



# Convention on the Rights of the Child

Distr.: General  
19 November 2013

Original: English

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## Committee on the Rights of the Child

Sixty-sixth session

13–31 January 2014

Item 4 of the provisional agenda

Consideration of reports of States parties

### List of issues in relation to the report submitted by Germany under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

### Replies of Germany to the list of issues\*

[1 November 2013]

**The Federal Republic of Germany would like to submit the following additional, updated information in response to the list of issues to be taken up in connection with the consideration of the initial report of Germany (CRC/C/OPSC/DEU/1) of 1 July 2013**

#### Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPSC/DEU/Q/1)

1. The Federal Republic of Germany has ensured that the actions described in article 3 (in connection with article 2) of the Protocol are included in their entirety within its criminal law.

#### Trafficking in children for the purpose of sexual exploitation

2. Section 233a (assisting in human trafficking) of the German Criminal Code (*Strafgesetzbuch – StGB*) is primarily applicable to acts of delivering or accepting. Pursuant thereto, criminal liability is incurred by whoever assists in human trafficking by recruiting, transporting, referring, harbouring or sheltering another person. Whoever induces a person

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\* The present document is being issued without formal editing.

under twenty-one years of age to engage in or continue to engage in prostitution, to engage in exploitative sexual activity with or in the presence of the offender or a third person or to suffer sexual acts on his own person by the offender or a third person, commits human trafficking for the purpose of sexual exploitation (section 232 (1), second sentence). The offering of a child fulfils the elements of inducing human trafficking for the purpose of sexual exploitation pursuant to section 232 (1), second sentence, section 26 StGB.

3. Additionally, depending upon the circumstances of the specific case, particularly the age of the victim, the elements of section 235 (1), (2) and (4) StGB (abduction of minors from the care of their parents), section 236 (1), 4 no. 2 (child trafficking) and section 171 (violation of duties of care or education) as well as section 176 (5) StGB (promising to supply a child for sexual abuse) may be fulfilled as well. Prosecution for participation in criminal offences pursuant to sections 176 et seqq. StGB (sexual abuse of children), sections 177 et seqq. StGB (sexual assault by use of force or threats; rape), section 182 (sexual abuse of juveniles) is also possible. The above-mentioned criminal offences particularly protect children under fourteen and/or sixteen years of age. Prosecution might also be possible under sections 239 StGB (unlawful imprisonment), section 240 StGB (using threats or force to cause a person to do, suffer or omit an act) and/or for participation in such offences.

#### **Trafficking in children for the purpose of trade in organs**

4. Trafficking in children for the purpose of trade in organs is included in the criminal law by way of participation in criminal offences pursuant to sections 18 and 19 of the Transplantation Act (*Transplantationsgesetz*). Also potentially applicable are the criminal offences of section 235 (1), (2) and (4), second sentence, StGB (abduction of minors from the care of their parents), section 236 (1), (4), no. 2 (child trafficking) and section 171 (violation of duties of care or education); to some extent, however, these would apply only if the victim is under the age of fourteen/sixteen. Prosecution might also be possible under section 239 (unlawful imprisonment), section 240 (using threats or force to cause a person to do, suffer or omit an act) and/or for participation in such offences, as well as for offences under sections 223 et seqq. StGB (causing bodily harm).

#### **Child trafficking for the purpose of engaging the child in forced labour**

5. Section 233a StGB (assisting in the trafficking of human beings, see above) is primarily applicable to actions involving delivery or acceptance. Section 233 (1), second sentence, provides that whoever subjects a person under twenty-one years of age to slavery, servitude or bonded labour or makes him work or continue to work for him or a third person under working conditions that are in clear discrepancy to those of other workers performing the same or a similar activity, shall be subject to criminal prosecution. The offering of a child fulfils the elements of inducing human trafficking for the purpose of exploitation of labour force pursuant to section 233 (1), second sentence, section 26 StGB.

6. Additionally, depending upon the circumstances of the specific case, particularly the age of the victim, the elements of section 235 (1), (2) and (4) StGB (abduction of minors from the care of their parents), section 236 (1), (4) no. 2 (child trafficking) and section 171 (violation of duties of care or education) may be fulfilled as well. Prosecution might also be possible under sections 239 (unlawful imprisonment), section 240 (using threats or force to cause a person to do, suffer or omit an act) and/or for participation in such offences.

#### **Adoption trafficking**

7. The States parties are to criminalise improperly inducing consent by intermediaries for the adoption of a child in violation of applicable international legal instruments on

adoption. In Germany, this is taken into account by sections 240, 235 (1) and 236 (2), second sentence, StGB.

8. An international convention on adoption, the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention, Federal Gazette 2001 II p. 1034), is relevant in this regard. The circumstances under which consent to adoption is improper are indirectly contained in Article 4 letter c nos. 2, 3 and Article 4 letter d nos. 3, 4 of the Hague Adoption Convention. These provisions require that the authorities of the home State have specifically ensured that the person whose consent for adoption is required has provided consent without any influence and the consent has not been induced by any payment or counter-performance.

9. If the agent for adoption uses force or threat of appreciable harm to induce the consent necessary for adoption pursuant to the respective applicable law, he makes himself criminally liable pursuant to section 240 StGB (using threats or force to cause a person to do, suffer or omit an act). If he uses deception, this will generally fulfil the elements of the offence of abduction of minors from the care of their parents pursuant to section 235 (1) StGB. If the agent for adoption induces the consent of another person for adoption for a fee, he incurs criminal liability pursuant to section 236 (2), second sentence, StGB (child trafficking).

10. It should also be pointed out that pursuant to section 1741 (1), second sentence, of the German Civil Code (*Bürgerliches Gesetzbuch* – BGB), those who take part for the purpose of adoption in a procurement or transportation of a child that is unlawful or contrary to public policy, or have commissioned a third party with this or rewarded him for this should accept a child only if this is necessary for the best interests of the child. This rule makes acceptance, which must otherwise merely serve the child's best interests, more difficult and is designed to take preventive action against child trafficking and comparable practices.

#### **Child prostitution**

11. Section 180 (2) StGB (causing minors to engage in sexual activity) fulfils the obligation to criminalise offering, obtaining, procuring or providing a child for child prostitution. Pursuant thereto, whoever induces a person under eighteen years of age to engage in sexual activity with or in the presence of a third person or to suffer sexual acts by a third person for a financial reward, or encourages such acts by acting as an intermediary, incurs criminal liability.

#### **Child pornography**

12. Producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography is criminalised by section 184b StGB (distribution, acquisition and possession of child pornography) and 184c StGB (distribution, acquisition and possession of juvenile pornography). The distribution and sale of child pornography within the meaning of article 3, paragraph 1 (c), of the Protocol is also covered by these criminal provisions and fulfils the elements of the offence variants of “dissemination” or “otherwise make publicly accessible”.

#### **Attempt**

13. The reservation “subject to the provisions of its national law” contained in article 3, paragraph 2, of the Protocol absolves the Federal Republic of Germany from an obligation to implement with regard to the criminality of the attempt to commit one of the crimes

enumerated in article 3, paragraph 1. Nonetheless, German law is consistent with the rules contained in article 3, paragraph 2, of the Protocol.

14. The criminal liability for attempts arises from explicit orders (e.g. section 232 (2), section 233 (2), section 233a (3), section 235 (3), 36 (3), 180 (4), 240 (3) StGB), from the character of the serious crime (section 23 (1), 12 (1) in conjunction with section 232 (3) and (4) StGB) or from its character as an undertaking to commit a wrongful act (section 11 (1) no. 6 StGB in conjunction with sections 184 (b) (1) no. 3, (2) and (4), 184c (1) no. 3, (2) and (4)). Criminal liability for accomplices arises from section 25 (2) StGB; for abettors from sections 26 and 27 StGB.

#### **Appropriate penalties**

15. Sections 232 (1), first sentence, 233 (1), first sentence, StGB provide for penalties of between six months and ten years. In the case of section 232 (3) and (4) StGB, the minimum penalty is raised to one year's imprisonment. A penalty of between three months and five years is threatened for section 233a (1) StGB. Section 235 (1), (2) and section 236 (1) StGB provide that offenders may be punished with imprisonment of up to five years or a monetary fine. Section 235 (4) StGB provides for imprisonment from one to ten years. The penalty provided for by section 236 (4) StGB ranges from six months to ten years' imprisonment. The threatened penalties for the other offences are appropriate as well, and are consistent with the severity of the respective criminal offence.

#### **Liability of legal persons**

16. The liability of legal persons for criminal offences pursuant to article 3, paragraph 1, of the Protocol is ensured by section 30 of the Act on Regulatory Offences (*Gesetz über Ordnungswidrigkeiten – OWiG*).

#### **Adoption**

17. The Federal Republic of Germany has complied with the obligation contained in article 3, paragraph 5, of the Protocol that all persons involved in the adoption of a child act in conformity with applicable international legal instruments. In this regard, we refer to the implementation of the Hague Convention of 29 May 1993 on the protection of children and cooperation in respect of intercountry adoption. The Act to Resolve Legal Issues in the Area of International Adoption and for the Continued Development of Adoption Law (Federal Gazette I 2001 p. 2950), which came into force on 1 January 2002, has set up minimum requirements for intercountry adoption and has improved cooperation among the authorities of the child's home country and the country of residence of the adoption applicants. The goals of the German Adoption Placement Act (*Adoptionsvermittlungsgesetz*) include State monitoring of independent adoption agencies and a reduction of so-called third-state intermediaries.

#### **Begging**

18. Germany is of the opinion that the Optional Protocol contains no rules concerning the criminalisation of forced child begging.

19. There are plans, in the context of transposing Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, to expand the offence of trafficking in human beings to cases involving the practice of begging (section 232 (1) no. 2 StGB-new).

## Reply to the issues raised in paragraphs 2 and 3 of the list of issues

20. Germany does not keep any case-related flow statistics. It is therefore not possible to track how and with what outcome the judiciary deal with suspected cases registered by the police. The Federal Ministry of Justice is part of a working group which is seeking a solution to this problem.

21. The statistics quoted below are chiefly drawn from the Police Crime Statistics. The Police Crime Statistics comprises a register of those suspected cases which are registered with the police. The data can only be broken down according to age and gender of the victims. Please refer to the enclosed tables.

### **Child trafficking for the purpose of sexual exploitation (section 232 (1), second sentence, StGB)**

22. The number of recorded cases has dropped steadily over the period under review (2010: 478 suspected cases; 2011: 492 suspected cases; 2012: 385 suspected cases).

23. The elements of the offences set out in sections 236 (1), (4) no. 2 (child trafficking), 176 (5) (supplying a child for sexual abuse) and 182 (sexual abuse of juveniles) StGB may also be applicable in some cases:

	2010	2011	2012
Section 236 StGB	7	7	6
Section 176 (5) StGB	242	209	131
Section 182 StGB	1043	1077	1071

### **Child trafficking for the purpose of trade in organs (sections 18, 19 Transplant Act )**

24. No cases involving children were registered in the period under review. In some cases the element of the offence set out in section 236 (1), (4) no. 2 StGB may be applicable (for numbers, see above).

### **Child trafficking for the purpose of work exploitation (section 233 (1) StGB)**

25. The number of registered suspected cases dropped from 56 in 2010 to 51 in 2011 and to 28 in 2012. In some cases, section 236 (1), (4), no. 2 StGB may be applicable (for numbers, see above).

### **Adoption trafficking (section 236 (2), second sentence, StGB)**

26. Cases are registered if they involve the consent of another person being obtained to give up a child for adoption for a fee. The figures are contained in those for child trafficking in accordance with section 236 StGB.

### **Child prostitution (section 180 (2) StGB)**

27. The number of suspected cases rose in the period under review from 126 (2010) to 151 (2011) and then dropped again to 133 (2012).

**Child pornography (section 184b, 184c StGB)**

28. The data available in this regard are taken from the criminal prosecution statistics, which are not yet available for 2012. They refer to the number of persons convicted:

	2010	2011
section 184b StGB	2047	1611
section 184c StGB	57	90

**Reply to the issues raised in paragraphs 4 and 5 of the list of issues**

29. On 27 September 2011 the German Government adopted its 2011 Action Plan on Protecting Children and Young Persons from Sexual Violence and Exploitation. The Action Plan is based on an overarching strategy on protecting children and juveniles from all forms of sexual violence and exploitation. Children and juveniles were actively involved in drawing up the strategy. The Action Plan focuses on prevention, intervention, and international cooperation, as well as on child trafficking and tourism. It also contains measures against child trafficking, child pornography and child prostitution. A Federal-Länder (federal state) Working Group, which also comprises non-governmental organisations, is responsible for monitoring target achievement in respect of the measures set out in the Action Plan.

30. A Centre for the Protection of Children on the Internet (*Zentrum für Kinderschutz im Internet – I-KiZ*) was set up in 2012. Its aim is the effective and up-to-date protection of children in regard to digital media and the effective combating of representations of the sexual abuse of minors on the internet. The I-KiZ works to identify possible risks to children on the internet at an early stage and to develop strategies to protect them against those risks.

**Reply to the issues raised in paragraph 6 of the list of issues**

31. Child and youth services in Germany are tasked with protecting children and young people against threats to their well-being. According to their special State mandate of protection pursuant to section 8a of Social Code Book VIII (Sozialgesetzbuch VIII – SGB VIII), the youth welfare offices must take minors into their care in certain situations. Being taken into care is a short-term measure implemented by the youth welfare offices to protect children and young people when they find themselves in acute situations that are endangering their well-being. These include situations referred to in the Optional Protocol. The youth welfare offices will take minors into their care at the request of the minor or on the basis of information provided by a third party – for example the police or teachers – and will temporarily place them with a suitable person, a suitable institution or another place of residence if no other option is available. After they have been taken into care the youth welfare office will clarify what led to the child or young person being taken into care and will indicate what further help and support is available.

32. In those cases in which children are undergoing an asylum procedure in Germany, particular consideration is given to the needs of the children in the course of the procedure. The decision-makers in the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*), who are specially trained in dealing with minors and who are used in all cases involving unaccompanied minors and, if necessary, also in cases involving accompanied minors, are also able to react wherever any indications of criminal offences

within the meaning of the Optional Protocol arise in the course of the procedure, and they then pass these on to the competent authorities.

33. These topics are also dealt with in the context of training and advanced training at the Federal Criminal Police Office (BKA).

34. The various issues referred to in the above are addressed in diverse modules and treated from the legal and policing practice perspective as part of the modularised BA degree which is taught at the Criminal Police Faculty of the Federal University of Applied Administrative Sciences at the BKA.

35. **Module 10** (Phenomenon and Intervention III: Sexually-Motivated Crime and Intra-Family Crime) deals explicitly with children as victims of physical abuse and sexual violence. As well as the relevant criminal offences, procedural and police investigative powers are discussed, as are victimological theories concerning the phenomenon. The criminological focus in this module is on recognising specific forms of violence against children and hearing the affected and, in some cases, traumatised victims. Relevant video material on examining child victims of sexual violence are shown and discussed with students. The courses also include a talk on the Information File on Children at Risk (Riskid), which is based on an initiative launched by paediatricians who aim to combat the practice of “doctor hopping”. Some students take up the topic and look at it in more detail as part of an assignment required as proof of achievement for the module.

36. **Module 14** (Phenomenon and Intervention V: Narcotics, Smuggling, Human Trafficking and Other Forms of Organised Crime) deals specifically with children as the victims of, in particular, human trafficking for the purpose of sexual exploitation and smuggling. In this context migration-specific aspects and the victim perspective are addressed. Criminological/criminal-tactical approaches to leading investigations and rendering evidence as well as dealing with specific cultural specificities of victims are also looked at.

37. **Module 17** (Phenomenon and Intervention VII: Crime in Connection with Information and Communication Media) deals with numerous *modi operandi* in relation to cybercrime and cybercrime-related offences, especially child pornography. The module includes legal preconditions and criminological possibilities of gathering evidence, evaluation and investigation methods, and also looks at the issues dealt with in previous modules.

38. This special criminal police training is aimed at police officers at federal and *Länder* level. The curricula are taught through lectures, class and group discussions, and practical exercises. The topics child trafficking, child prostitution and child pornography are addressed in the context of the following courses:

- (a) Human trafficking for the purpose of sexual exploitation:  
Includes current ongoing changes, changed legal and tactical aspects, international cooperation.
- (b) Organised smuggling of human beings:  
Includes the international dimension of the organised smuggling of human beings, including associated crimes.
- (c) Child pornography on the internet:  
Deals with phenomenology, current forms of child pornography, psychological aspects, victim-offender identification.

### **Reply to the issues raised in paragraph 7 of the list of issues**

39. A victim of assault whose health has been damaged as a result has the right to compensation in Germany pursuant to the Crime Victims Compensation Act (*Opferentschädigungsgesetz – OEG*). This Act is implemented by the *Länder*. The crimes against children listed in the Optional Protocol are generally covered by this legislation. No data is collected on groups of victims, which means that no information can be provided on the number of cases involving offences that fall under the Optional Protocol.

### **Reply to the issues raised in paragraph 8 of the list of issues**

40. Several legislative measures including numerous new provisions have been introduced to expand German criminal procedural law with the aim of protecting and informing child victims and witnesses of criminal offences in particular against the stresses which can be associated with criminal proceedings.

41. The standing of – especially child – victims in criminal proceedings was already improved on account of the Victim Protection Act (*Zeugenschutzgesetz – ZSchG*, Federal Law Gazette I, p. 820): The Code of Criminal Procedure (*Strafprozessordnung – StPO*) was expanded to include the possibilities of making recordings of witness statements on an audio-visual medium at each stage of the proceedings (section 58a StPO) and to show them in the trial in place of conducting an examination in court (section 255a StPO) or to make a simultaneous transmission of the examination of the witness via an audio-visual medium (section 247a StPO). With effect from 1 September 2013 the Act to Strengthen the Rights of Victims of Sexual Abuse (*Gesetz zur Stärkung der Rechte von Opfern sexuellen Missbrauchs – StORMG*) of 26 June 2013 (Federal Law Gazette I, p. 1805) extends the possibilities for making audio-visual recordings of examinations of witnesses. The aim is thereby to ensure that in future examinations undertaken in the context of preliminary investigations will be conducted by judges more often than was the case in the past and that they can be recorded on an audio-visual medium so that the court has the possibility, at a later hearing in court, of using the recording of the earlier examination and dispensing with having to examine the witness again.

42. All victims of criminal offences have the option of availing themselves of the assistance of an attorney or of being represented by such attorney (section 406f (1) StPO). They may inspect the files – generally through their attorney (section 406e StPO). The victim's attorney may be present at the examination of the victim by the court or the public prosecutor (section 406f (2) StPO). If the victim is examined as a witness, it is always possible, upon application, for a trusted third person to be present during the examination (section 406f (2) StPO). Witnesses whose interests warranting protection cannot be safeguarded in another manner have the right to have an attorney appointed to be present during their examination (section 68b StPO). According to sections 397a (1), 406g (3) StPO, upon application, the victims of sexual and attempted homicide crimes and the child victims of sexual offences or abuse of charges in particular may have legal counsel appointed at the State's expense. The Second Victims' Rights Reform Act (2. *Opferrechtsreformgesetz*) of 29 July 2009 (Federal Law Gazette I, p. 2280) once more extended the list of criminal offences which permit a free attorney to be appointed for victims, especially for under-age and helpless victims. Victims below the age of eighteen are appointed an attorney if, for example, they have been the victim of the offences of human trafficking, forced marriage and sexual offences, regardless of whether they represent a crime punishable with imprisonment of not less than one year (*Verbrechen*). According to the new provision under section 397a StPO as amended by the StORMG, which entered into force on 1 September 2013, private accessory prosecutors who were the



victim of sexual offences before they reached the age of eighteen and who did not decide to have the acts prosecuted until after their eighteenth birthday will in future have more extensive rights to have a free victim attorney appointed to assist them than was previously the case, and regardless of their economic situation.

43. The following rule, which was introduced on account of the Second Victims' Rights Reform Act of 30 June 2004 (Federal Law Gazette I, p. 1354), serves to avoid witnesses having to be examined more than once: In the event of the victim witness requiring special protection, in accordance with section 24 of the Courts Constitution Act (*Gerichtsverfassungsgesetz – GVG*) charges may be preferred before a regional court in order to avoid child victims of sexual offences in particular having to go through a second trial court. The StORMG also extends this rule as of 1 September 2013: In future, when taking the decision regarding whether the charges are to be preferred directly before a regional court even more attention will be paid to victims requiring special protection and to avoiding them having to be examined more than once. Where an examination is nevertheless necessary in the main hearing in court, such an examination of witnesses below the age of eighteen is only conducted by the presiding judge (section 241a(1) StPO). Other parties to the proceedings must address their questions to the witnesses through the presiding judge.

44. In proceedings concerning underage victims, pursuant to section 26 GVG charges may also be preferred with the youth courts; these employ judges who have particular experience of dealing with young people. The aim is thereby to pool competences with these courts in the interests of protecting child and juvenile witnesses – for example by making use of video technology during the examination. The provision set out in section 26 GVG was amended on account of the StORMG with effect from 1 September 2013 so as to be able to take even better account of the principle of protecting under-age witnesses.

45. Simplified requirements apply when it comes to excluding the accused and the public from the examination of witnesses under the age of eighteen (section 247 StPO, section 172 no. 4 GVG); in addition, a child may be examined in a room which is separate from that in which the other parties are sitting (section 247a StPO). The age threshold in those provisions was raised from sixteen to eighteen years on account of the Second Victims' Rights Reform Act. The StORMG further extends this possibility of excluding parties to the proceedings as of 1 September 2013: When the decision is taken whether the public is to be excluded, in accordance with section 171b(1), third sentence, explicit account is to be taken of the special stress to which children and juveniles are exposed during a trial. In addition, the courts will in future be able to take account of the concerns of all those parties who were minors when they were the injured party, even if they have already reached the age of majority at the time of the examination. Further, section 268 (2), third sentence, StPO sets out that the courts must also take account of the interests of the parties, witnesses or aggrieved parties warranting protection when reading out the grounds of the judgment. That can, for instance, involve not reading out the grounds of the judgment in court but only communicating the key content of those grounds and, when doing so, dispensing with those details of the private life of the people concerned which would harm their interests warranting protection.

46. The Guidelines for Criminal Proceedings and Proceedings to Impose a Regulatory Fine (*Richtlinien für das Straf- und Bußgeldverfahren – RiStBV*) contain a number of special provisions over and above the aforementioned statutory provisions which serve to protect children and juveniles. For example, under no. 19, para. 1 of the Guidelines, multiple hearings of children and juveniles before the main hearing are to be avoided if possible on account of the associated psychological strain on these witnesses. No. 135 para. 3 of the Guidelines states that children and juveniles are, where possible, to be examined in the presence of other witnesses and are to be supervised and, if possible,

looked after while they are sitting in waiting rooms. As regards sexual offences, no. 222 para. 1 of the Guidelines provides that an expert who has special knowledge and experience in the field of child psychology be involved when children are being examined. If a person accused of a sexual offence who is living in the same home as the victim or who can have a direct influence on the victim is released, in accordance with no. 221 para. 2 of the Guidelines the youth welfare office must be notified without delay so that the necessary measures to protect the victim can be taken.

47. No. 222a of the Guidelines, which entered into force on 1 April 2012 and applies to all victims of sexual offences, also provides that the aggrieved party is to be given the opportunity to make a statement regarding his special need for protection, which is important for the decision regarding possibly preferring charges before the regional court or youth court (section 24 (1) no. 3 or section 26 (2) GVG). No. 222a of the Guidelines also provides that the public prosecutor's office must give a person who has become the victim of a sexual offence the opportunity to make a statement before proceedings are terminated for reasons of discretionary prosecution in regard to that termination of those proceedings.

48. It is also important that child and juvenile victims in particular are informed about their rights and that the involved authorities' awareness is raised with regard to dealing appropriately with children and juveniles in criminal proceedings. In 2000 the Federal Ministry of Justice issued a brochure entitled "National Guidelines on Protecting Child (Victim) Witnesses in Criminal Proceedings". These are intended to provide guidance on dealing with child victims and witnesses to all those authorities involved, not least with the aim of creating awareness with regard to dealing more sensitively and more carefully with children in criminal proceedings.

49. In November 2004 the Federal Ministry of Justice published a brochure entitled "I have rights" aimed specifically at children and juveniles. It explains, in child-friendly language, the course of criminal proceedings, the role which child witnesses and victims play in them and their rights. There are statutory rules which set out in which specific circumstances the victim of a criminal offence must be notified. In accordance with section 406d (1) StPO the aggrieved person is, upon application, to be notified of the termination of the proceedings and of the outcome of the court proceedings to the extent that they relate to him. In accordance with subsection (2) of that provision, the aggrieved person is also, upon application, to be notified of custodial measures (in particular their ordering and termination) in respect of the accused. The extension to section 406d StPO which entered into force on 1 September 2013 on account of the StORMG aims to further improve the rights to information of these victims of criminal offences in that, in future, they are not only to be notified when conditions of detention are relaxed or leave has been granted for the first time, but each subsequent time this is done.

50. In accordance with section 406h StPO, the aggrieved person is to be informed about his rights and powers. These duties to provide information were extended considerably on the basis of the Second Victims' Rights Reform Act of 2009. Victims must now be informed as early as possible, as a rule in writing and as far as possible in a language they understand, of their rights and powers and, in addition, they are to be notified in particular that they have a right to assert claims for benefits under the Crime Victims Compensation Act (*Opferentschädigungsgesetz – OEG*), to apply for the issue of orders against the accused to protect them against violent acts, and that they may also obtain support and assistance through victim support institutions.

51. With effect from 30 June 2013 the StORMG paved the way for sexual offences to be prosecuted over a longer period of time and also extended the statutory periods of limitation for civil-law claims linked to such offences. The statutory period of limitations now begins to run when the victim of an offence pursuant to sections 174 to 174c, 176 to 179 StGB reaches the age of twenty-one (as is already the case in regard to civil-law claims), i.e. the

period of limitations is stayed until that point in time (section 78b (1) no. 1 StGB). This harmonisation means that these crimes can be prosecuted over a longer period and, in addition, it creates greater legal certainty for the victims. Civil-law claims for damages will, in future, only become statute barred after thirty years rather than after three years as was the case in the past. This extension not only applies to claims for damages on account of the wilful violation of the right to sexual self-determination, but also to those for wilful injury to life, limb, health and liberty. This has real practical added value for the victims concerned, as they can assert their claims for damages against the perpetrators more effectively and for longer.

52. Finally, with effect from January 2014 the StORMG also introduces a new rule on the qualifications required by public prosecutors handling matters involving juveniles (section 36 of the Youth Courts Law (*Jugendgerichtsgesetz – JGG*)). For example, in matters relating to juveniles it will no longer be possible for trainee jurists (*Referendare*) to deputise for public prosecutors. Judges and probationary civil servants may not be appointed as public prosecutors handling matters involving juveniles in the first year after their appointment. The aim is thereby to raise more awareness among those criminal justice decision-makers involved in cases involving the sexual abuse of children and juveniles for the concerns of the underage victims.

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