff guiding them through the entire procedure and when they come into contact with public authorities. It is planned for child and youth welfare to become responsible for all children and juveniles with and without disabilities in 2028 (“inclusive solution”).

45. The current National Action Plan against Racism deliberately formulates measures to address homophobia and transphobia not in isolation, but as part of preventing and combating other manifestations of group-related misanthropy. This opens up an intersectional perspective that takes into account the diversity of LGBTI people, and also addresses multiple discriminations.

46. The Standing Conference of the Ministers of Education and Cultural Affairs (KMK) adopted “Guidelines for Gender-Sensitive School Education” in 2016, together with the Standing Conference of Ministers for Gender Equality. The Guidelines list among other things fields of action with regard to the elimination of gender stereotypes from curricula and education plans.

47. The Federal *Länder* are also active in this field, including in the programme “School against Racism – School with Courage”, which specifically also addresses this issue. More than 3,000 schools nationwide are taking part in the programme.

48. The Federal Government also adopted an LGBTI Inclusion Concept for foreign policy and development cooperation in March 2021. The Concept provides for strengthening the rights of LGBTI minors as a particularly vulnerable group, among other things by reducing legal and structural barriers in education systems.

Reply to paragraph 4 (c) of the list of issues

49. In the Federal Programme “Live Democracy!” projects develop solutions to enable all people in Germany to live a peaceful life free from discrimination, regardless of their origin, religion or sexual orientation. Corresponding projects deal with selected forms of group-focused enmity as well as multiple discrimination, and support the acknowledgement and appreciation of diversity.

50. The KMK furthermore maintains a close working relationship with the Central Council of German Sinti and Roma, and this also includes the issue of discrimination.

Reply to paragraph 5 (a) of the list of issues

51. The legislature has strengthened in the law the legal position of children in family court proceedings. The Act to Combat Sexualised Violence against Children clarified that children must be heard regularly in parent-and-child law proceedings, regardless of their age. The court must furthermore form a personal impression of the child.

52. An acceleration requirement was expressly provided for in the Code of Criminal Procedure (*Strafprozessordnung*) in criminal proceedings with minor victim-witnesses. This requirement is intended to help prevent minors from being exposed to the stresses of criminal proceedings for longer than is absolutely necessary.

53. In addition, the Federal Government supports implementation in the legislative, administrative and judicial domains through various measures and projects. One example of this is the topic of “child-friendly justice”. The DKHW is also involved in a project funded by the BMFSFJ to support professional practice, among other things by providing guidance for action on judicial procedures.

54. The Federal Ministry of Justice and Consumer Protection (BMJ) initiated a pilot blended-learning training project on the topic of “developmentally-appropriate, complete and suggestion-free child hearings”, supported by the *Land* Ministries of Justice.⁸ The training programme is primarily aimed at family judges. It serves to train and develop psychological

⁸ www.justizfortbildungen.de.

skills and hearing techniques that are essential for a relevant, developmentally-appropriate, complete and suggestion-free child hearing.

55. Further, the National Council against Sexual Violence against Children and Juveniles aims to improve the conditions for a child-friendly justice through various measures. In this endeavour: a “Practical guide to the application of child-friendly criteria in criminal proceedings” has been published in 2021.

56. The Competence Centre Youth-Check – a project funded by the BMFSFJ and run by the German Research Institute for Public Administration – examines the effects of draft legislation on juveniles in legislative projects of the Federal Government.

Reply to paragraph 5 (b) of the list of issues

57. The BMFSFJ published the “Family Research Monitor – raising children alone or separately – Circumstances, transitions, challenges” in 2021. This publication presents new figures, facts and study results on the circumstances of lone and separated parents in Germany.⁹

58. In addition, the Scientific Advisory Board for Family Issues presented an expert report in 2021 on the topic of “Raising children separately, but together”. The report provides a comprehensive overview of separated families in Germany, of the legal and financial consequences, but also of the psychological stress which separation involves.

Reply to paragraph 5 (c) of the list of issues

59. The Federal Government promotes the operation of the free nationwide helpline “Pregnant women in distress – anonymous and safe”, as well as corresponding online counselling services.¹⁰ It also supports the continuous implementation of the publicity campaign to highlight the assistance available to pregnant women and confidential birth. 900 confidential births have been registered since the Act on the Expansion of Assistance for Pregnant Women and Confidential Birth Arrangements (*Gesetz zum Ausbau der Hilfen für Schwangere und zur Regelung der vertraulichen Geburt*) came into force in May 2014. A statistically-relevant decrease in anonymous child abandonment has since been observed (33.3 cases per year).

Reply to paragraph 6 (a) of the list of issues

60. The *Trau Dich!* initiative aims at preventing sexualised violence against children by training of teachers and pedagogical staff and promoting the network between schools and the regional assistance system. In addition, parents are provided with relevant knowledge, and children are empowered in terms of their rights, especially their right to protection. The BMFSFJ has been implementing the initiative in cooperation with the Federal Centre for Health Education (BZgA) since 2012.

61. The BMFSFJ has been funding the project “Measures for the prevention of and intervention in sexualised violence among juveniles” since September 2020. Innocence in Danger e.V. developed concepts for prevention workshops for juveniles, parents and professionals.

62. The BMBF is funding the “ViContact” project, amongst other things: The project aims to prepare future teachers to conduct initial interviews with pupils who may have been affected by sexual abuse by means of virtual reality training. The “SeBiLe” project strengthens the action and reflection skills of educational staff in sexual education.

⁹ <https://www.bmfsfj.de/resource/blob/184344/81c9080a508de4b4e9cd1213398ecdea/20210721-monitor-familienforschung-data.pdf>.

¹⁰ www.schwanger-und-viele-fragen.de; www.geburt-vertraulich.de.

63. The *Länder* also attach great importance to the topic of violence prevention. The KMK has appointed a rapporteur on the topic of violence at school. Moreover, violence prevention is also taking up more space in teacher training and in-service training.

64. The Independent Commissioner for Child Sexual Abuse (UBSKM) has been implementing the “Schools against Sexual Violence” initiative in cooperation with the 16 federal states since 2016. The common goal is the implementation of protection concepts at all around 30,000 general schools. In addition, in April 2021, the Independent Commission for the Study of Child Sexual Abuse addressed an appeal to those affected who are now adults in the context of school in order to generate further knowledge for effective violence prevention.

Reply to paragraph 6 (b) of the list of issues

65. Education and awareness-raising are key components in combating sexual exploitation and abuse. The UBSKM and the BMFSFJ are currently designing a campaign raising awareness for sexualised violence against children. The campaign is going to be launched in 2022.

66. The BMFSFJ published the Federal Cooperation Concept entitled “Protection and Assistance in Trafficking in and Exploitation of Children” in 2018, together with the Association for the Protection of Children against Sexual Exploitation (ECPAT) and KOK e.V. The concept provides recommendations for the cooperation between institutions and professionals to strengthen the protection of children from human trafficking.

Reply to paragraph 6 (c) of the list of issues

67. Cyberbullying and online grooming are among the “interaction risks” to which children and juveniles are increasingly exposed when they use digital media. In order to effectively counter these dangers, the legal protection of children and young people in the media was modernised by the Second Act Amending the Youth Protection Act (2. JuSchG-ÄndG), mentioned above. Providers are now obliged to take precautionary measures to ensure that children and juveniles are protected from cyberbullying and online grooming attacks.

68. The National Council against Sexual Violence against Children and Juveniles also supports better protection of children and juveniles from sexual abuse and exploitation in the digital sphere. The Council seeks to support the new Federal Agency for Child and Youth Protection in the Media in developing guidelines on appropriate “digital protection concepts”.

Reply to paragraph 7 (a) of the list of issues

69. The Federal Ministries of Justice (BMJ), of the Interior and Community (BMI), and for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), were tasked with evaluating the effects of the amendments on application practice within three years of the Act to Combat Child Marriages (*Gesetz zur Bekämpfung von Kinderehen*) coming into force in July 2017.

70. In accordance with Article 10 para. 3 of the Act, the BMFSFJ was tasked with examining the impact of the amendments under Art. 9 on application practice. Feedback received in the course of the evaluation indicates that the goal of creating clarity for the youth welfare offices with regard to their options for action has essentially been achieved. In addition, the practice of taking underage married refugees into temporary custody immediately after they crossed the border was given a largely positive evaluation.

71. In accordance with Art. 10 para. 1 of the Act, the BMJ was to examine the effects of the amendments under Art. 1 Nos. 2, 5 and 6, Art. 2 No. 1, and Art. 7 Nos. 2 to 4, on application practice. The evaluation showed that the ban on underage marriage is an effective means of combating child marriages. There were no cases of marriages with minors during

the evaluation period, with the exception of religious or “unofficial” marriages, which are largely practised in secret. It nevertheless considered that there was room for improvement.¹¹

Reply to paragraph 7 (b) of the list of issues

72. The Federal Government published the “Document granting protection against Female Genital Mutilation” in February 2021. This is a document in passport format that provides information about the punishability of female genital mutilation – even when carried out abroad. It is intended to help prevent female genital mutilation in the countries of origin. The BMFSFJ funded a project from September to December 2021 in which social and healthcare professionals were trained about the Document.

73. The Federal Government is funding the SAIDA International project entitled “Prevention and assistance in the case of genital mutilation in Central Germany” as part of the Federal funding programme entitled “Together against violence against women”. The aim is to set up a mobile counselling team that visits facilities for refugees and migrants in Thuringia and Saxony-Anhalt and offers on-site counselling to those affected by genital mutilation, people at risk and professionals.

Reply to paragraph 7 (c) of the list of issues

74. (The German Bundestag passed the Act on the Protection of Children with Variants of Sex Development (*Gesetz zum Schutz von Kindern mit Varianten der Geschlechtsentwicklung*) on 25 March 2021. This is intended to protect children’s right to gender self-determination. At the same time, they are to be protected from unnecessary treatments on their sex characteristics. The Act contains a ban on targeted gender reassignment treatments for children with variations in sex characteristics. Parents may only consent to an operation on the internal or external sex characteristics of their child which could result in a reassignment of the child’s physical appearance to that of the male or female sex if this operation cannot be postponed until the child subsequently takes a self-determined decision. Consent to such an intervention requires the approval of the family court as a matter of principle.

Reply to paragraph 8 (a) of the list of issues

75. The need for reform is currently being examined, taking into account the results of the working party on “Custody and contact rights, in particular in the case of joint care after separation and divorce”, which was deployed in 2018 to 2019. The examination also includes the questions of whether terminological changes are required, and whether and to what extent the concept of custody is to be replaced by parental responsibility.

Reply to paragraph 8 (b) of the list of issues

76. Persons having custody are entitled to assistance for upbringing in accordance with Book VIII of the Social Code (SGB VIII) if upbringing in accordance with the best interests of the child is not guaranteed. The type of assistance to be granted depends on the educational needs in the individual case, and may therefore also include placing the child or juvenile in an educational assistance facility or in a foster home.

77. The new Act to Strengthen Children and Juveniles reinforces the rights of the birth parents. Regardless of their custody rights, they now have a right to receive counselling and support, as well as to the promotion of their relationship with their child if the child is in

¹¹ https://www.bmjv.de/SharedDocs/Gesetzgebungsverfahren/ExterneDokumente/Evaluierung_Gesetz_Kinderehen_Gesamtbericht.html?jsessionid=7BAF99D4A7B9BBBB38ED2553214FAAA7.2_cid334.

alternative care. In addition, the new Act fundamentally enhances preventive measures, e.g. families receive improved low-threshold access to assistance in emergency situations.

Reply to paragraph 9 (a) of the list of issues

78. Counteracting discrimination against children with disabilities is a declared goal of the Federal Government and of all the Federal *Länder*. *Land* legislation regulates inclusion within the 16 education systems in Germany.

79. The expansion of the inclusive school system is being further developed with different legal regulations and implementation strategies by means of the action plans for the implementation of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) that have been adopted in all the *Länder*. Measures include designing specialist inclusive schools or inclusive school alliances, enhancing mobile services, developing new framework curricula, and establishing new Chairs for special needs education.

80. The percentage of pupils requiring special pedagogical support has increased from 6.2 to 7.6 per cent since the 2010/11 school year. The special needs school attendance rate fell from 4.8 to 4.2 per cent in the same period.

81. The BMBF supports the *Länder*, which are responsible for education, in implementing the UN CRPD by for example establishing a focus on “inclusive education” as part of the Framework Programme for Empirical Educational Research, and implementing corresponding funding guidelines.¹² The BMBF is furthermore supporting the longitudinal study entitled “Inclusion in Lower Secondary Education in Germany” (INSIDE).¹³

Reply to paragraph 9 (b) of the list of issues

82. The benefits of integration assistance have been newly regulated with the Federal Participation Act (*Bundesteilhabegesetz*). In particular, the benefits for participation in education have also been restructured, supplemented and fleshed out in accordance with Article 24 UN CRPD. This means that assistance for school education can be provided, especially as part of compulsory education and attendance at secondary schools.

83. The Federal *Länder* are continuing to develop the inclusive school system on the premise that inclusion is a binding task for all types of schools. The schools and the pupils are supported in this process, e.g. by the Mobile Special Education Services, and the special needs schools are used as centres of excellence and counselling.

Reply to paragraph 9 (c) of the list of issues

84. The National Council against Sexual Violence against Children and Juveniles has addressed the particular challenges of protecting children and juveniles with impairments in institutions and organisations, and will continue to intensify this work. The Independent Commission for the Investigation of Sexual Child Abuse is also dedicated to this topic.

85. Concrete measures are also being taken by the *Länder*: A *Land*-wide network of outpatient counselling centres is being institutionally funded in Baden-Württemberg which also offer assistance and support to girls with disabilities. The "Coordination and Counseling Center for Women with Disabilities" (KOBRA) is being funded in Rhineland-Palatinate for a similar purpose.

¹² <https://www.empirische-bildungsforschung-bmbf.de/de/3430.php>.

¹³ <https://www.lifbi.de/Institut/Organisation/Abteilung-Kompetenzen-Persönlichkeit-Lernumwelten/Frühkindliche-und-schulische-Bildung/INSIDE-Studie>.

Reply to paragraph 10 (a) of the list of issues

86. German nationals, as well as foreigners legally residing in Germany, have access to statutory or private health insurance as a rule. In the case of children and juveniles, this is usually derived from the health insurance cover of their parents. In the case of need of assistance, social law provides that the competent authorities may take over the contributions. Adequate acute healthcare is also guaranteed in case of illness for asylum-seekers, persons who are enforceably obliged to leave the country, and persons whose deportation has been suspended (*Geduldete*), through the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz – AsylbLG*). When it comes to healthcare, the Asylum-Seekers Benefits Act provides inter alia, as part of drawing basic benefits, that the necessary medical and dental treatment, as well as other services required for recovery, improvement or alleviation of illnesses or of the consequences of illness, are to be granted for the treatment of acute illnesses and pain symptoms. Protective vaccinations and medically-required preventive examinations are also provided for the prevention and early detection of illnesses.

Reply to paragraph 10 (b) of the list of issues

87. Due to the fact that healthcare is not organised and financed by the State, there is no systematic monitoring of the implementation of guidelines in Germany. Guidelines function as instruments for orientation in medical or psychotherapeutic treatment, but are not binding. Doctors and psychotherapists may also deviate from guidelines in justified cases, such as those for the diagnosis and treatment of ADHD/ADS, somatoform disorders, eating disorders and other types of self-destructive behaviour.

88. A large number of measures in Germany help to disseminate evidence-based knowledge, especially on ADHD: The “Central ADHD Network” was established at the University Hospital of Cologne with the support of the BMG, which together with 17 professional associations has developed new care benchmarks that summarise the scientifically largely proven knowledge on the causes and treatment options.

Reply to paragraph 10 (c) of the list of issues

89. The BMBF funds research into the treatment of affected children and juveniles at various levels. Research associations on child and juvenile health are working on new forms of treatment for eating disorders (Pro-HEAD) and self-harming behaviour (STAR) in the funding initiative “Healthy for life”. Projects within the funding of clinical studies that are highly-relevant to patient care address among other things psychosocial interventions for self-harming behaviour in youth, or out-patient follow-up treatment via video conferencing for anorexia nervosa.

90. Providers in particular are obliged to prevent children and juveniles from being confronted with such risks in order to protect them from self-harming content on the Internet. The new Youth Protection Act (*Jugendschutzgesetz*) has therefore obliged providers since 1 May 2021 to take suitable precautionary measures in their services, e.g. also solutions for safe, age-appropriate default settings, or also references to advice, assistance and complaint systems that can be found quickly.

91. The BMG has furthermore published a call for funding focusing on the “Inclusion of digital settings in integrated care for eating disorders”. The aim is to identify factors that lead to the successful implementation of digital offers to treat eating disorders, as well as to evaluate existing digital formats of professional counselling centres.

Reply to paragraph 10 (d) of the list of issues

92. The Federal Government takes the danger to children and juveniles emanating from the consumption of alcoholic beverages and tobacco products, as well as from drug use in general, very seriously. The Youth Protection Act provides clear prohibitions on the supply

of alcohol and tobacco products to children and juveniles by restaurants and sales outlets, among others, and on the consumption of such products.

93. The Federal Government also believes that effective preventive measures are needed in order to prevent the consumption of alcoholic beverages and tobacco products among minors in general. It takes this into account through measures such as the campaign entitled “We’re sticking to youth protection!”, which the BMFSFJ is carrying out together with associations of youth protection, retailers, the hospitality industry, and petrol stations.

94. The prevention of drug, alcohol and tobacco use among children and juveniles is also a central focus of the work of the Federal Centre for Health Education (BZgA). The activities of the “Addiction Prevention” division of the BZgA also target socio-economically disadvantaged families. There is furthermore a special focus on children and juveniles who grow up with mentally ill and addicted parents.

95. Another important building block in prevention work nationwide is constituted by the preventive check-ups for children and juveniles: For example, paediatricians also talk about issues of drug use and smoking during the “J1” check-up for young people (ages 12–14).

Reply to paragraph 10 (e) of the list of issues

96. The phenomenon of excessive media use is not only of paramount importance during the coronavirus pandemic. The provisions contained in the new Youth Protection Act also address this interaction risk. Mechanisms that promote excessive use have now also been taken into account in the age rating of games since it came into force.

97. Projects to raise awareness as well as to support young people, parents and professionals in case of excessive media use are promoted as part of the initiative entitled “Growing up healthily with the media”.¹⁴ Furthermore, projects were launched from the Innovation Fund to improve the prevention and treatment of media-related disorders.¹⁵

98. The Federal Centre for Health Education (BZgA) also carries out targeted prevention and education work in “Promotion of media skills in childhood and adolescence”, and in “Prevention of excessive media use”. The *Länder* are also active in this field with numerous measures of their own.

Reply to paragraph 11 (a) of the list of issues

99. With its Reports on Poverty and Wealth, the Federal Government regularly provides empirically-supported information on the social situation in Germany, and deals in detail with material resources and their distribution. Children and families are explicitly taken into account in this process. The Federal Government launched a package of measures against child poverty in the 19th legislative period. A core element of the corresponding “Strong Families Act” (*Starke-Familien-Gesetz*) was the reorganisation of the supplementary child allowance, which enables more lone parents and low-income families to receive support. The number of children reached with the supplementary child allowance has risen sharply since the Strong Families Act came into force (at the beginning of July 2019, approximately 250,000 children at that time), and in the context of the coronavirus pandemic. Approximately 720,000 children were reached with the supplementary child allowance in September 2021.

Reply to paragraph 11 (b) of the list of issues

100. Public authorities in Germany are obliged under the law as it stands to provide information on specific circumstances such as if a foreigner is residing in Germany without the requisite residence title or suspension of deportation. This obligation to transfer information does not however apply to schools and other educational and care establishments

¹⁴ www.gutes-aufwachsen-mit-medien.de/initiative/.

¹⁵ more information: <https://innovationsfonds.g-ba.de/projekte/>.

(section 87 of the Residence Act [*Aufenthaltsgesetz – AufenthG*]), and not if there are special statutory regulations on the use of such information (section 88 of the Residence Act).

Reply to paragraph 12 (a) of the list of issues

101. The recruitment of teachers is a task that is permanently incumbent on the *Länder*, the latter being responsible for school education. The KMK therefore adopted “Common Guidelines of the *Länder* for Meeting the Demand for Teachers” as early as 2009. The *Länder* agreed in these Guidelines to secure the capacities for teacher training places required to meet the forecast demand – in particular with regard to the problem of access restrictions in teaching professions and subjects that are needed. The KMK furthermore adopted in December 2013 the resolution entitled “Special measures to attract teachers to ensure the provision of instruction” concerning career transitions to the teaching profession.

Reply to paragraph 12 (b) of the list of issues

102. The Federal Cabinet resolved on 5 May 2021 on the “Catching up after Corona action programme for children and juveniles” (see answers to 2a and 16c) so that children and juveniles can grow up in a more carefree manner after the pandemic and catch up on learning lags that have come about. Two billion Euro have been earmarked for this purpose for 2021 and 2022. The action programme consists of a catch-up programme to reduce pandemic-related learning deficits (1 billion Euro), and a comprehensive package of measures to promote pre-school education, for leisure, holiday and sports activities, as well as to accompany children and juveniles in everyday life and at school (1 billion Euro).

103. The action programme targets all children and juveniles, but some measures are specifically tailored to the needs of disadvantaged children and their families.

104. In this vein, the Federal Programme entitled “Language child day care centres: Because language is the key to the world” will also be receiving an additional 100 million Euro in funding. The available funds will be used to support approximately 1,000 additional professionals in language-focused child day care centres. This helps children with special language needs, and reinforces the child day care centres in the programme, most of which are located in socially-deprived areas.

105. The Federation is providing a total of 6.5 billion Euro for the development of educational infrastructures with the “Digital Covenant for Schools 2019-2024”. The *Länder* are adding 10 percent to this amount. The Digital Covenant is intended to support the *Länder* when it comes to expanding digitalisation at schools in conceptual and technical terms.

106. The Federal Government has made an additional 500 million Euro available to schools on each of three occasions in the context of the coronavirus pandemic to purchase laptops that can be loaned out, and to expand information technology in schools.

Reply to paragraph 12 (c) of the list of issues

107. Education in Germany is a matter for the Federal *Länder*. Each Federal *Land* therefore has its own school statutes, and determines overarching educational goals. This means that the curricula are drawn up in the respective Federal *Länder*, and Article 30 of the Basic Law also prohibits the Federation from influencing them.

108. There are numerous initiatives and teaching modules in the *Länder* to educate children at all school levels about their rights. Cooperation with extracurricular partners also plays an important role.

109. The DKHW is supporting the sustainable anchoring and implementation of children’s rights and participation in the primary sector, with funds from the BMFSFJ, through the pilot project entitled “Schools on Children’s Rights”. Teams in selected primary schools have been provided with the relevant professional skills, have received guidance in a demand- and

practice-orientated manner, and have networked with one another as part of the project since 2013.

110. The 16th Children and Youth Report, which was compiled by an independent commission of experts on behalf of the Federal Government, attests to deficits in schools in all the areas mentioned, and makes concrete recommendations with regard to the scope and content of the instruction, the qualification of teachers, and effective co-determination on the part of pupils.

111. The Federal Government supports numerous projects within the federal programme entitled “Living Democracy!” aiming to implement democracy promotion, children’s rights education, inclusion, and participation in the everyday lives of children and juveniles in and out of school.

Reply to paragraph 12 (d) of the list of issues

112. No pupil should feel left alone with psychological and physical violence. The *Länder* have a clearly-differentiated counselling and support structure for affected pupils. Specially-trained school psychologists assist the schools, especially when it comes to dealing with stressful bullying incidents. The schools however also receive pedagogical support to implement their own prevention concepts.

113. In-service training offers for teachers range from prevention of bullying, online bullying, sexual violence, non-violent communication, social learning, or dealing with disruptions in class, to the educational mandate of schools and instruction.

Reply to paragraph 12 (e) of the list of issues

114. A legal entitlement to full-time childcare for primary school children will be introduced in Germany from the school year 2026/27 onwards. This will initially apply to the first grade level, and will be extended by one grade level each year. The entitlement will apply to all children in grades 1 to 4 from 1 August 2029 onwards, when the expansion phase will have been completed.

115. The corresponding Act was promulgated in October 2021. This will also support the necessary infrastructure expansion in the *Länder* and municipalities. A total of up to 3.5 billion Euro will be made available from the federal budget for investments in infrastructure development.

116. High-quality care and education services in the afternoon support primary school children in terms of their social, emotional and physical development, and enable individual support to be provided beyond lesson time. This can make educational success less dependent on social background, and thus enhance equality of opportunity. Beyond school education, full-time care leaves time for additional activities, for example for musical or sporting activities with friends.

Reply to paragraph 13 (a) of the list of issues

117. The Federal Government does not have any confirmed findings on the concrete application of the principle of the benefit of the doubt as it applies under German law. The principle is that if there are still doubts after a medical examination has taken place, it must be assumed in the child’s best interests that a child is a minor.¹⁶

118. The official procedure for the age assessment of unaccompanied minor refugees is clearly regulated in accordance with section 42f subsections (1) and (2) of Book VIII of the Social Code. This is a three-stage procedure that is carried out by the competent youth welfare offices: Accordingly, minority must first be determined on the basis of identity documents. If these are not available, a qualified inspection is to be carried out by professionally-qualified

¹⁶ cf. Article 25 para. 5 of the Asylum Procedures Directive.

personnel. A medical examination is to be arranged in case of further doubts, or at the request of the person concerned, in order to assess the person's age.

119. The evaluation report on the Act on the Improvement of the Accommodation, Care and Assistance for Foreign Children and Juveniles (*Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher*) has revealed in 2021 that the age assessment carried out when minors are temporarily taken into custody is handled differently in the various *Länder* and municipalities. The age assessment procedure will therefore continue to be monitored by the legislature with regard to the partially inconsistent application of the methods and their effects in order to examine any need for future action.¹⁷

Reply to paragraph 13 (b) of the list of issues

120. Detention pending deportation is ordered as a last resort. Detention pending deportation is impermissible if the purpose of detention can be achieved by less severe means. Questions of the best interests of the child and of the protection of the family, in particular, must be comprehensively considered in advance when examining the proportionality of imposing a detention application on minors. Detention pending deportation is regulated in Germany in section 62 et seqq. of the Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory (Residence Act; *Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländerinnen und Ausländern im Bundesgebiet - AufenthG*), and the judicial procedure in cases involving deprivation of liberty in sections 415 et seqq. of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit – FamFG*). In accordance with section 62 subsection (1), third sentence, of the Residence Act, minors and families with minors who are subject to an enforceable obligation to leave the country may only be taken into detention pending deportation in exceptional cases, and only for as long as is reasonable taking into account the well-being of the child.

121. In practice, some of the *Länder* as a matter of principle do not make any use of the possibility provided by Federal law to place minors in detention pending deportation in special exceptional cases.

Reply to paragraph 14 (a) of the list of issues

122. The National Council against Sexual Violence against Children and Juveniles is an alliance of members representing the Federation, the *Länder*, the municipalities, professional practitioners, those affected and academics under the chairmanship of the BMFSFJ, and of the Independent Commissioner for Child Sexual Abuse Issues (UBSKM). The Council has developed goals and implementation steps, and published them in a joint agreement on 29 June 2021.

123. The planned establishment of an independent reporting mechanism is expected to significantly improve data availability on human trafficking (including children). To this end, the BMFSFJ has been funding a project at the German Institute for Human Rights (DIMR) with the aim to develop a concept for independent reporting mechanisms on gender-specific violence and human trafficking since February 2020.

Reply to paragraph 14 (b) of the list of issues

124. The Federal Cooperation Concept entitled “Protection and assistance in trafficking in and exploitation of children” aims to facilitate cooperation between stakeholders involved in identifying and protecting child victims of human trafficking, e.g. youth welfare offices, the

¹⁷ <https://dserver.bundestag.de/btd/19/318/1931838.pdf>.

police or specialised counselling centres. The Federal Cooperation Concept has now been extended to eight Federal *Länder* in the shape of workshops.

125. A pilot study commissioned by the non-governmental organisation “Every Child Protected Against Trafficking” (ECPAT) is investigating how the structures within the youth welfare offices can be improved with regard to this issue. The question in particular is whether trained contact persons at the *Land* Youth Welfare Offices constitute a useful resource for identifying affected children and juveniles.

126. The Federal Criminal Police Office (BKA) is stepping up police identification measures for and with the Federal *Länder* by providing special training to caseworkers.

Reply to paragraph 14 (c) of the list of issues

127. The National Council recommends that the Federal Cooperation Concept “Protection and Assistance in Trafficking in and Exploitation of Children” should also be structurally established in regional cooperation mechanisms.

128. Training is at the core of further measures for better identification. For example, the non-governmental organisation ECPAT Deutschland, which is funded by the BMFSFJ, passes on its knowledge in training courses, especially to experts from the investigating authorities, child and youth welfare, and the special commissioners. The Federal Criminal Police Office (BKA) also conducts regular training for the police in the *Länder* with experts from specialised NGOs at which awareness is also raised with regard to the rights of victims of human trafficking and exploitation.

Reply to paragraph 15 (a) of the list of issues

129. The Federal Government is convinced that the current recruitment of personnel in the Bundeswehr is fully in line with Germany’s obligations under international law, including the UN Convention on the Rights of the Child and the Optional Protocol. A minimum age of 17 is considered mandatory for the commencement of voluntary service as a soldier in the Bundeswehr within the meaning of Article 3 para. 2 of the Optional Protocol. Persons under the age of 18 are only admitted to the armed forces in order to begin military training under special protection.

130. They are protected when making their decision to join the armed forces, in particular by the necessary consent of their legal representative, and by the mandatory requirement to show their identity card or passport as reliable proof of their age, as well as by comprehensive counselling.

131. Many juveniles already know what they want to become before they reach the age of majority. The Bundeswehr also presents itself as an employer in this age range in order to ensure career entry without disadvantages.

Reply to paragraph 15 (b) of the list of issues

132. Youth marketing activities do not pursue any personnel advertising objectives according to the definition of recruiting to the Bundeswehr. In fact, they are aimed at providing interested juveniles with general initial information about the Bundeswehr. No special advertising campaigns aimed at children are carried out for the German armed forces.

Reply to paragraph 15 (c) of the list of issues

133. The Bundeswehr does not tolerate abuse, harassment or sexual exploitation in its ranks. Offences of this kind are punished in accordance with the law on status, disciplinary law and labour law, and are passed on to the criminal prosecution authorities where appropriate.

134. Information is provided in the Bundeswehr's teaching and training content on measures to raise awareness and impart knowledge of sexualised violence. In addition, the contact point on "Discrimination and violence in the Bundeswehr" has been established within the Federal Ministry of Defence (BMVg) since 2017. Corresponding reports can be addressed to this contact point, and support is provided to those affected.

135. Regulation A-2610/3 "Juveniles and the Bundeswehr", which for the first time comprehensively regulates the handling of minors in the Bundeswehr, was also published in April 2021. The Regulation formulates the policy and principles, the legal protective measures, and the handling of minors/juveniles in the context of information work and personnel recruitment.

Reply to paragraph 15 (d) of the list of issues

136. Respect for human rights in the final destination country plays a prominent role in the decision on licensing military equipment exports, such as small arms or light weapons. The standard of review is based on Criterion Two of the Common Position¹⁸ In accordance with the User's Guide to the Council Common Position¹⁹, it is to be examined whether there is an established minimum age for the recruitment (compulsory and voluntary) of persons into the armed forces in the final destination country. It is also to be examined whether legal measures have been adopted prohibiting and punishing the recruitment or use in hostilities of children. The export licence is withheld if there are concrete indications that small arms or light weapons intended for export could be used against children or minors, or handed over to child soldiers, in violation of the UN Convention on the Rights of the Child (UNCRC) or its Optional Protocols.

Reply to paragraph 15 (e) of the list of issues

137. The recruitment of children for combat operations is punishable in the Federal Republic of Germany as a war crime against persons in accordance with section 8 subsection (1) number 5 of the German Code of Crimes against International Criminal Law (*Völkerstrafgesetzbuch – VStGB*).

138. According to section 1, sentence 2 of the VStGB, that provision is also applicable to offences committed abroad that have no connection with Germany. Such offences are prosecuted very consistently in the Federal Republic of Germany.

¹⁸ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment:
<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008E0944>.

¹⁹ <https://data.consilium.europa.eu/doc/document/ST-12189-2019-INIT/en/pdf>.

Part two

Reply to paragraph 16 (a) of the list of issues

In chronological order

139. The Second Act to Improve the Enforcement of the Obligation to Leave the Country (Zweites Gesetz zur besseren Durchsetzung der Ausreisepflicht) which came into force on 21 August 2019, introduced a new provision Asylgesetz - according to which the Länder are obliged to take appropriate measures to ensure the protection of women and vulnerable persons – such as minors in particular – when accommodating asylum-seekers (section 44 subsection (2a) of the Asylum Act (AsylG) and section 53 subsection (3) of the Asylum Act).

140. The Act on Modernising Criminal Procedure (Gesetz zur Modernisierung des Strafverfahrens) of 10 December 2019 regulated for section 58a subsection (1), third sentence, of the Code of Criminal Procedure (StPO) for sexual offences that victim-witnesses must be questioned by an investigating judge, and that video and audio of questioning must be recorded if this serves to better protect their legitimate interests. The recording can be used as evidence in the main hearing, and can save the victim from having to testify again. The new regulation is important for underage victims of sexual offences because the previous optional provision for them has now taken the shape of a mandatory provision.

141. The essential parts of the Act Strengthening the Procedural Rights of Defendants in Juvenile Criminal Proceedings (Gesetz zur Stärkung der Verfahrensrechte von Beschuldigten im Jugendstrafverfahren) entered into force on 17 December 2019. This reinforced the procedural rights of accused persons aged under 18 in criminal proceedings, and improved their protection.

142. The reformed Youth Protection Act (JuSchG) has been in force since 1 May 2021, and is primarily intended to curb interaction risks for children and juveniles when they use media. Interactive platforms in particular will have for instance to provide simple reporting, complaint and help options, as well as safe default settings. Furthermore, uniform, up-to-date age ratings are also envisaged for online content (films, games).

143. The Act on the Protection of Children with Variants of Sex Development came into force on 22 May 2021. The Act contains a ban on targeted gender reassignment treatments for children with variants of sex development (see answer to question 7c).

144. Essential parts of the Act to Strengthen Children and Juveniles (KJSG) came into force on 10 June 2021. Children and juveniles are to be better protected and supported in institutions and foster families by child and youth welfare, healthcare, law enforcement authorities, as well as Family and Youth Courts, working even more closely together in the future (see Answer 4b in Part 1).

145. The Act to Combat Sexualised Violence against Children of 16 June 2021 significantly increased the legal range of punishment for child sexual abuse and child pornography offences in the Criminal Code (Strafgesetzbuch). In addition, the Act made the special qualification requirements for family court judges, youth court judges and youth public prosecutors more concrete and binding.

146. The Act to Combat Sexualised Violence against Children explicitly enshrined the acceleration requirement in criminal proceedings with minor victim-witnesses, which had previously only been contained in the Guidelines on Criminal and Fines Procedure, in section 48a subsection (2) of the Code of Criminal Procedure (StPO) with effect from 1 July 2021.

147. The Act on Providing All-Day Care and Education for Primary School Children (Ganztagsförderungsgesetz - GaFöG), parts of which came into force on 12 October 2021, aims to introduce a legal entitlement to full-time childcare for primary-school- children in stages from 1 August 2026 onwards, and to give every primary school child an entitlement to all-day childcare from 1 August 2029 onwards.

148. Furthermore, the Act on the Reform of Guardianship Law (Gesetz zur Reform des Vormundschafts- und Betreuungsrechts) will come into force on 1 January 2023.

Reply to paragraph 16 (b) of the list of issues

149. As a result of the reformed Youth Protection Act, mentioned above, the Federal Review Board for Media Harmful to Minors is being further developed into the Federal Agency for Child and Youth Protection in the Media (BzKJ). The additional tasks include promoting suitable measures for the further development of child and youth media protection. The BzKJ can impose fines of up to 50 million Euro for violations of the new Youth Protection Act.

Reply to paragraph 16 (c) of the list of issues

150. The Federal Government is investing two billion Euro in 2021 and 2022 via the action programme entitled “Catching up after Corona” in order to help children and juveniles on their way back to growing up in a more carefree manner and to help them catch up on learning lags (see Answer 2a in Part 1).

151. In implementation of the Covenant for the Rule of Law, the BMJ has funded and initiated a pilot blended-learning training project on the topic of “developmentally-appropriate, complete and suggestion-free child hearings” (see Answer 5a), supported by the State Ministries of Justice.

152. The Federal Government’s inter-departmental youth strategy entitled “Shared responsibility: a policy for, with and by young people” was adopted in Cabinet on 3 December 2019. The aim is to expand the opportunities for young people to participate at federal level.

Reply to paragraph 16 (d) of the list of issues

153. The Council of Europe’s Convention on preventing and combating violence against women and domestic violence (“Istanbul Convention”) came into force in Germany on 1 February 2018. The same applies to the Revised European Social Charter, which has been in force since 1 May 2021. Furthermore, Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms, which introduced important provisions to increase the effectiveness of the European Court of Human Rights, came into force on August 1, 2021.

Part three**Data, statistics and other information****Reply to paragraph 17 of the list of issues**

154. Such precisely-tailored data are not available to the Federal Government, and cannot be conveniently collected. Germany supports families with children by providing financial benefits and tax arrangements in order to acknowledge the contribution that they make, and to take into account the burdens that they incur. Numerous social benefits and other state benefits do not benefit children in exclusivity, and the proportions cannot be clearly differentiated.

Reply to paragraph 18 (a) of the list of issues

155. The Federal Government does not have any data on this matter.

Reply to paragraph 18 (b) of the list of issues

156. No specific data are collected on the annulment of underage marriages. Furthermore, the outcome of proceedings is also not recorded statistically (see Answer to Question 7a).

157. The XIIth Civil Senate of the Federal Court of Justice (BGH) submitted to the Federal Constitutional Court, for a review by a suspension of proceedings and submission order of 14 November 2018, the provision contained in Article 13 para. 3 number 1 of the Introductory Act to the Civil Code (EGBGB), in accordance with which marriages that have been effectively concluded under foreign law are ineffective under German law without an examination of the individual case if one of the spouses had not yet reached the age of 16 at the time of conclusion of marriage, by means of a concrete judicial review (order of 14 November 2018, ref.: XII ZB 292/16). The ruling of the Federal Constitutional Court is still pending.

158. The XIIth Civil Senate of the BGH found by ruling of 22 July 2020 (ref. XII ZB 131/20) that a marriage concluded abroad with a 16-year-old girl cannot simply be annulled by German public authorities. True, the law provides in section 1314 subsection (1) of the Civil Code that the marriage of an underage spouse may be annulled. With a constitutionally-sound interpretation, however, the courts have discretion to refrain from annulment where a minor aged at least 16 entered into marriage.

Reply to paragraph 18 (c) of the list of issues

159. According to the Police Crime Statistics (PKS), 152 children died a violent death in Germany in 2020 (2019: 112 children, 2018: 136 children). 115 of them were aged under six at the time of death (2019: 93 children, 2018: 108 children). 134 children were victims of attempted homicide (2019: 97 children, 2018: 98 children). An increase of around 10 per cent was recorded with 4,918 cases of ill-treatment of charges (2019: 4,454 cases, 2018: 4,621 cases). Cases of child abuse increased by 6.8 per cent to a total of more than 14,500 (2019: 13,670 cases, 2018: 12,321 cases). The number of cases involving depictions of abuse, so-called child pornography, increased by 53 per cent, representing a particularly marked increase (2020: 18,761 cases, 2019: 12,262 cases, 2018: 7,449 cases).

Reply to paragraph 18 (d) of the list of issues

160. Despite revisions to the medical guidelines emphasising the right of self-determination of intersex children, a study by Berlin's Humboldt University expresses doubts that the number of cosmetic operations on the genitals of children with congenital variations in physical sex characteristics at German hospitals had changed significantly between 2005 and 2014.²⁰ A follow-up study conducted by the University of Bochum in 2018 came to a similar conclusion.²¹

161. The Act on the Protection of Children with Variants of Sex Development, which came into force on 22 May 2021, aims to provide better protection for children's right to gender self-determination.

²⁰ Klöppel, *Zur Aktualität kosmetischer Operationen „uneindeutiger“ Genitalien im Kindesalter*, Bulletin Texte 42, Zentrum für transdisziplinäre Geschlechterstudien, Humboldt-Universität zu Berlin, pp. 56 et seq.

²¹ Hoenes, Januschke, Klöppel, Sabisch, *Häufigkeit normangleichender Operationen „uneindeutiger“ Genitalien im Kindesalter*, Bulletin Texte 44, Fakultät Sozialwissenschaft, Gender Studies, 2019, p. 19.

Reply to paragraph 18 (e) of the list of issues

162. Figures or statistics on these specific aspects are not available to either the Federal Government, the Federal *Länder* or the Independent Commissioner for Child Sexual Abuse Issues (UBSKM).

Reply to paragraph 18 (f) of the list of issues

163. The police's efforts to combat human trafficking particularly focus on the exploitation of minors. According to the Federal Situation Report on Human Trafficking and Exploitation 2020, 193 sets of investigation proceedings into various forms of exploitation involving underage victims were concluded in the year under report. A total of 269 underage victims of human trafficking and exploitation were identified.

Reply to paragraph 18 (g) of the list of issues

164. 278,157 minors with a connection with the law on asylum (not including those born in Germany) from the countries or territories identified as relevant were recorded in the Central Register of Foreigners (AZR) as living in Germany as of the reference date 31 December 2018.²² The corresponding total number was 278,985 as of the reference date 31 December 2019, and 278,115 minors as of 31 December 2020. Whether and to what extent these minors may have been recruited or deployed in armed conflicts is not known, given that grounds for asylum are not recorded in the statistics.

165. The breakdown by age, gender, nationality and Federal *Land* can be seen in the following tables:

<i>Age in years</i>	<i>31 Dec.2018</i>	<i>31 Dec.2019</i>	<i>31 Dec.2020</i>
Total	278 157	278 985	278 115
of whom:			
0	392	291	263
1	1 783	1 319	1 006
2	3 321	2 724	2 133
3	15 523	4 357	3 539
4	19 566	16 789	5 221
5	19 542	20 873	17 921
6	20 927	20 846	22 098
7	20 061	22 282	21 921
8	19 785	21 284	23 343
9	19 821	21 004	22 265
10	19 913	20 936	21 946
11	18 126	21 056	21 851
12	17 206	19 121	21 952
13	16 510	18 260	19 899
14	15 056	17 480	19 127
15	15 317	16 134	18 419
16	16 172	16 627	17 308
17	19 136	17 602	17 903

²² Countries and territories from the report of the UNGA, see on this https://www.un.org/ga/search/view_doc.asp?symbol=S/2021/437&Lang=E&Area=UNDOC, the Lake Chad Region was not included in the answer to the question.

<i>Gender</i>	<i>31 Dec.2018</i>	<i>31 Dec.2019</i>	<i>31 Dec.2020</i>
Total	278 157	278 985	278 115
of whom:			
Male	153 152	150 968	149 379
Unknown	308	252	217
Female	124 697	127 765	128 519

<i>Nationality (or territory)</i>	<i>31 Dec.2018</i>	<i>31 Dec.2019</i>	<i>31 Dec.2020</i>
Total	278 157	278 985	278 115
of whom:			
Afghanistan	56 075	53 236	52 387
Burkina-Faso	35	30	31
India	683	581	552
Iraq	52 153	52 401	51 508
Israel	35	29	23
Yemen	606	742	745
Cameroon	368	397	414
Columbia	61	179	229
Congo Dem. Republic	312	311	318
Lebanon	2 318	2 294	2 207
Libya	971	985	1 044
Mali	114	97	92
Myanmar	79	120	127
Nigeria	5 888	6 527	6 520
Pakistan	2 749	2 791	2 636
Persons from the Palestinian Territories (not recognised as a State)	616	605	641
Philippines	10	8	8
Somalia	4 365	3 970	3 895
Sudan (former)	19	18	17
Sudan (not including South Sudan)	507	486	475
South Sudan	17	18	21
Syria Arab Republic	150 168	153 151	154 216
Central African Republic	8	9	9

<i>Federal Land</i>	<i>31 Dec.2018</i>	<i>31 Dec.2019</i>	<i>31 Dec.2020</i>
Total	278 157	278 985	278 115
of whom:			
Baden-Württemberg	29 906	29 372	28 592
Bavaria	31 474	30 644	29 689
Berlin	11 499	11 728	11 647
Brandenburg	5 763	5 596	5 469
Bremen	4 185	4 206	4 188

<i>Federal Land</i>	<i>31 Dec.2018</i>	<i>31 Dec.2019</i>	<i>31 Dec.2020</i>
Hamburg	7 442	7 566	7 617
Hesse	22 081	22 082	22 045
Mecklenburg-Western Pomerania	3 502	3 261	3 171
Lower Saxony	34 079	34 663	34 814
North Rhine-Westphalia	74 017	76 250	77 270
Rhineland-Palatinate	12 956	12 874	13 044
Saarland	5 421	5 531	5 625
Saxony	9 793	9 455	9 204
Saxony-Anhalt	7 165	6 972	7 092
Schleswig-Holstein	12 318	12 482	12 553
Thuringia	6 556	6 303	6 095
Total	278 157	278 985	278 115

Reply to paragraph 18 (h) of the list of issues

166. The Federal Government does not have any reliable data on this matter.

Reply to paragraph 19 of the list of issues

167. Germany's government development cooperation is closely aligned with the Sustainable Development Goals (SDGs) of the 2030 Agenda; it regards children as crucial agents of change. Children's rights are therefore a cross-cutting issue in German governmental development cooperation.

168. The Federal Ministry of Food and Agriculture (BMEL) also promotes the enforcement of children's rights, especially in connection with agricultural supply chains, for example through its involvement in the German Initiative on Sustainable Cocoa (GISCO), and in the Forum for Sustainable Palm Oil (FONAP).

169. Germany has also joined the "Alliance 8.7", which is committed to the eradication of forced labour, modern slavery, human trafficking and the worst forms of child labour, and in doing so aims to become a "pathfinder" member country of the "Alliance 8.7".

170. The Federal Government has furthermore adopted numerous measures to protect children and juveniles which have also been integrated into the German Sustainable Development Strategy – Update 2021. Following the permanent establishment of the office of the German Government's Independent Commissioner of the Federal Government on Issues of Child Sexual Abuse, the above mentioned "National Council to Combat Sexual Violence against Children and Adolescents" was constituted at the end of 2019. In order to ensure better protection of children from sexualised violence in Germany, relevant criminal offences were moreover amended, and associated penalties were increased. To better protect underage victims of serious crimes, they are now entitled to psychosocial support in criminal trials.

Reply to paragraph 20 of the list of issues

Table 1
Children in the population from 2014 to 2020 by age and region (No.)

<i>Age in years</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Germany							
under 18 Total	13 112 020	13 325 677	13 470 262	13 538 146	13 597 428	13 677 902	13 743 944

Age in years	2014	2015	2016	2017	2018	2019	2020
under 3	2 106 703	2 200 407	2 304 035	2 351 851	2 383 003	2 371 417	2 351 339
3 to 5	2 067 559	2 130 002	2 162 060	2 227 015	2 283 123	2 361 438	2 403 553
6 to 9	2 803 627	2 855 051	2 904 278	2 910 128	2 922 509	2 955 491	2 997 814
10 to 13	2 924 478	2 930 669	2 923 839	2 935 537	2 950 558	2 962 407	2 989 924
14 to 17	3 209 653	3 209 548	3 176 050	3 113 615	3 058 235	3 027 149	3 001 314
Western Germany							
under 18 Total	10 778 593	10 917 108	11 005 963	11 041 071	11 079 174	11 138 825	11 191 490
under 3	1 690 953	1 771 330	1 861 241	1 906 565	1 940 112	1 939 322	1 932 073
3 to 5	1 659 941	1 709 331	1 736 692	1 791 173	1 841 409	1 910 047	1 951 060
6 to 9	2 281 791	2 313 704	2 345 377	2 344 736	2 352 003	2 378 654	2 414 604
10 to 13	2 424 120	2 419 862	2 405 095	2 404 733	2 407 674	2 407 331	2 420 601
14 to 17	2 721 788	2 702 881	2 657 558	2 593 864	2 537 976	2 503 471	2 473 152
Eastern Germany							
under 18 Total	2 333 427	2 408 569	2 464 299	2 497 075	2 518 254	2 539 077	2 552 454
under 3	415 750	429 077	442 794	445 286	442 891	432 095	419 266
3 to 5	407 618	420 671	425 368	435 842	441 714	451 391	452 493
6 to 9	521 836	541 347	558 901	565 392	570 506	576 837	583 210
10 to 13	500 358	510 807	518 744	530 804	542 884	555 076	569 323
14 to 17	487 865	506 667	518 492	519 751	520 259	523 678	528 162

Source: Federal Statistical Office: Population statistics, compilation by the DJI/TU Dortmund Research Association.

Table 2
Children in the population from 2014 to 2020 by region (percentage)

Age in years	2014	2015	2016	2017	2018	2019	2020
Germany							
under 18 total	16.1	16.2	16.3	16.4	16.4	16.4	16.5
under 3	2.6	2.7	2.8	2.8	2.9	2.9	2.8
3 to 5	2.5	2.6	2.6	2.7	2.8	2.8	2.9
6 to 9	3.5	3.5	3.5	3.5	3.5	3.6	3.6
10 to 13	3.6	3.6	3.5	3.5	3.6	3.6	3.6
14 to 17	4	3.9	3.8	3.8	3.7	3.6	3.6
Western Germany							
under 18 total	16.5	16.5	16.6	16.6	16.6	16.6	16.7
under 3	2.6	2.7	2.8	2.9	2.9	2.9	2.9
3 to 5	2.5	2.6	2.6	2.7	2.8	2.9	2.9
6 to 9	3.5	3.5	3.5	3.5	3.5	3.6	3.6
10 to 13	3.7	3.7	3.6	3.6	3.6	3.6	3.6
14 to 17	4.2	4.1	4.0	3.9	3.8	3.7	3.7
Eastern Germany							
under 18 total	14.6	14.9	15.3	15.4	15.5	15.7	15.8
under 3	2.6	2.7	2.7	2.8	2.7	2.7	2.6
3 to 5	2.6	2.6	2.6	2.7	2.7	2.8	2.8

Age in years	2014	2015	2016	2017	2018	2019	2020
6 to 9	3.3	3.4	3.5	3.5	3.5	3.6	3.6
10 to 13	3.1	3.2	3.2	3.3	3.4	3.4	3.5
14 to 17	3.1	3.1	3.2	3.2	3.2	3.2	3.3

Source: Federal Statistical Office: Population statistics, compilation by the DJI/TU Dortmund Research Association.

Table 3
Children in the population 2015 to 2020 by sex (No. and percentage)

Age in years	2015	2016	2017	2018	2019	2020
Male						
No.						
under 18 total	6 865 197	6 943 513	6 968 292	6 992 943	7 030 434	7 063 395
under 3	1 130 438	1 182 119	1 206 257	1 221 421	1 216 345	1 206 965
3 to 5	1 093 753	1 110 952	1 144 332	1 172 775	1 211 532	1 232 813
6 to 9	1 467 892	1 492 707	1 495 047	1 502 076	1 518 675	1 540 477
10 to 13	1 507 009	1 504 400	1 510 579	1 517 869	1 524 162	1 537 167
14 to 17	1 666 105	1 653 335	1 612 077	1 578 802	1 559 720	1 545 973
Percentage						
under 18 total	51.5	51.5	51.5	51.4	51.4	51.4
under 3	51.4	51.3	51.3	51.3	51.3	51.3
3 to 5	51.3	51.4	51.4	51.4	51.3	51.3
6 to 9	51.4	51.4	51.4	51.4	51.4	51.4
10 to 13	51.4	51.5	51.5	51.4	51.5	51.4
14 to 17	51.9	52.1	51.8	51.6	51.5	51.5
Female						
No.						
under 18 total	6 460 480	6 526 749	6 569 854	6 604 485	6 647 468	6 680 549
under 3	1 069 969	1 121 916	1 145 594	1 161 582	1 155 072	1 144 374
3 to 5	1 036 249	1 051 108	1 082 683	1 110 348	1 149 906	1 170 740
6 to 9	1 387 159	1 411 571	1 415 081	1 420 433	1 436 816	1 457 337
10 to 13	1 423 660	1 419 439	1 424 958	1 432 689	1 438 245	1 452 757
14 to 17	1 543 443	1 522 715	1 501 538	1 479 433	1 467 429	1 455 341
Percentage						
under 18 total	48.5	48.5	48.5	48.6	48.6	48.6
under 3	48.6	48.7	48.7	48.7	48.7	48.7
3 to 5	48.7	48.6	48.6	48.6	48.7	48.7
6 to 9	48.6	48.6	48.6	48.6	48.6	48.6
10 to 13	48.6	48.5	48.5	48.6	48.5	48.6
14 to 17	48.1	47.9	48.2	48.4	48.5	48.5

Source: Federal Statistical Office: Population statistics, compilation by the DJI/TU Dortmund Research Association.

Table 4
Children with a migration background* in the population from 2016 to 2019 by age group (No. in 1,000 and percentage)

<i>Age in years</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
Children with a migration background				
No. in 1,000				
under 18 total	4 755	4 896	4 980	5 141
under 5	1 388	1 451	1 471	1 507
5 to 9	1 330	1 364	1 380	1 419
10 to 14	1 270	1 326	1 348	1 404
15 to 17	767	755	781	811
Percentage of the peer population				
under 18 total	35.4	36.4	37.8	38.0
under 5	38.1	39.1	39.9	39.7
5 to 9	37.2	37.5	39.0	38.7
10 to 14	34.1	35.8	37.3	37.7
15 to 17	31.0	31.6	33.2	34.7
of whom: children with personal experience of migration ¹⁾				
No. in 1 000				
under 18 total	922	991	1 055	1 081
under 5	172	167	160	132
5 to 9	289	330	358	368
10 to 14	267	306	344	380
15 to 17	194	188	193	201
Percentage of the peer population				
under 18 total	6.9	7.4	8.0	8.0
under 5	4.7	4.5	4.3	3.5
5 to 9	8.1	9.1	10.1	10.0
10 to 14	7.2	8.3	9.5	10.2
15 to 17	7.8	7.9	8.2	8.6

Notes on the table:

* Persons with a migration background are individuals who themselves or their parents have immigrated to Germany.

(1) People who have personally experienced migration are individuals who themselves have immigrated to Germany. By contrast, people with a migration background who have not personally experienced migration are people who were born in Germany but have at least one parent who immigrated to Germany.

Source: Federal Statistical Office: Population statistics, compilation by the DJI/TU Dortmund Research Association.

Table 5

Risk assessments in youth welfare offices concluding that there was an endangerment of the best interests of the child (including latent) due to sexual violence from 2016 to 2020 (No. and per 10,000 of the peer population)

<i>Age groups</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
No.					
aged under 6	441	456	540	669	814
6 to 13	1 093	1 110	1 319	1 589	1 680
aged 14 to 17	487	479	595	732	729
aged under 18 total	2 021	2 045	2 454	2 990	3 223
per 10,000					
aged under 6	1.0	1.0	1.2	1.4	1.7
6 to 13	1.9	1.9	2.2	2.7	2.8
aged 14 to 17	1.5	1.5	1.9	2.4	2.4
aged under 18 total	1.5	1.5	1.8	2.2	2.3

Source: Federal Statistical Office: Risk assessments in accordance with section 8a subsection (1) Book VIII of the Social Code, Calculations by the DJI/TU Dortmund Research Association.

Table 6

Take-up rate of ongoing and completed assistance with upbringing 2010 and 2019 by types of assistance and age group (per 10,000 of the peer population)

<i>Age groups</i>	<i>Educational counselling</i>		<i>Non-residential assistance</i>		<i>Accommodation outside the family</i>	
	<i>2010</i>	<i>2019</i>	<i>2010</i>	<i>2019</i>	<i>2010</i>	<i>2019</i>
aged under 3	127.3	160.3	177.8	179.7	47.4	47.3
3 to 5	306.7	342.6	223.5	242.4	72.1	77.3
6 to 9	416.5	439.3	260.7	329.4	87.6	111.9
10 to 13	365.5	377.4	283.9	378.1	115.1	155.3
14 to 17	287.3	271.3	251.2	316.1	186.1	233.7
aged under 18 total	312.2	323.6	245.5	296.0	109.2	131.1

Source: Federal Statistical Office: Statistiken der Kinder- und Jugendhilfe – Erzieherische Hilfe, Eingliederungshilfe, Hilfe für junge Volljährige; various years; Calculations by the DJI/TU Dortmund Research Association.

Table 7

Full or partial transfer of parental custody to the youth welfare office or a third party as guardian or curator 2015 to 2020 by age group (per 10,000 of the peer population)

	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
aged under 6	13.5	13.3	13.6	13.8	14.0	13.7
6 to 14	9.1	9.9	10.2	10.1	10.7	10.4
14 to 18	13.3	17.3	13.9	11.9	11.5	10.8

Source: Federal Statistical Office: Statistik der Pfleg-, Vormund-, Beistandschaften, Sorgerechtsentzüge; Population Statistics, Calculations by the DJI/TU Dortmund Research Association.

Table 8
Victims of abduction of minors in accordance with section 235 of the Criminal Code from 2011 to 2020 (No. and per 10,000 of the peer population)

Years	Age group			aged under 18 total
	aged under 6	6 to 13	14 to 17	
No.				
2015	451	451	120	1 022
2016	449	447	109	1 005
2017	445	469	125	1 039
2018	538	540	95	1 173
2019	549	524	108	1 181
2020	455	474	124	1 053
per 10,000				
2015	1.0	0.8	0.4	0.8
2016	1.0	0.8	0.3	0.7
2017	1.0	0.8	0.4	0.8
2018	1.2	0.9	0.3	0.8
2019	1.2	0.9	0.4	0.8
2020	1.0	0.8	0.4	0.7

Source: Federal Criminal Police Office: Polizeiliche Kriminalstatistik – Opfer von Straftaten, calculations by the DJI.

Table 9
Victims of abduction in accordance with section 234 of the Criminal Code from 2010 to 2020 (No.)

Years	Age group			aged under 18 total
	aged under 6	6 to 13	14 to 17	
2015	2	1	1	4
2016	0	0	0	0
2017	1	0	0	1
2018	0	0	0	0
2019	0	1	0	1
2020	0	3	0	3

Source: Federal Criminal Police Office: Polizeiliche Kriminalstatistik – Opfer von Straftaten, calculations by the DJI.

Table 10
Benefits provided by child and family assistance from 2015 to 2020 (in mill. Euro)

Measure	2015	2016	2017	2018	2019	2020
Fiscal family allowances (child benefit, child allowances in accordance with the Income Tax Act [EstG])	42 550	43 465	44 375	45 365	46 205	51 600
of which child benefit (in accordance with the Federal Child Benefit Act [BKGG])	118	138	144	169	177	198
Parental benefit and Parental benefitPlus	5 822	6 097	6 478	6 762	6 982	7 220
Benefits in accordance with the Advance Maintenance Act (Unterhaltsvorschussgesetz – UVG)	843	861	1 103	2 103	2 178	2 313

<i>Measure</i>	2015	2016	2017	2018	2019	2020
Supplementary child allowance	283	306	397	383	431	1 001

Source: Federal Ministry for Family Affairs, Senior Citizens, Women and Youth: Bestandsaufnahme der familienbezogenen Leistungen und Maßnahmen des Staates.

Table 11

Level of budgetary allocations for the Federation's Children and Youth Plan in 2019 and 2020 (by type of funding and field of action in 1,000 Euro)

<i>Allocation within the Children and Youth Plan 2019/20</i>	<i>Target 2019</i>	<i>Target 2020</i>
Institutional funding/subsidies to facilities in accordance with section 26 subsection (3) of the Federal Budget Code		
International Youth Service of the Federal Republic of Germany	2 892	2 937
Remscheid Academy for Artistic and Media Education	1 062	1 074
International Youth Library	942	972
Federal Academy for Musical Youth Education, Trossingen	1 020	1 029
Total institutional funding/subsidies	5 916	6 012
Breakdown of project funding by fields of action		
Child and youth work	51 249	52 639
Youth social work and integration	112 155	120 555
Promotion of children in day care facilities and in-home child day care	2 300	2 300
Assistance for families, young people, parents and other persons having custody	18 134	18 134
Other central federal tasks of child and youth welfare	15 414	18 954
Total project funding	199 252	212 582
Total	205 168	218 594

Source: Federal Ministry for Family Affairs, Senior Citizens, Women and Youth: Haushaltsansätze des Kinder- und Jugendplans des Bundes.

Table 12

General overview of "Childcare Funding" investment programmes 2008–2013, 2013–2014, 2015–2018, 2017–2020, 2020–2021

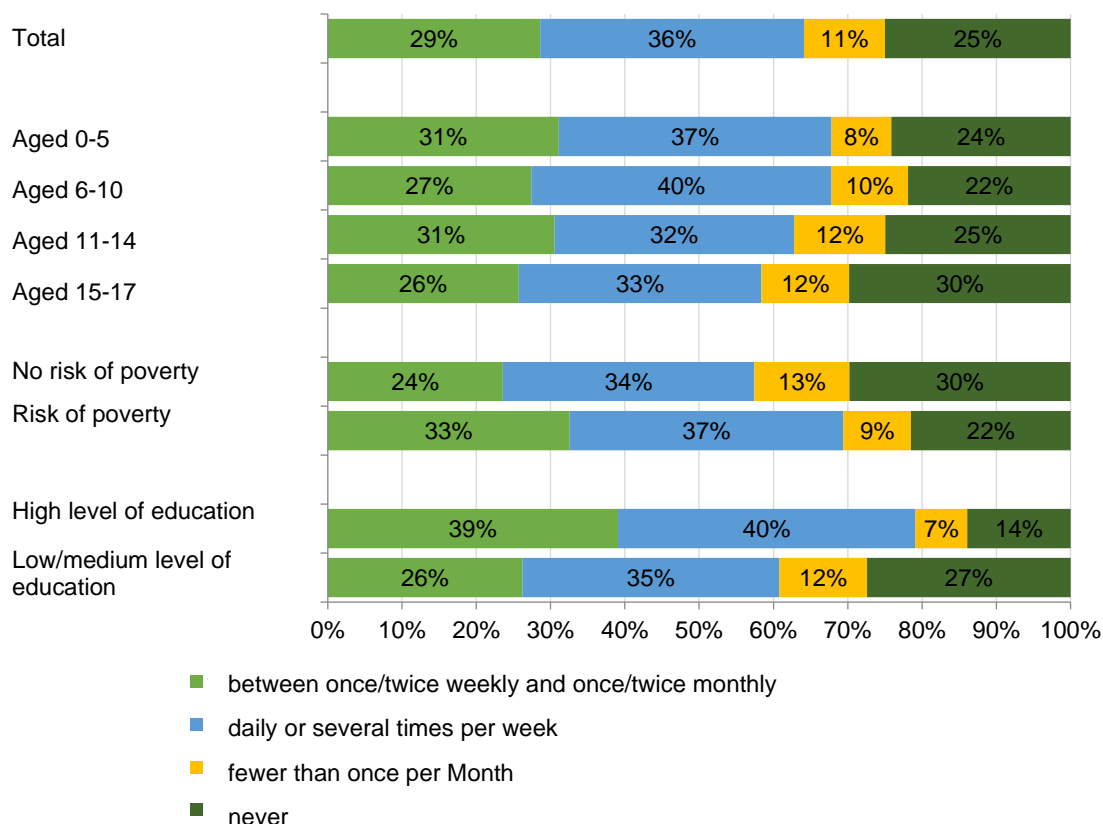
<i>Childcare Funding Investment Programme</i>	<i>Target group</i>	<i>Newly-created places</i>	<i>Secured places</i>	<i>Promoted places total</i>	<i>Federal funding provided</i>
1) 2008–2013	U3	314 117	84 415	398 532	2 150 000 000 €
2) 2013–2014	U3	79 704	4 151	83 855	580 500 000 €
3) 2015–2018*	U3	63 580	18 298	81 878	550 000 000 €
Total 2008–2018		457 401	106 864	564 265	3 280 500 000
4) 2017–2020**	0 – pre-school			229 743	1 126 000 000 €
5) 2020–2021***	0 – pre-school			-	1 000 000 000 €
<i>Total 2017–2021</i>				229 743	2 126 000 000 €

* Data from monitoring cut-off date 30 June 2019 = approved places; final differentiation new/secured places.

** currently being implemented, first report on approved places as of 31 December 2021.

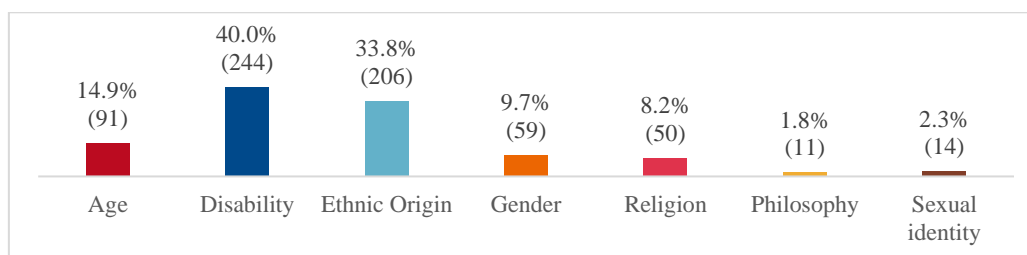
Source: Federal Ministry for Family Affairs, Senior Citizens, Women and Youth: Bestandsaufnahme der familienbezogenen Leistungen und Maßnahmen des Staates.

Table 13
Contact frequency of children aged under 18 with their biological parent living separated from them in 2019 by educational level of parents, poverty risk, age of the children



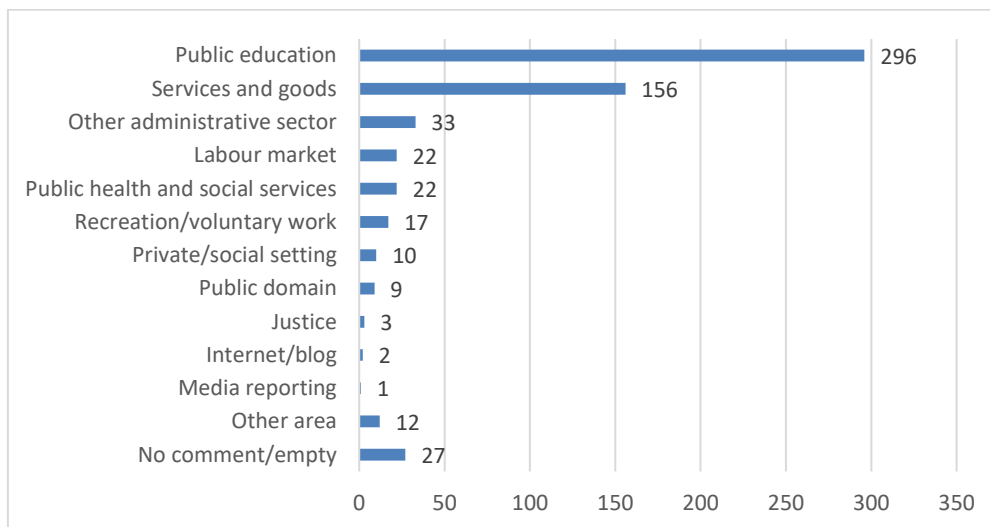
Source: Weighted data from the study entitled “AID:A 2019 Aufwachsen in Deutschland: Alltagswelten” (see www.dji.de/aida), calculations by the German Youth Institute.

Table 14
Counselling requests regarding discrimination experiences of children and juveniles aged up to 18 at the Federal Anti-Discrimination Agency from 2018–2020 by discrimination characteristics (No. and percentage)



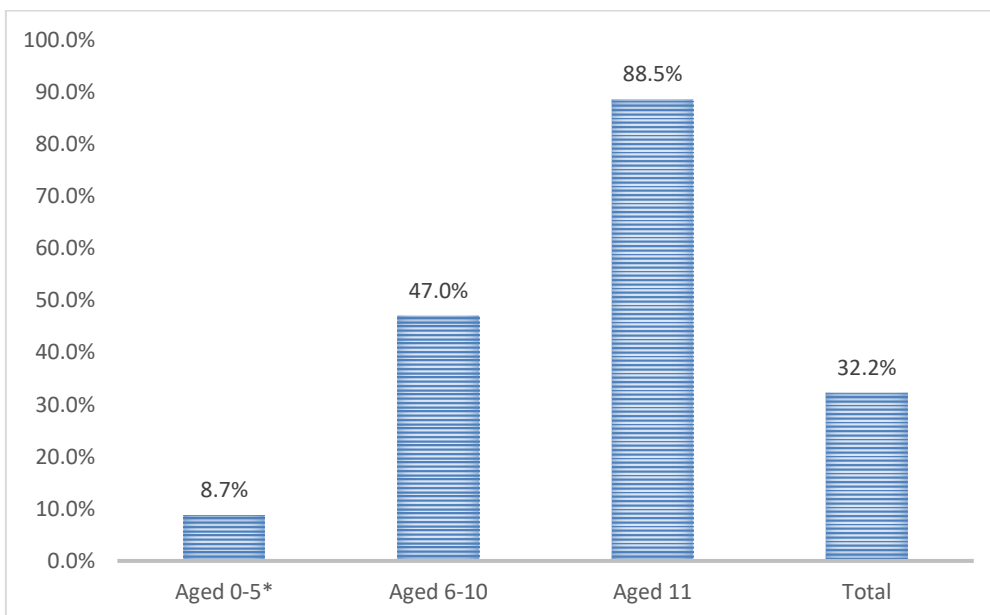
Source: Federal Anti-Discrimination Agency.

Table 15
Counselling requests regarding discrimination experiences of children and juveniles aged up to 18 in relation to the General Act on Equal Treatment at the Federal Anti-Discrimination Agency from 2018 to 2020 by spheres of life



Source: Federal Anti-Discrimination Agency.

Table 16
Share of children aged from 0 to 11 who use the Internet,* as a percentage, differentiated by age, in 2019



Source: Weighted data from the study entitled “AID:A 2019 Aufwachsen in Germany: Alltagswelten” (see www.dji.de/aida), calculations by the German Youth Institute

* N.B.: In the age group 0 to 5, this question was only asked of children who use digital media services at all.

Table 17
Children attending regular or special needs schools, 2010/11 and 2019/20 by type of promotion priority (No. and percentage)

Promotion priorities	School year	Pupils receiving special pedagogical support			Percentage receiving special pedagogical support*	Percentage attending special needs schools**
		Regular schools	Special needs schools	Total	[in %]	[in %]
	2010/11	108 642	377 922	486 564	6.2	4.8
Total	2019/20	246 303	325 368	571 671	7.6	4.2
Learning	2010/11	47 259	154 958	202 217	2.6	2
	2019/20	114 147	85 968	200 115	2.7	1.2
Other promotion priorities together	2010/11	61 383	222 964	284 347	3.6	2.8
	2019/20	131 708	227 927	359 635	4.9	3.1
Seeing	2010/11	2 232	4 931	7 163	0.1	0.1
	2019/20	4 976	4 640	9 616	0.1	0.1
Hearing	2010/11	5 210	10 987	16 197	0.2	0.1
	2019/20	11 493	10 542	22 035	0.3	0.1
Language	2010/11	16 550	36 717	53 267	0.7	0.5
	2019/20	28 155	29 023	57 178	0.8	0.4
Physical and motor development	2010/11	7 341	25 123	32 464	0.4	0.3
	2019/20	14 042	23 748	37 790	0.5	0.3
Mental development	2010/11	3 189	75 088	78 277	1.0	1
	2019/20	13 602	83 579	97 181	1.3	1.1
Emotional and social development	2010/11	25 478	37 214	62 692	0.8	0.5
	2019/20	57 142	42 627	99 769	1.4	0.6
Overlapping or unallocated promotion priority	2010/11	1 209	22 729	23 938	0.3	0.3
	2019/20	2 298	13 682	15 980	0.2	0.2
Learning, language, emotional and social development ***	2010/11	-	-	-	-	-
	2019/20	1 338	10 786	12 124	0.3	0.3
Schools for pupils with diseases ****	2010/11	174	10 175	10 349		
	2019/20	448	11 473	11 921		

Table 18
School enrolments 2015 to 2019 by Federal Länder (No.) School enrolments

Federal Land	2015	2016	2017	2018	2019
Baden-Württemberg	97 115	99 602	98 790	98 715	100 344
Bavaria	109 315	111 936	112 397	114 812	113 425
Berlin	31 129	32 205	32 261	33 956	35 041
Brandenburg	20 998	22 180	22 291	22 165	22 393
Bremen	5 409	5 664	5 718	5 548	5 582
Hamburg	15 652	16 134	16 391	16 584	17 160
Hesse	51 521	51 470	52 556	54 778	55 481
Mecklenburg-Western Pomerania	13 656	13 927	14 076	13 789	13 890

<i>Federal Land</i>	2015	2016	2017	2018	2019
Lower Saxony	69 265	69 954	69 954	68 026	67 417
North Rhine-Westphalia	153 311	159 154	159 646	158 620	161 347
Rhineland-Palatinate	33 850	34 155	34 799	34 914	35 578
Saarland	7 458	8 133	7 924	7 798	7 607
Saxony	34 903	35 808	36 615	36 606	36 692
Saxony-Anhalt	17 945	17 986	18 377	18 300	18 246
Schleswig-Holstein	24 397	24 822	24 927	25 074	24 684
Thuringia	17 821	17 998	18 446	18 494	18 430
Germany	703 745	721 128	725 168	728 179	733 317

Source: KMK.

Table 19
Teacher*/pupil ratio 2010/11 and 2019/20 by Federal Land and school level (“pupils per teacher” ratio)

<i>Federal Land</i>	<i>School level</i>					
	<i>Primary education</i>		<i>Lower secondary education</i>		<i>Upper secondary education</i>	
	2010/11	2019/20	2010/11	2019/20	2010/11	2019/20
Baden-Württemberg	18.2	17.0	15.0	14.3	17.4	15.9
Bavaria	17.9	16.8	14.8	13.2	19.6	17.4
Berlin	16.5	13.5	13.4	12.4	17.7	15.4
Brandenburg	17.5	16.5	12.9	12.2	17.8	15.0
Bremen	15.5	14.1	15.0	12.4	20.6	18.1
Hamburg	14.7	13.4	14.4	12.6	17.9	17.0
Hesse	17.6	14.5	16.2	14.3	18.5	16.8
Mecklenburg-Western Pomerania	17.0	16.6	12.8	13.6	22.8	17.6
Lower Saxony	17.4	14.5	15.6	12.4	18.7	18.5
North Rhine-Westphalia	18.4	15.9	16.1	13.8	20.1	17.2
Rhineland-Palatinate	15.8	14.7	15.6	14.1	18.9	17.3
Saarland	16.0	13.1	14.5	12.7	19.9	17.3
Saxony	16.6	16.0	11.8	14.0	17.8	16.2
Saxony-Anhalt	13.6	16.4	11.5	13.3	17.9	17.1
Schleswig-Holstein	17.0	15.8	15.0	13.2	22.3	19.2
Thuringia	14.9	15.4	11.1	12.4	14.7	13.7
Germany¹⁾	17.4	15.6	14.9	13.4	18.8	16.9

Table 20
Graduates of general-education and vocational schools, 2017 to 2019, by type of qualification (No. and percentage)

<i>Educational sector/school type</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
Graduates of/leavers from general-education schools			
by type of qualification			
Total	824 679	804 239	794 824
Leavers who completed full-time compulsory schooling without obtaining a <i>Hauptschule</i> leaving certificate			
	52 682	53 603	52 834
including: from special needs schools with promotion priorities “Learning” and “Mental development”	20 071	19 915	18 409
of whom: from special needs schools with other promotion priorities	3 939	3 850	4 572
General-education qualifications acquired at general-education and vocational schools			
Total	1 045 477	1 025 978	1 002 937
Graduates with a <i>Hauptschule</i> leaving certificate			
	172 714	180 383	176 820
Graduates with an intermediate school-leaving certificate and corresponding certificates			
	431 985	413 205	407 493
Graduates with University and University of Applied Sciences entrance qualification			
	440 778	432 390	418 624
University of Applied Sciences entrance qualification	95 474	93 702	86 974
University entrance qualification	345 304	338 688	331 650
Percentage of graduates of general-education and vocational schools among the peer residential population in accordance with the quota summation procedure*)			
Leavers who have completed full-time compulsory schooling without obtaining a <i>Hauptschule</i> leaving certificate			
	6.5	6.8	6.9
<i>Hauptschule</i> leaving certificate			
	21.1	22.5	22.6
Intermediate school-leaving certificates and corresponding certificates			
	52.4	51.4	51.9
Graduates with University and University of Applied Sciences entrance qualification			
	50.9	50.4	50.2
University of Applied Sciences entrance qualification	10.7	10.5	10.0
University entrance qualification	40.2	39.9	40.2

Table 21
All-day schools 2010/11 to 2019/20 by type of school and region (No. and percentage)

Type of school	2010/11	2015/16	2016/17	2017/18	2018/19	2019/20
	No.					
Germany						
Primary schools	7 207	8 533	10 077	10 413	10 291	10 771
Orientation level independent of school type	772	780	772	784	782	765
<i>Hauptschule</i>	2 145	2 018	1 877	1 679	1 521	1 478
Types of school with several educational pathways	1 057	1 413	1 446	1 483	1 500	1 499
<i>Realschule</i>	1 034	1 181	1 085	1 017	997	1 005
Grammar school	1 531	1 800	1 842	1 920	1 926	1 961
Comprehensive school	789	1 653	1 749	1 803	1 844	1 822
Special needs school	2 033	2 047	2 040	2 057	2 054	2 070
in % ¹⁾						
Primary schools	44.2	55.6	65.8	68.2	67.5	70.6
Orientation level independent of school type	71.3	74.9	74.2	75.3	75.0	72.9
<i>Hauptschule</i>	57.5	70.3	71.8	72.0	72.4	77.6
Types of school with several educational pathways	71.3	80.0	80.0	81.7	81.6	82.1
<i>Realschule</i>	42.4	53.7	53.6	53.7	55.1	57.8
Grammar school	49.4	60.5	61.7	64.2	64.3	65.5
Comprehensive school	77.4	87.6	87.0	87.8	89.0	88.1
Special needs school	61.9	70.3	72.6	74.4	75.0	76.0
Western Germany						
Primary schools	5 210	6 567	7 839	8 170	8 062	8 337
Orientation level independent of school type	134	119	120	120	119	118
<i>Hauptschule</i>	2 145	2 018	1 877	1 679	1 521	1 478
Types of school with several educational pathways	303	661	704	747	765	754
<i>Realschule</i>	1 034	1 181	1 085	1 017	997	1 005
Grammar school	1 245	1 450	1 483	1 550	1 550	1 579
Comprehensive school	607	1 377	1 475	1 514	1 524	1 523
Special needs school	1 505	1 567	1 577	1 585	1 583	1 590
in % ¹⁾						
Primary schools	39.6	53.1	63.5	66.4	65.7	67.9
Orientation level independent of school type	75.3	96.0	97.6	97.6	98.3	98.3
<i>Hauptschule</i>	55.9	70.3	71.8	72.0	72.4	77.6
Types of school with several educational pathways	77.7	88.5	88.4	92.0	92.1	92.2
<i>Realschule</i>	41	53.7	53.6	53.7	55.1	57.8
Grammar school	50	61.4	62.7	65.5	65.4	66.7
Comprehensive school	78.9	87.5	88.0	88.9	89.0	89.3
Special needs school	57.1	68.2	71.4	73.3	74.1	74.8

	2010/11	2015/16	2016/17	2017/18	2018/19	2019/20
<i>Type of school</i>	<i>No.</i>					
Eastern Germany						
Primary schools	1 997	1 966	2 238	2 243	2 229	2 434
Orientation level independent of school type	638	661	652	664	663	647
<i>Hauptschule</i>	•	•	•	•	•	•
Types of school with several educational pathways	754	752	742	736	735	745
<i>Realschule</i>	•	•	•	•	•	•
Grammar school	286	350	359	370	376	382
Comprehensive school	182	276	274	289	320	299
Special needs school	528	480	463	472	471	480
in % ¹⁾						
Primary schools	63.9	66.0	75.4	75.6	74.9	81.6
Orientation level independent of school type	70.5	72.1	71.1	72.3	72.0	69.6
<i>Hauptschule</i>	•	•	•	•	•	•
Types of school with several educational pathways	68.6	73.8	73.3	73.3	72.9	73.9
<i>Realschule</i>	0	•	•	•	•	•
Grammar school	46.7	57.1	57.8	59.4	60.2	60.7
Comprehensive school	72.8	87.6	82.0	82.6	88.6	82.8
Special needs school	77.4	78.4	77.0	78.1	78.2	80.4

Reply to paragraph 21 of the list of issues

- Further strengthening children's rights and raising their visibility, including in the context of migration and asylum, and strengthening participation rights;
- Improving protection and assistance for those affected by sexualised violence and exploitation;
- Implementing the "Inclusive Solution" from the Act to Strengthen Children and Juveniles;
- Strengthening child protection and children's rights in the digital world by establishing the new Federal Agency for Child and Youth Protection in the Media.