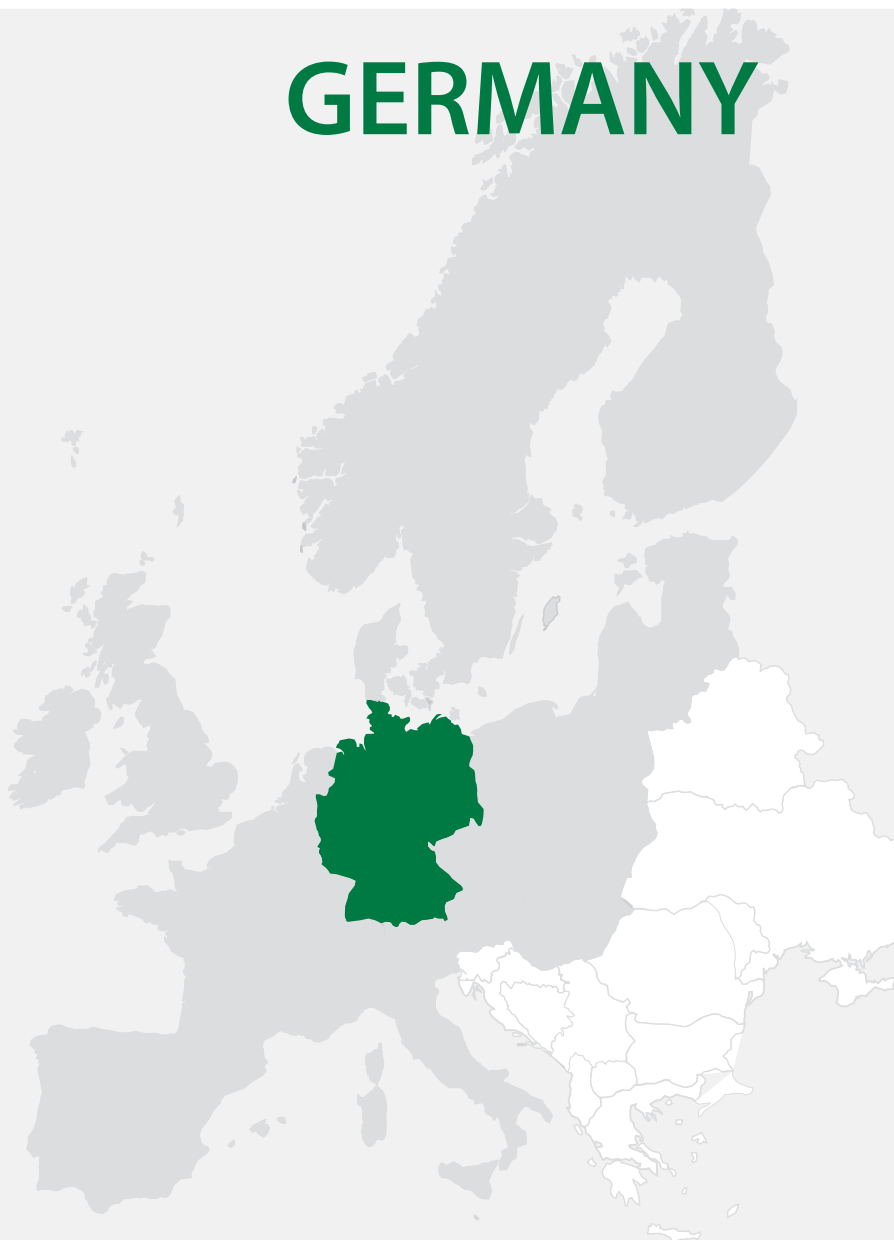




Global Monitoring

status of action against commercial
sexual exploitation of children

GERMANY



2nd EDITION

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GLOSSARY OF TERMS AND ACRONYMS

- **AIDS:** Acquired Immune Deficiency Syndrome
- **BGB:** Civil Code (Bürgerliches Gesetzbuch)
- **BA:** German Federal Criminal Police Office (Bundeskriminalamt)
- **CBSS:** Council of Baltic Sea States
- **Child Protection Code:** A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation
- **CIRCAMP:** Cospol Internet Related Child Abusive Material Project
- **CoE:** Council of Europe
- **COSPOL:** Comprehensive, Operational, Strategic Planning for the Police
- **CRC:** United Nations Convention on the Rights of the Child
- **CSEC:** The commercial sexual exploitation of children consists of criminal practises that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.
- **CST:** Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.
- **DGfPI:** Deutsche Gesellschaft für Prävention und Intervention bei Kindesmisshandlung und -vernachlässigung
- **ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
- **EGCC:** Expert Group for Cooperation on Children at Risk
- Council of Baltic Sea States
- **EU:** European Union
- **FSM:** Voluntary Self-Monitoring of Multimedia Providers (Freiwillige Selbstkontrolle Multimedia)
- **FUR: Research** Foundation on Travel and Holidays (Forschungsgemeinschaft Urlaub und Reisen)
- **GIZ:** German Association for International Cooperation (Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH)
- **HIV:** Human immunodeficiency virus
- **IBSDE:** Internet-Beschwerdestelle.de
- **ICT:** Information and Communications Technology
- **ILO:** International Labour Office
- **IzKK:** Information Centre on Child Abuse and Neglect (Informationszentrum Kindesmisshandlung / Kindesvernachlässigung)
- **JuSchG:** Protection of Young Persons Act (Jugendschutzgesetz)
- **KJM:** Commission for Youth Protection in the Media (Kommission für Jugendmedienschutz)
- **LKA:** police department of the Länder (Landeskriminalamt)
- **NGO:** Non-governmental organisation
- **NPA:** National Plan of Action
- **OECD:** Organisation for Economic Co-operation and Development
- **OEG:** Victim Compensation Act (Opferentschädigungsgesetz)
- **OPSC:** Optional protocol on the sale of children, child prostitution and child pornography
- **SSC:** Social Services of Cambodia
- **SGB:** Social Code (Sozialgesetzbuch)
- **StGB:** Criminal Code (Strafgesetzbuch)
- **TBS:** The Body Shop
- **UN:** United Nations
- **UNICEF:** United Nations Children's Fund
- **UPR:** Universal Periodic Review

FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake
Executive Director, ECPAT International

METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.

GERMANY



INTRODUCTION

Germany is a federal republic with a democratically elected parliament.¹ It has the largest national economy in Europe and is one of the richest countries in the world, with a nominal per capita GDP of 37,428.520.² The country has a high standard of living and is ranked 10th in the world on the Human Development Index.³

In 2009, the Organisation for Economic Co-operation and Development (OECD) reported that “Germany spends big money on children, more than the OECD average for every age group”. According to the OECD, German families did well in providing their children education. Only one in 200 children in Germany experienced deprivation of a basic education, the second lowest rate in the OECD. In terms of health and safety, German children had lower than average child mortality rates. Despite relative high spending and positive achievements, however, Germany lags behind many other OECD member countries in a number of important areas. For example, its child poverty rates of 16.3% exceed the OECD average of 12.4%, and bullying reported by German school pupils is 3% points above the OECD average, at around 14%.⁴

Although Germany has good education, healthcare and social welfare systems for children,⁵ the country continues to be affected by child sexual abuse, child trafficking for prostitution and other forms

of commercial sexual exploitation of children (CSEC).⁶ According to authorities, in 2008 there were 12,052 reported incidents of sexual abuse of children up to 14 years of age, compared with 15,935 incidents in 2007.⁷

Children living on the streets are particularly vulnerable to sexual exploitation and often turn to prostitution for income. The Coalition for Street Children estimated there were as many as 11,000 street children in the country in 2009. Authorities believed that these children were often subjected to violence and abuse and were frequently fleeing violent and abusive homes.⁸

Members of ethnic minorities, such as Roma, as well as unaccompanied foreign minors (UFMs) in Germany, are particularly at risk of human trafficking and sexual exploitation.⁹ Several organisations estimate that the approximate number of UFMs residing in Germany ranges between 5,000 and 10,000.¹⁰ Over two-thirds of them are boys living in large cities, such as Munich, Berlin, Hamburg and Frankfurt.¹¹ A 2007 UNICEF study on the condition of Roma children in Germany exposed a lack of concrete opportunities for young people.¹² Another UNICEF study in 2010 stressed integration problems of Kosovan Roma, Ashkali and Egyptian children resulting from a combination of emotional fear and insecurity within their family environment and legal and financial restrictions the

families face in Germany. Moreover, some 12,000 Kosovan Roma, of which half are children, are to be deported back to Kosovo, a traumatic experience for children as they are not only completely uprooted from their environment but also face difficulties integrating with other children back in Kosovo.¹³ The Roma may have limited access to various social benefits and are subject to a restriction on gaining employment or taking part in training programmes and further education.¹⁴ Consequently, young Roma have bleak prospects.¹⁵

Germany is also experiencing migration from countries that have a tradition of cultural norms that require children to become ‘adults’ at an early age. As a result, cases of women and girls involved in forced marriages have been observed. Although there is no reliable data on the extent or the characteristics of forced marriage in Germany, it seems that those affected are primarily girls and young women between the ages of 16 and 21, from families with migrant backgrounds. Contrary to public perception, the problem is not limited only to Islamic cultural groups, but extends to girls from other backgrounds.¹⁶

Child prostitution

The phenomenon of child prostitution in Germany has received little attention by the Government and has not yet been thoroughly investigated nor analysed. The absence of detailed information on vulnerable children, root causes, modalities and locations of exploitation combined with a lack of official statistics and estimates makes it impossible to assess the real number of children exploited through prostitution. Despite the lack of qualitative and quantitative data, a number of media articles and NGOs that provide support to adult sex workers report that a small proportion of individuals involved in prostitution are underage girls and boys.

Precise figures of minors exploited in the German sex industry are not available. Data collected by the German Federal Criminal Police Office (*Bundeskriminalamt* or BKA) shows that it is difficult to identify the latest trends in child prostitution related crimes. In 2007, the number of recorded cases of “[c]ausing minors to engage in sexual activity” (section 180 of the *Criminal Code*) totalled 186, an increase of 27% compared to 2006.¹⁷ However, in 2008, there was a 32% decrease, with only 126 recorded cases.¹⁸

The involvement of children in prostitution is often linked to drug addiction or social problems. Many child victims have

experienced sexual abuse or other forms of violence in the family and have run away from home, eventually ending up on the streets with no protective networks. Instances whereby children are sold for sex by their own parents also occur, sometimes in combination with child pornography production.

Many of the children and young people engaged in prostitution have no knowledge of their rights. This puts them in a position of extreme vulnerability. Because many are staying illegally in the country, leaving prostitution is very difficult for them, due to the risk of being arrested and deported.

Prostitution of boys neglected

There are currently no studies on the involvement of boys in prostitution. However, according to the Subway project of NGO Hilfe- für- Jungs e.V, established in 1992 to assist male prostitutes in Berlin, boys and young men as young as 14 years old provide sex services in the German capital and other major cities.¹⁹ Such prostitution occurs in several locations, including railway stations, streets, bars, pornographic cinemas, saunas, brothels/apartments, parks and through the Internet.²⁰ Some 80 to 90% of males involved in prostitution in Berlin are not native Germans, most being ethnic Roma from Bulgaria and Romania.²¹ Male sex workers are often overlooked by counselling services and other forms of assistance.²²

Child trafficking for sexual purposes

Despite a lack of updated research on child trafficking for sexual purposes within, to and through Germany, recent information suggests that this form of CSEC is particularly widespread. It was recently reported that human trafficking crimes have increased 70% between 2005 and 2010, with the vast majority of the victims being women and girls trafficked into commercial sex. In 2002, Germany legalised prostitution and brothels in part to reduce sex trafficking, provide safer conditions, and remove the stigma attached to the sex industry. However, sex trafficking has unfortunately increased. In addition, international observers and advocacy groups have argued that these legal changes have done little to make the industry safer or reduce stigma. Other factors may also be contributing to the rise of identified cases of sex trafficking in Germany, such as the global economic crisis; a rise in the demand for commercial sex; and the success of law enforcement in identifying victims.²³

Germany is regarded primarily as a destination and, to a lesser extent, transit country for child trafficking for sexual exploitation. German children can also become victims of sex trafficking within Germany itself. Reliable data about the child sex trade, however, remain limited. According to the latest *Human Trafficking National Situation Report*, 14% of 610 trafficking victims identified in 2010 – 96% of whom were female – were minors. The majority of these victims were German nationals, followed by victims from Romania, Bulgaria, Hungary and Nigeria. The number of victims under the age of 14 at the time of the offence decreased from 6% in 2009 (41 persons total) to 1% (8 persons total).²⁴

With regard to the recruitment methods, the *Human Trafficking National Situation Report* does not differentiate between adults and minors, but notes that 36% of all victims

of human trafficking identified in 2010 stated that they were aware that they may be involved in the sex industry or performing sex services. This represents a significant decrease from 45% in 2009. Another 35% were deceived into prostitution under false pretences, while 14% were recruited professionally, also under false pretences, for example by alleged model or talent agencies or through newspaper ads. In terms of prostitution venues, the majority of identified sex trafficking victims have been exploited in bars, brothels, and apartments.²⁵

The perpetrators of human trafficking are predominantly male and German (187 out of 730 suspects in 2010), followed by Bulgarian, Romanian, Turkish and Nigerian citizens.²⁶ A study by the United Nations Interregional Crime and Justice Research Institute (UNICRI) on trafficking of Romanians to Germany has, however, found

that women are also used as recruiters of other women and girls and as ‘minders’ in the destination country.²⁷ In 2010, 28% of the perpetrators were female. Trafficking-related investigations conducted by the BKA are directed more towards small groups of individuals rather than larger criminal

organisations.²⁸ The number of preliminary proceedings completed has increased significantly from 2005 to 2009, but dropped again in 2010.²⁹ They were mainly initiated by the police, but also by the victims themselves, and, to a much lesser extent, by third parties.

The US Department of State annually releases a *Trafficking in Persons Report*, which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act’s* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made “significant efforts” to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.

In the 2011 report, Germany was placed in **Tier 1**.³⁰

Child pornography

Media reports and police statistics reveal that possession and distribution of child abuse images have become common crimes in the last five years. Additionally, Interpol has mentioned Germany as one of the major producers of child pornography,³¹ and the German Government found that access to video and other images of child pornography on the Internet more than doubled from 2006 to 2007.³² In line with a global trend, an increase in the amount of violence against small children depicted in pornographic materials has also been observed by the German police.³³

Internet use is rapidly increasing in the country. According to one recent study, every teenager has access to the Internet and computers, and 89% of teenager between the ages 12 and 19 use the Internet regularly (daily/several times a week) and 91 percent own a mobile phone.³⁴ Although there have been initial efforts, particularly by NGOs, to study online access and Internet usage, specific research is needed on dangerous behaviours, online threats, effects on children and issues of self-protection.

The problem of grooming has been discussed in the German media and reports on cases have been made. The German Legal Branch considers the issue of grooming covered by § 180, which prohibits the exertion of influence on a child by showing him/her pornographic illustrations or images, or by playing pornographic audio recordings or other sexual speech. However, the paragraph does not explicitly state or use the term “grooming.”

Nevertheless, The BGH (Federal Court of Justice) made a decision directly addressing online abuse in 2009. They held that sex offenders could be punished for child abuse even if they contacted their victim solely via the Internet.³⁵ “Close proximity,” according to the BGH, was not a prerequisite. As an explanation, they stated that “children have to be protected fully against such perceptions to protect their undisturbed overall development.”³⁶

Numbers, however, are problematic, as there is little substantive evidence, and studies dealing with the topic contradict each other.³⁷ According to EU-Kids Online, for example, online risks and sexting in Germany are, compared to other European countries, less of a problem. According to their survey, only 10% of German youth questioned in the study reported that they had encountered pornographic or sexual images within the last year, and only 4% reported that they had seen them on the Internet.³⁸ Moreover, only 16% of German youth stated that they had received sexts, and only 2% had sent them out themselves. These values are below the European average.

However, several qualifications should be made concerning the study:

- a The study only questioned young people from the ages of 11-16 and thus relies on a different definition of a child
- b German young people are also less present in social networks, as only 51% have their own profile, compared to 59% as a European average
- c 38% of German young people also reported that they had online contact with people they did not know personally

On the other hand, a representative study by Catharina Katzer in 2005 found that 38.2% of young people between the ages of 12-19 had been confronted unwillingly with sexual material.³⁹ Whereas girls were more frequently contacted in a sexual manner during chatting, boys were more often sent pornographic material.⁴⁰

Moreover, the Bravo-Dr. Sommer Study conducted with children and youth from 11-17 found that two thirds of children between the ages of 8 and 11 had been exposed to pornographic material or pictures at least once.⁴¹ These conflicting results indicate that the issue warrants further research.

According to Innocence in Danger, there are an estimated 50,000 regular consumers of child pornography in Germany.⁴² This startling figure is supported by the crime statistics provided by the BKA. In 2009, the number of cases involving the distribution of child pornography increased by 14.2% from 2008, to 3,145 cases,⁴³ and then declined to ,687 cases in 2010. However, the number of reported cases of possession and procurement of child pornography dropped by 43%, from 6,707 in 2008, to 3,823 in 2009, to 3,160 in 2010.⁴⁴ In 97 cases registered in 2010, distribution of child pornography occurred on a commercial basis or as part of an organised group under Section 184b (3).⁴⁵

The size of the child pornography rings exposed by the various joint police investigations carried out in recent years gives some indication of the scope of the problem. For example, in 2009, German police smashed a global ring of around 9,000 suspected paedophiles in 92 countries. Pornographic images of children were transmitted from more than 1,000 connections in Germany to 8,000 IP addresses in countries including the United States, Canada, New Zealand, Austria and Switzerland. The police reported that footage included "images of the most serious sexual abuse, even of toddlers."⁴⁶

The dangers of the virtual world and online chatting in the sexual exploitation of children

In 2007, German prosecutors launched an investigation to track down anonymous participants in the virtual computer game, Second Life, who were reportedly buying sex from other players who posed as children, as well as offering child pornography for sale. Investigators in the city of

Halle acted on specific information about a German Second Life player, or avatar, who put child pornography images up for sale and paid for sex with underage players or players posing as minors. The established Second Life practise of so-called “age play,” in which players request sex with other players who dress up as child avatars, has contributed to a growth in players posing as children in order to make money. According to child protection agencies, this has encouraged people with paedophile tendencies to act virtually on their fantasies and could contribute to the exploitation of real children.⁴⁷

In 2008, 53-year old Harald H. kidnapped his then 13-14-year old chat partner Sonja K. and raped her for three days in his apartment. The unemployed man had been pretending to be in his 20s in various chatrooms, using nicknames such as “Binlieb24” (which means ‘amnice24’ in German) or “Bistsosueß” (‘you’re so cute’ in German). After initiating contact with her, the girl started to tell him about her problems with her family. In April, he drove from his home near the Bodensee (southern Germany) to Northrhine-Westphalia (northern Germany), picked her up, forced her into his car, drove back to his apartment and raped her there. Furthermore, the victim wasn’t the only underage girl he contacted and raped. Another 16-year old girl also reported to have been raped by Harald H. after meeting him on the Internet. While the girl stated that the sexual relations were consensual, she said that she was ashamed and that he also had abused her.⁴⁸

The two German hotlines for reporting illegal and harmful online material publish annual data that has shown an increase in child pornography. According to data from one of the hotlines, Internet-Beschwerdestelle.de, there was a 15.3% increase in reports of illegal and harmful websites in 2008.⁴⁹ Likewise, the other hotline, jugendschutz.net, saw a consistent rise in reports of alleged child pornography in 2009, to 1,300 reports, or a 60% increase from 2008.⁵⁰ The number of cases forwarded

to the BKA for follow-up action increased by 72%.⁵¹ Although most of the reported websites were located in the United States, numerous complaints were related to German websites managed by private individuals, companies and associations.⁵² Cases of commercial child pornography websites hosted in Germany were also identified in 2009, but the service provider was usually unaware of the presence of such materials.⁵³

The involvement of family members and caregivers in child pornography crimes

Although the only major research is very outdated,⁵⁴ the involvement of family members in the production of child abuse images remains an issue of great concern in Germany. Recent notable examples include one of the suspects arrested in the global child pornography ring uncovered by BKA in 2009 (mentioned above), a 40-year-old man accused of sexually abusing children in his family.⁵⁵

In 2010, a man who had already been convicted for child pornography possession was prosecuted by the court of Kiel for aggravated sexual abuse and conspiracy to murder. The accused was involved in an online chat in which he had agreed to sexually abuse the six-year-old child of another man in exchange for allowing the man to sexually abuse his own three-year-old child. A total of 200,000 images and 2,000 videos of child pornography were found in his computer.⁵⁶

A recent child sexual abuse scandal that involved the Catholic church exposed child pornography offences committed by members of the church. In March 2010, the Bavarian police raided a monastery in Ettal, which runs a Catholic boarding school, on suspicion of child pornography.

According to the daily *Münchner Merkur*, a monk there admitted to uploading such material to the Internet. The monastery also admitted at least two cases of sexual abuse.⁵⁷

With the increasing use of the Internet and other information and communications technology (ICT), German children and adolescents are being exposed to a number of potential threats that may impact their safety and wellbeing. A 2008 research study comparing the online risks of children in different EU countries suggested that Germany belongs to the European countries categorised as low risk for children. According to the study, however, this classification may arise from a lack of awareness of the risks due to a scarcity of dedicated studies. Additionally, risk-related public discourse in Germany tends to be dominated by the issue of violent computer games and their influence.⁵⁸

As for empirical evidence of online risks, a study concerning the care and treatment of victims of child pornography in Germany, conducted by *Innocence in Danger* from October 2004 until September 2007, exposed an alarming problem of online sexual exploitation of children. During 2000 – 2005, a survey among caregiver institutions found that 84.8% of them have confronted the problem of child pornography. According to interviews with 360 caregivers, only 50% of mothers and 34% of caregivers realised the threat of child pornography. The counsellors reported several sexually abusive acts performed by adults on children, including forcing them to pose for nude pictures and producing pictures of their genitals to be circulated online. With regard to offenders, the research found that most of the 118 perpetrators identified were males aged 22 to 40 years. The majority of perpetrators were reported to be fathers, followed by male friends of the family.⁵⁹ This seems to confirm that child pornography takes place mainly within close surroundings of the victims. The study also analysed qualitative data on the estimated psychological impact

that circulation of the child pornography material has on the victims, as well as on the methodology of diagnostics and treatment.⁶⁰ The research concluded that, even though child pornographic exploitation is frequently discussed, there is still a lack of knowledge on how to identify, approach and assist affected children.⁶¹

Other studies have also identified and analysed risky situations faced by children and adolescents online. For example, according to research undertaken in 2006, more than one-third of the 12 to 19-year-old users of chat rooms reported that they had met unpleasant people in chat rooms several times, including 30% of boys and 44% of girls.⁶² In 2007, another study found that more than half of the users of chat rooms were asked by strangers for their address, phone number and name. In this respect, girls were much more careful than boys and were less likely to provide the information. Gender differences were also evident in relation to problematic mobile content. Boys were more aware of problematic films with violent, sexual or Nazi-related content than girls. In comparison to boys, girls were more aware of self-produced videos in which others are bullied or shown in embarrassing situations.⁶³

Particular attention has been paid to risks linked to the use of mobile phones. In 2009, 79% of 12 to 19-year-olds surveyed had heard about violent or pornographic videos on mobile phones; 27% had heard that their friends had received such content; and 8% stated that they themselves had received such content on their mobile phone.⁶⁴ The comparison between 2009 and previous years indicates that there is increasing awareness of, and also slightly increasing likelihood that children are being exposed to violent or pornographic content⁶⁵

There has been no in-depth research on sexual exploitation of children in travel and tourism by German nationals. However, according to existing estimates, approximately 20,000 Germans contribute to the global demand for child sex tourism every year.⁶⁶ Documented cases, police crime statistics and information scattered in various studies and media reports suggest that the main destinations for German child sex tourists include some countries in Africa, Central and South America, South and Southeast Asia and Eastern Europe.

A 2006 report by UNICEF and the Kenyan Government found that, after Italians, Germans are the most represented nationality for child sex tourism in Kenya.⁶⁷ Another study, released in 2007, highlighted child sexual abuse by Germans in Southeast Asia, namely the Philippines, Thailand, Cambodia and Vietnam, and in Central America, including Mexico and Costa Rica.⁶⁸ Although enhanced cooperation between the Czech Republic, Germany and Austria has resulted in a decrease over the years of child sex tourism from Germany to the border region with the Czech Republic, the phenomenon continues to occur, even though it is sometimes denied by officials.

NGOs working in the border region report that the demand for children as young as 5 to 8 years old, but also between the ages of 10-14, continues to be high. Furthermore, they state that they have the impression that tourists come to the area particularly for child sex tourism. However, data on the extent of child prostitution and child sex tourism is not available. KARO e.V., an NGO in the border region working with women and children forced into prostitution and/or human trafficking reports increasing trouble in discovering and preventing cases, as their cars are known around the towns and therefore the offenders can anticipate their arrival. Nevertheless, they have managed to form a system of cooperation working with several generations of families in the area. NGOs have identified the major cause of the

continuing availability of children for these crimes as poverty, but also persisting criminal structures in the region. Many of the parents offering their children were themselves victims of child sex prostitution. Drugs are also an issue.

A lack of cooperation from police and law enforcement is also reported. Interviewed NGOs cannot recall a single case for 2011 where a sex tourist or a pimp was tried or sentenced for commercial sexual exploitation or sexual abuse, even though these events clearly continue to happen and KARO reports any incident they find out about. They suppose that numbers are either not published or that no such investigations are taking place, though lack proof of these suspicions.⁶⁹

These statements are also illustrated by an undercover report by a German regional TV station. Reporters went to Cheb, a city in the border area and were offered child prostitutes on multiple occasions.⁷⁰ Czech officials, however, denied any of this, saying that the reporters used old materials. Moreover, the city of Cheb stated that there was no evidence whatsoever that commercial sexual exploitation of minors was even taking place in Cheb, which, according to NGOs and this TV report, is clearly false. Instead, officials often claim that children were merely pretending to be prostitutes trying to attract people in order to steal their money.⁷¹

Increased awareness of child sex tourism among German travellers

Tourists have an increasingly strong interest in seeing commitments from the tourism industry to protect children. In 2010, the *Analysis of the Special Question on Sexual Exploitation of Children in Tourism and the Public Awareness of Travellers* was published within the framework of the German Travel Analysis 2010. The study was carried out by the research association, Forschungsgemeinschaft Urlaub und Reisen (FUR), together with ECPAT Germany and the Church Development Service (Evangelischer Entwicklungsdienst or EED) Tourism Watch. The study shows that over 80% of Germans and 90% of travellers to developing countries are aware of problems relating to child sex tourism. From the interview of over 7,500 interviewees, 70% of them stated that tour operators should have social responsibility towards the safety of local children in the destination countries and 35% said that tourism industry should contribute more to the protection of children against sex tourists.⁷²

Cases of extraterritorial sexual exploitation of children investigated by the German Police up to 2007 confirm that the main destinations for German travelling sex offenders include: Czech Republic (17.13%), Romania (7.17%) and Poland (1.09%) in

Europe; Thailand (23.51%), Philippines (6.77%), Cambodia (3.59%) and Vietnam (5.58%) in southeast Asia; India (5.58%) and Sri Lanka (5.98%) in south Asia; and Brasil (13.59%) and Dominican Republic (3.98%) in Latin America.⁷³

Southeast Asia a target for child sex offenders

With the active involvement of Action Pour Les Enfants (APLE), a French NGO that fights against CSEC, a 47-year-old German sex tourist was convicted for sexually abusing children in Cambodia. The offender had at least five previous convictions in his home country. Since 1994, he served several sentences for sexual abuse and the possession of pornographic materials. The last of these sentences ended in 2006. Shortly before his release, he announced to a prison officer that he planned to leave Germany in order to live in Southeast Asia, where he could exercise his sexual disposition toward boys without being harassed by police. After his release, he flew to Thailand, but was not allowed to enter the country because the prison officer had contacted the authorities in Germany who had warned the authorities in Thailand. Back in Germany, his German passport was confiscated. However, the suspect managed to enter Cambodia via Bali and Kuala Lumpur with a false Danish passport. In February 2007, the German was arrested on the charge of using a false passport and convicted to a sentence of 14 months in jail. Later, in July 2008, he was sentenced to six and a half years of prison and a, later, a lifelong preventive detention (Sicherungsverwahrung) for sexual exploitation and bodily injury of at least five children, because he knowingly risked infecting the victims with HIV/AIDS. For the first time ever, the German court summoned eight children from Cambodia. These were child victims as well as other children who witnessed the abuse.⁷⁴

In March 2011, former musician Carsten B. was sentenced to nine years imprisonment with life-long preventive custody following his jail sentence.⁷⁵ The 66-year old had admitted to having sexually abused seven young girls and 23 teenagers in Thailand between 2005 and 2009 in 403 cases. He was charged with severe sexual abuse and aggravated assault in Germany, as he was HIV positive and consciously risked infecting his victims by not using protection during the assaults.

Following the 1996 Stockholm and the 2001 Yokohama global forums on commercial sexual exploitation of children, Germany reaffirmed its commitments at the 2008 World Congress III against Sexual Exploitation of Children and Adolescents,

in Rio de Janeiro, Brasil. The World Congress III renewed global commitment and galvanised international resolve to combat sexual exploitation of children and adolescents.

NATIONAL PLAN OF ACTION

Following the World Congress III, Germany began work to update its national plan of action.⁷⁶ A “National Conference on the Protection of Children and Adolescents from Sexual Violence” was held in March 2009. Discussion topics included combating child sex trafficking and exploitation of children and adolescents in tourism. The outcome of the national conference contributed to the development of the updated action plan. Furthermore, in June 2009, the Federal Ministry for Family Affairs organised the European Rio Follow-Up Conference on “Protecting Children and Adolescents against Sexual Violence with a special focus on new forms of media: Perspectives for Europe” (see section on Coordination and Cooperation). Consultations were held on CSEC-related issues, and a final report comprised of 16 points, which will also be integrated in the updated action plan, was produced.⁷⁷

The new *Plan of Action 2011 of the Federal Government of Germany for the Protection of Children and Teenagers from Sexual Violence and Exploitation* was adopted in 2011 and entered into force on January 1, 2012.⁷⁸ The Action Plan took into account recommendations from both the Roundtable on “Sexual Abuse of Children in Relations of Dependency and Power in Private and Public Institutions, and in Families” (see Prevention section for further information) and the Independent Representative for the Studying of Child Sexual Abuse (ombudsperson) as well as the Third World Congress against the Sexual Exploitation of Children and

Young People. Its focus lies on the prevention of sexual violence, intervention, protecting children in online communication networks and increasing their Internet competence, supporting victims of child trafficking for the purpose of sexual exploitation, increasing awareness in tourism, improving and increasing knowledge, and promoting international cooperation.

Specific objectives for the period up until 2014 include:

- increasing awareness and improving training as well as boosting preventive therapy (prevention);
- strengthening victims’ rights, lowering thresholds for reporting, systematising existing support, and enlarging online advice resources for children (intervention);
- protecting digital communication networks, increasing media competence and thus reducing risks, and combating images of child abuse through the deletion of pornography (communication networks);
- supporting victims of CSEC;
- increasing awareness and education and promoting the Code of Conduct (tourism)
- promoting research on sexual violence against girls and boys and knowledge-sharing (knowledge);
- cooperating within the EU, the European Council and the Council of the Baltic Sea States (international cooperation).⁷⁹

Improvements in the New Action Plan:

The new action plan includes a section dealing with CSEC and trafficking with regard to prosecution, education and sensitisation as well as the support of victims. For that, the plan envisions several measures targeted at a) boosting international cooperation (meeting of the working group of Council of Baltic Sea States Task Force against Trafficking in Human Beings in March in Berlin), b) coming up with new measures for protection (research on sexual violence on children and teenagers until 2014) and c) implementing the European Council Convention for Combating Trading in Human Beings.⁸⁰

Furthermore, a federal working group and state working groups on the evaluation and monitoring of the report have been launched.⁸¹ This group meets two times a year and has the following four units (subgroups): prevention, intervention, tourism & child trafficking, and international cooperation. They will be monitoring the implementation of the NPA and performing impact analyses.

Moreover, a new Internet support centre is planned. The “Internet-Kinderschutzzentrum” (Internet child protection center) will deal with sexual violence in online situations and offer support as well as work on the prevention of cyber-mobbing and images of sexual abuse.⁸² Lastly, the action plan has made improvements in the area of victim protection (See Prevention and Protection sections for more information).

Remaining problems:

In some sections the NPA lacks detail or fails to mention specific measures and does not distinguish between different kinds of abuse and exploitation. For example, actions in the area of development aid are not very

sophisticated. Moreover, the commercial aspect of abuse and exploitation has been largely neglected by both the NPA and the Roundtable. While the NPA does contain a section on CSEC, the topic was not discussed in the negotiation periods, and experts on the topic did not take part in the Round Table or the NPA.

Therefore, the focus of the NPA remains largely on imposing broad responsibilities on public institutions. Only institutions receiving public funds must implement child protection policies; commercial institutions like private sport clubs or private music schools are not required to do so. Moreover, research, while now more strongly promoted and funded, is not focused on the commercial aspect of sexual violence, such as CSEC and trafficking, or the role of commercial enterprises.

Throughout the reform process, children and youth were actively involved in working groups and preparatory conferences for the new NPA. Furthermore, Youth Representatives will be present at the inaugural meeting of the Action Plan (and the new NPA promotes peer-to-peer work). Moreover, children were actively involved in the implementation of the NPA 2005-2010 (the old NPA). The final report of the National Plan of Action for a Germany fit for children states that it funded and supported 37 activities and projects initiated by youth and over 100 individual activities from 2008-2009.⁸³ The projects covered all six areas of the NPA.⁸⁴ The report comments that throughout these activities youth were confronted with the task of formulating their wishes for a child friendly Germany and developed concrete measures and solutions in order to reach this goal. Lack of implementation of the CRC was a key concern.⁸⁵ A major problem identified in the report is that politicians are not sufficiently interested in engaging with children. For example, children mentioned that politicians

invited to meetings or events often did not show up or did not even react to their inquiries.⁸⁶

Although Germany does not have a national plan of action against human or child trafficking, two national plans of action address a couple of issues related to aspects of human trafficking. One is the *National Plan of Action for a Germany fit for Children 2005-2010* (Nationaler Aktionsplan für ein Kindgerechtes Deutschland 2005-2010), which covers the fields of education, the right to grow up in a violence-free environment, the fostering of a healthy life and healthy environmental conditions, and the participation of children and juveniles, amongst others. While this plan does not specifically address or even mention child trafficking, it contains a chapter on

children as refugees and acknowledges their vulnerability when separated from their families. The Government committed itself to some measures in that context, such as improving the living conditions of refugee children, the introduction of a clearing procedure, the appointment of a legal guardian for 16 to 17-year-olds, as well as appropriate accommodation. In addition, the *National Plan of Action of the government on the Fight Against Violence Against Women* (*Aktionsplan II der Bundesregierung zur Bekämpfung von Gewalt gegen Frauen*), adopted in 2007, identifies women and girls with a migration background as specifically vulnerable to becoming victims of human trafficking and makes a number of recommendations to alleviate the various risks for members of this group.⁸⁷

COORDINATION AND COOPERATION

The *Action Plan for the Protection of Children and Adolescents from Sexual Violence and Exploitation* stresses the importance of a multi-stakeholder approach to protect children from CSEC.⁸⁸ However, despite the establishment of a number of networking mechanisms, coordination and cooperation among stakeholders involved in the protection of children against sexual violence and sexual exploitation appears to be limited.⁸⁹ Germany as a federal state follows the principle of subsidiarity, which is also reflected in the Action Plan. Therefore, the focus of action lies on the lower, local levels, with standardised cooperation between the Government and civil society across the 16 federal states (Länder). Assistance for trafficking victims should be further strengthened.

The main coordinating body on CSEC issues at an institutional level remains the Federal Working Group for the Protection of Children and Adolescents against Sexual Abuse and Exploitation, established in 2003 under the leadership of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth. Composed of representatives of the federal, Länder and local governments, as well as NGOs, the group steers and coordinates the implementation of the corresponding action plan and works towards the further development of additional measures and projects⁹⁰

The Federal Working Group on Trafficking in Women was founded in 1997 and is also headed by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth.⁹¹ Representatives of federal ministries, Länder level, and NGOs comprise this body.⁹² Apart from monitoring and supporting the implementation of the National Plan of Action of the government on the Fight Against Violence Against Women in relation to human trafficking, the working group deals with a number of issues also of relevance in the context of trafficking in children, such as developing procedures

on how to deal with victim witnesses or guidelines on how to claim compensation in the context of criminal proceedings.⁹³ Similar working groups were also established in a couple of Länder and at municipal levels.⁹⁴

Besides these coordinating bodies, the Federal Government supports the programmes and activities carried out by the Information Centre on Child

Abuse and Neglect (IzKK) and the Deutsche Gesellschaft für Prävention und Intervention bei Kindesmisshandlung und -vernachlässigung (German Society for Prevention and Intervention in cases of Child Abuse and Neglect) (DGfPI), which are two major federal platforms that link stakeholders involved in the field of protection, especially protection against sexual violence and exploitation.⁹⁵

Parliamentary commission on children

The parliamentary Commission to Safeguard the Interests of Children (the Children's Commission) has been in existence since 1988 as a subcommittee of the Committee for Family Affairs, Senior Citizens, Women and Youth. The four commissioners are all members of Parliament representing one of the four Parliamentary groups, although their legal position in the Parliament is not clearly defined. The Children's Commission cannot act without consensus among all its members.⁹⁶

The Children's Commission sees itself as a lobby for children and a parliamentary body that provides ideas and initiatives both inside and outside of Parliament to improve the situation of children. In this regard, the Children's Commission pursues a broad range of activities, such as hearings, discussions with experts, statements, fact-finding missions and public relations. The Children's Commission has been concerned with bolstering the rights of children, improving their living conditions, preventing violence during upbringing and specific issues such as prevention of sexual abuse and child pornography.⁹⁷

It must be noted, however, that while the Children's Commission is a kind of ombudsman for children, it is not accessible by children and not empowered to receive and investigate complaints of violations of children's rights, including CSEC cases.⁹⁸ The new ombudsman (for issues concerning sexual abuse of children) can accompany the processing of cases.⁹⁹

There are some examples of cooperation between the Government and the private sector on CSEC issues, especially in the field of child and youth protection in the use of new media. In the framework of the initiative "A Net for Children,"¹⁰⁰ launched in 2007 by the Federal Government Commissioner for Culture and the Media and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, several companies from the Internet and mobile communications industry have joined forces to compile a so-called "whitelist" of child-friendly websites. The FragFinn Website was founded in order to establish a secure place on the Internet that allows children from ages eight

to 12 to surf the web without any risk of finding violent or sexual content (see www.fragFINN.de).¹⁰¹

A round table discussion on child safety on mobile phones and the Internet was held in June 2006, which included the Ministry of Education in Rhineland-Palatinate, experts, service providers, teachers and parents. As a result, in 2007 the major mobile phone operators and the voluntary self regulation group Freiwillige Selbstkontrolle Multimedia signed a voluntary code of conduct for mobile phone providers (for more details, see section on Prevention).¹⁰²

Regional and international level

German cooperation at the European level continues to be satisfactory, especially as a result of joint initiatives with neighbouring countries, such as Austria and Switzerland. Germany has also taken the lead in promoting follow-up work to the World Congress III and has provided extensive support to international cooperation projects to counteract and prevent CSEC in several affected countries.

Germany has made significant efforts to foster international cooperation in the area of law enforcement. Apart from collaborating with Interpol and Europol, the BKA is participating in various investigative and

coordinating bodies mandated to combat CSEC crimes internationally and has also actively participated in joint programmes implemented in Europe and other regions of the world.

Although law enforcement cooperation has greatly improved both at regional and international level, Germany should further enhance international cooperation by developing multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.

Germany is a member of the Comprehensive Operational Strategic Planning for the Police (COSPOL) Internet Related Child Abusive Material Project (CIRCAMP) network, established in 12 EU countries.¹ This regional network was established by the European Police Chiefs Task Force (EPCTF) in 2004. It aims to improve the coordination among law enforcement agencies from EU members to combat child sexual exploitation online. Its main objectives are to block access to child abuse materials; identify, investigate and shut down payment systems; and prosecute those who distribute child abuse material online. In 2009, several investigations were conducted under the CIRCAMP initiative, including “Operation Typhon,” which involved law enforcement agencies from 19 countries and led to the arrest of 118 child sex offenders.¹⁰³

The BKA is a member of the Innocent Images International Task Force, which is comprised of law enforcement officers from Europol and several countries, and allows

real-time transfer of information between the FBI and other task force members.¹⁰⁴ Europol is also a member of the European Financial Coalition against Commercial Sexual Exploitation of Children Online, which was established in 2009 and brings together major financial, Internet and technology corporations, law enforcement agencies and specialist child protection NGOs from EU member states to disrupt commercial profits made by those who distribute child abuse material online.¹⁰⁵

In November 2010, Europol launched Project HAVEN (Halting Europeans Abusing Victims in Every Nation), which targets travelling sex offenders originating from the EU who exploit children both inside and outside Europe. It emphasises the coordination of international operations conducted by EU law enforcement authorities.¹⁰⁶ In one of these coordinated operations, Dutch, German and Swedish authorities stopped 230 potential sex

¹ Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Malta, the Netherlands, Poland,

offenders at the airports in Amsterdam, Frankfurt, and Stockholm on March 16, 2011.¹⁰⁷ It is unclear the extent to which Germany is directly involved in these efforts.

Eurojust, the EU's Judicial Cooperation Unit established in 2007, deals with transnational crimes, which can include

cases of missing children, child sexual abuse, child trafficking and child abuse on the Internet. It facilitates the exchange of information among EU member states on good practises and experiences and plays a leading role in coordinating information and investigations.¹⁰⁸

Austria, Germany and Switzerland join forces against child sex tourism

In December 2009, the first Trilateral Workshop on Sexual Exploitation of Children in Travel and Tourism was organised in Vienna, Austria. It aimed to strengthen cooperation among three German-speaking countries - Austria, Germany and Switzerland - in counteracting and preventing child sex tourism. The 25 participants came from various professional backgrounds, such as governmental departments and ministries, the tourism industry and NGOs. Topics addressed included the development of a reporting system and mechanism for child sex tourism cases abroad, a possible joint awareness-raising campaign and other activities.¹⁰⁹ The trilateral campaign will also be joined by Italy, France and Luxembourg.

As part of these collaborative efforts, the "Don't Look Away" campaign was launched in the three countries in September 2010, on the UN World Tourism Day. A campaign video urges tourists to report any suspicious behaviour while on vacation that may be linked to CSEC through a government hotline set up in partnership with ECPAT. The video tells travellers not to look away if they see other tourists doing suspicious things in foreign countries, because perpetrators can be convicted in their home countries. Companies from the tourism industry, including Condor, Studiosus Reisen, Rewe Touristik, Deutsche Bahn and the hotel group Accor, have joined in the effort and will share the campaign video through websites, in-flight videos, etc.¹¹⁰

The BKA has also stationed liaison officers in destination countries for German tourists seeking sex with children and young people. Due to their direct access to local police authorities and the accompanying close cooperation in investigations, the work of these police officers has proved particularly successful in securing evidence for criminal proceedings in Germany. In addition, the German diplomatic representations in the relevant countries are in constant

contact with the German tour operators, the competent authorities and NGOs of the host country. Through administrative and law enforcement assistance, German diplomatic representatives also support German criminal prosecution authorities in investigating charges of sexual abuse of children and young people abroad, such as by procuring documents from the authorities of the respective host country.¹¹¹

The European World Congress III follow-up conference

The conference, "Protecting children and young people from sexual violence with a focus on new media: perspectives for Europe," took place in Berlin in June 2009. Its main message was that ensuring protection of the most vulnerable members of society from online threats is everyone's responsibility. Organised by the Federal Ministry of Family Affairs, Senior Citizens, Women and

Youth, in collaboration with Save the Children Germany, Innocence in Danger, German National Committee for UNICEF and ECPAT Germany, it was intended as a European follow-up conference to the World Congress III against Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro in November 2008.

The nearly 200 participants from government agencies, EU institutions, IOs, UN agencies, NGOs and the private sector had an opportunity to discuss the broad range of dangers connected to the use of new media by children and youth. Measures to enhance protection from online risks were extensively examined during the conference. Based on the successful experiences of countries such as Germany, Sweden, Italy, and the UK, emphasis was put on the need to implement systems to block access to child abuse images in all European states. Similarly, prevention through peer-to-peer education on children's rights, respectful sexual relationships and safe use of the new media was recommended as a key strategy that requires financial commitments from all countries.

With regard to the problem of identification and support for child victims and the emerging challenge of young sexual offenders and their therapeutic treatment, training for specialists was identified as a priority, primarily for those providing rehabilitation services. Another significant aspect of the conference was child and youth participation. Thanks to the presence of 20 children and young people, some of whom had also attended the World Congress III, the views and opinions of children were represented and measures encompassing their full involvement were proposed.

The conference concluded with a final declaration that called on all concerned actors to strengthen protection of children from sexual violence in the new media through a comprehensive strategy for Europe. While it was only a first step at the European level towards the implementation of the commitments in the *Rio Declaration and Call for Action*, this conference represented an important bid to move from words to actions and keep the promises made to children at the World Congress III.¹¹²

Germany continues to participate in and support the Expert Group for Cooperation on Children at Risk (EGCC) established within the Council of the Baltic Sea States (CBSS), including as a member of the Task Force against Trafficking in human beings and Expert group for cooperation on children at risk. Current focal themes of the EGCC include: the protection of children from all forms of sexual exploitation; unaccompanied and trafficked children, children abused by being offered money or other forms of remuneration in exchange for sex; online sexual exploitation of children; and the rights of children in institutions and in other forms of out-of-home care.¹¹³

The German Association for Technical Cooperation (GTZ) is a government-owned entity working to facilitate international cooperation in promoting sustainable development throughout the world. With

the high value it places on respecting human rights, combating sexual exploitation and trafficking of children and youth are top priorities on its agenda. GTZ carried out several initiatives in countries of origin of human trafficking, including training programmes.¹¹⁴ The German Development Cooperation is contributing to fighting child trafficking and the worst forms of child labour in Western Africa, including in Côte d'Ivoire.¹¹⁵ In January 2011, the GTZ became "the Deutsche Gesellschaft für Internationale Zusammenarbeit" (GIZ), combining expertise from the Deutscher Entwicklungsdienst (DED) GmbH (German development service) and Inwent – Capacity Building International, Germany.¹¹⁶ GIZ is also a federal government entity and delivers services to many kinds of clients, mainly government agencies to support international cooperation for sustainable development. Furthermore, child protection

policies are now required for those who want financial support from the Federal Ministry of Economic Cooperation and Development in the context of international development cooperation.¹¹⁷

Moreover, a compulsory police clearance

certificate of potential employees and volunteers before they start working in aid institutions on site is recommended by VENRO (Umbrella organisation of development non-governmental organisations in Germany), but not required by law.

Examples of international projects against CSEC funded by the German Cooperation

Cambodia: Psychosocial training for social workers and counsellors

Since 2004, GIZ has supported a Training Centre for Counsellors and Social Workers run by a Cambodian NGO, Social Services of Cambodia (SSC). The cooperation has allowed SSC to develop a training curriculum to impart skills in social work and psychosocial counselling to NGO staff. Up to 2010, 198 staff members from 55 different organisations had graduated from the training centre. Preference has been given to NGO staff working with women and girls affected by sexual violence, including commercial sexual exploitation and trafficking.¹¹⁸

Cambodia: Radio programme against CSEC

GIZ supports the NGO, Equal Access, to implement a radio campaign in Cambodia designed to raise public awareness and inform rural communities, in particular, about CSEC. By 2007, the NGO had broadcast 16 CSEC episodes as part of a Khmer language radio service on trafficking, safe migration and HIV/AIDS. Broadcasted once a week via satellite radio, the programme reached about 80% of the population. In the communities, listener groups, including children and youth, met during the broadcasts to discuss the contents with a facilitator from the local communities. The aim was to support communities in taking action against CSEC based on the information conveyed in the radio programmes.¹¹⁹

Guatemala: Law enforcement training on CSEC

GIZ cooperates with ECPAT Guatemala to train police officers and public prosecutors on aspects of CSEC. The objective of the training has been to make the investigation and prosecution of CSEC more effective in protecting children and youth. Special emphasis was placed on prevention of re-victimisation and on the discussion of gender relations, masculinity and sexuality. During 2006 and 2007, 500 police and migration officers and 350 public prosecutors participated in training workshops.¹²⁰

PREVENTION

Prevention efforts have improved in Germany, though lately the focus has been on (sexual) violence against children in institutions and churches in particular, as numerous cases have been discovered within the last few years and literally thousands of people who were abused as children in public institutions and churches have come

forward. Therefore, overall awareness of the problem of sexual violence has improved and more actions have been undertaken (for example, more initiatives for the support of victims have been initiated). Moreover, to improve child safety, everyone working with children, including employees and volunteers, is required by law to obtain an extended

police clearance certificate before they start their latest employment and regularly after starting their job. However, the commercial

aspect of sexual violence, such as CSEC, is still neglected.

Prostitution of children

Though there have been a few efforts to prevent children from being exploited in prostitution, the government has focussed mainly on addressing sexual violence in general.¹²¹ Initiatives to reach out to vulnerable groups, such as Roma and street children, have been very limited and there has been no campaign to stem the demand for sex with children within the country.

Sexual Abuse in Institutions

The government has started to react to the problem of sexual violence following the discovery of gross abuses in public institutions (orphanages, schools) and the church within the last few years (since 2010) and acknowledged holes in the existing strategy to prevent sexual violence in public institutions.¹²² A round table on abuse in private and public institutions and within families for the subject was established. The Round Table had three working groups. The first group dealt with “prevention, intervention and information” and established a set of guidelines on prevention and intervention, the qualification of employees and volunteers working in institutions, a counseling network as well as measures to work with offenders.

The second group dealt with legal aspects, specifically the enforcement of prosecution and the official recognition of the suffering of victims. The last group was concerned with the question of research, teaching and training in the field, i.e. if enough research on the topic existed and how to better link findings of research with everyday practices and train personnel in institutions.¹²³

The Round Table focused largely on abuse in public institutions and also covered questions concerning the financial compensation of victims, the entitlement of victims to therapy, funding responsibility (e.g. the institution where that person was abused or

the community?), the role of paediatricians (e.g. mandatory reporting or not?) as well as trainings for paediatricians, therapists etc. so that they are able to identify the symptoms of abuse.

Moreover, the office of an ombudperson for questions of sexual abuse of children ensuring the implementation of the recommendations of the Round Table was established until 2013.¹²⁴ They will be monitoring the recommendations of the Round Table and work on the development of support and counselling options for victims.¹²⁵

In the context of this Round Table and the New Action Plan, changes in domestic law have also been initiated strengthening victims' rights. At the moment, for example, parliament works on a bill which will prolong the limitation period on sexual abuse from 3 years (as it currently is) to 30 years. Moreover, the period will also start after the victim has turned 21.¹²⁶ This means that people who were sexually abused as a child will in the future be able to report the abuse until they turn 51, thus giving people who were abused years ago the chance to seek redress. Also, this bill includes provisions to end multiple rounds of testimonial and extend the claim to an attorney for the victim in criminal proceedings.¹²⁷

Furthermore, a broad media campaign called “Sprechen Hilft” (Talking helps) was launched by the Independent

Representative.¹²⁸ German actors also participated in the campaign.

The Bavarian Youth and Violence programme is one of a few initiatives that target children at risk of sexual exploitation. The programme has established “regional crisis assistance networks” in various cities, as well as a special emergency sleeping unit specifically for street children in Nuremberg.¹²⁹

The organisation Hilfe für Jungs e.V has been working with young boys involved in prostitution in the German capital since the beginning of the 1990s. The organisation aims to prevent young boys from being abused and runs a drop-in centre offering medical care, counselling, leisure activities and a place to sleep. The organisation’s project, Berliner Boys, operates in Neukölln, a part of Berlin with a large number of immigrants and where many families are living in difficult social circumstances. The project teaches young boys how to recognise common paedophile tactics and prevent themselves from being abused. Social workers from the organisation visit schools to hold workshops for boys between nine and

15 years of age.¹³⁰

The Off Road Kids Foundation runs a countrywide street social work system to help street children in Germany. With branches in Germany’s largest cities – Berlin, Dortmund, Hamburg and Cologne – Off Road Kids offers a free 24-hour emergency hotline to young people who are in need of help and a hotline for parents whose children are threatening to run away or have already done so. The foundation also runs two children’s homes for young people who cannot find help from their families or in their hometown.¹³¹

In 2008, the organisation Terre des Hommes Germany, with support from the Volkswagen Group Works Council, joined forces with more than 20 organisations to form the Coalition for Street Children in Germany.¹³² Apart from representing the interests of homeless adolescents throughout Germany and ensuring an exchange among local initiatives to improve work in this field on a long-term basis, the alliance aims to raise awareness on the condition of street children and provide assistance to those in need.¹³³

Trafficking in children for sexual purposes

A number of sensitisation activities on child trafficking have been conducted in Germany, but largely by UNICEF and NGOs, including ECPAT and Terre des Hommes. The German Government has not yet directly implemented any comprehensive and nationwide awareness-raising campaigns on child trafficking, nor has it supported specific preventive activities targeting vulnerable groups, such as underage refugees and asylum seekers.

While police and social workers and also the tourist industry are more aware of the issue due to campaigns and workshops provided by NGOs, a stronger sensitisation of people working in the field of law (judges, lawyers, prosecutors etc.) is needed. Child trafficking and sexual violence issues are not mandatory for law students. Moreover, the public is still

not very aware of the problem, as awareness campaigns by the government are still lacking.

In October 2007, the BKA organised an interdisciplinary workshop on child trafficking involving experts from academia, police, NGOs and other relevant

stakeholders.¹³⁴ Topics discussed during the event included investigation, the need for better legislation, effective victims' assistance and international cooperation.¹³⁵

Several awareness raising campaigns against child trafficking have been implemented by UNICEF Germany. A major campaign involving children and key stakeholders was launched in 2003-04 and initiated anti-child trafficking events in more than 100 cities on a specific day of action against child trafficking (*bundesweiter Aktionstag gegen Kinderhandel*). In addition, NGOs such as ECPAT Germany and Terre des Hommes Germany launched awareness raising campaigns addressing the issue of child trafficking. However, these campaigns received only very limited support from the German Government.¹³⁶

Although not focused on child trafficking, the German Government has supported a number of activities against trafficking in persons. For example, in 2009, it granted funding for NGOs that produce public awareness campaigns in Germany and abroad through websites, postcards, telephone hotlines, pamphlets, and speaking engagements. The Government also provided trafficking awareness training to commanders of German military units deployed to international peacekeeping missions on how to sensitise subordinates to human trafficking. Whilst no measures were taken to reduce the demand for commercial sex or raise awareness of potential clients in red light districts, in 2009 a Berlin NGO, funded largely by the Berlin Senate, operated a trafficking awareness website directed at clients of the sex trade.¹³⁷



STOP Sex Trafficking of Children & Young People Campaign

Conducted in partnership between The Body Shop and ECPAT, this three-year campaign, launched in 2009, seeks to provide immediate relief to child victims with funds raised and to create long-term changes through engaging the public in awareness raising

and lobbying decision makers to strengthen concerted action against child trafficking for sexual purposes.

To promote the campaign in country, ECPAT Germany conducted a 13-city tour to raise awareness about the campaign petition and the issue of child trafficking with the ECPAT Youth Group. In addition, campaign funds were devoted to multiple training workshops for key stakeholders including police, social workers, counsellors, and asylum and youth authorities, which will be



implemented in Dortmund and Berlin to strengthen child victim identification and support for victims. Campaign funds will also be used to fund advocacy work for the establishment of a national reporting system for child trafficking in Germany.

Child pornography

There exist several campaigns organised by the state and NGOs for raising awareness on potential dangers to which children may be exposed while using the Internet. Codes of conduct have also been adopted by mobile phone companies, multimedia service providers, and companies providing chat rooms and social communities. However, there appears to be a lack of coordination and standardisation among the various efforts undertaken, especially with regard to media education for children, parents, teachers and other key target groups.

Some government-funded initiatives to strengthen online protection of children and young people have been implemented since 2006. The Federal Ministry of Family Affairs, Senior Citizens, Women and Youth supports the “Look at it” (Schau hin) campaign (<http://schau-hin.info/>), which aims to build a bridge between parents and children using the Internet. Besides providing helpful tips for parents, this initiative encourages exchange of experiences by organising meetings of parents and also supports school projects in which teachers, parents and children work together to raise awareness of online risks.¹³⁸

The Safer Internet Centre Germany¹³⁹ is responsible for monitoring adherence to the laws for protection of youth on the Internet and ensures that content providers rapidly change or delete problematic content or make them inaccessible to youth. One of its projects, jugendschutz.net, is a hotline that accepts complaints of illegal and harmful Internet content.¹⁴⁰ The hotline is linked to the German Internet monitoring organisation, Commission for Youth Protection in the Media (KJM). In addition, jugendschutz.net raises awareness by conducting workshops and developing brochures and websites that provide information about online risks, effective protection measures, and safety tips.¹⁴¹

The Safer Internet Centre Germany, which has existed in its present form since 2008, encompasses three other projects as well: the awareness centre, klicksafe.de; another Internet hotline, Internet-beschwerdestelle.de; and a helpline for children and adolescents, [Nummer gegen Kummer](http://Nummer-gegen-Kummer.de). Klicksafe.de is

an awareness campaign to promote media literacy in handling the Internet and new media. Its activities include: the production and screening of video clips on online risks; development and distribution of information materials and brochures on Internet safety; training modules for teachers, educators, parents and persons with a migratory background; and organisation of events. The [Nummer gegen Kummer](http://Nummer-gegen-Kummer.de) helpline informs children and adolescents about possible dangers of the Internet, mobile phones, and other new media, and also counsels young people in difficult situations, such as with disturbances caused by Internet technology or by other users.¹⁴²

There exist several NGOs in Germany specialised in addressing child pornography, including Dunkelziffer, Innocence in Danger Germany, Anti-Kinderporno, Gegen Missbrauch, Naïin, and ECPAT Germany. Dunkelziffer has been campaigning against sexual abuse and child pornography for nearly 20 years. As part of its mandate, this NGO helps children throughout Germany with counselling, legal aid and protective measures in schools and kindergartens, and offers training courses for adults working with children and adolescents.¹⁴³ Innocence in Danger Germany promotes several preventive initiatives with a special focus on distribution of child abuse images via the Internet and the risks that digital media pose to children and adolescents.¹⁴⁴ Recent activities undertaken by the organisation include its “Smart User” project, implemented between 2008 and 2010 to counteract the distribution of sexualised violence via the Internet, mobile phones,

iPods, etc.¹⁴⁵ The project included “creative weekends” and workshops in schools with adolescents to discuss online risks and is expected to turn into a nationwide peer-to-peer education programme.¹⁴⁶

The private sector has also actively contributed to the fight against child pornography and online sexual exploitation of children, especially through the adoption of several self-regulatory initiatives. The code of conduct adopted in 2007 by the Voluntary Self Control of Multimedia (Freiwillige Selbstkontrolle Multimedia), commits members to prohibit child pornography and the supply of erotic material to minors. It also envisages a help hotline for juveniles, an information website for teachers and parents and parental information when signing a mobile phone contract. In addition, a code of conduct for the providers of social communities (Web 2.0) was signed in 2009 by four German companies. Within the framework of this initiative, the companies commit to protect adolescent users through a combination of extensive education and technical measures, including an alert button

to enable users to make reports.¹⁴⁷

A growing problem is that the support of the general public to strengthen law enforcement to prosecute online sexual exploitation is waning. Instead, there is a growing movement for so-called “free Internet,” with no restrictions or data retention. Claims that data retention, the deletion and blocking of websites violate people’s freedom of speech reverberate, and there are even support groups for “victims” of data blocking. This movement pays little attention to the children’s rights issues embedded in the debate. Furthermore, the bill on data retention was not passed, and blocking of websites containing child pornography in cases where they cannot be deleted is not allowed anymore. In this regard, the protection of children on the Internet has decreased and continues to face a negative trajectory. This is partly a function of poor public relations, which emphasised the blocking of websites, which should only be triggered when deletion is impossible, rather than stressing that deletion is the priority course of action.

The Mobile Alliance against Child Sexual Abuse Content

In February 2008, the German T-Mobile group joined the Mobile Alliance against Child Sexual Abuse Content, which was launched by the global trade association for mobile operators (the GSM Association). The objective of the alliance is to obstruct the use of the mobile environment by individuals or organisations wishing to consume or profit from child sexual abuse content. Members of the alliance undertook to develop a number of measures, including the implementation of technical mechanisms to prevent access to websites hosting child sexual abuse content. They also planned to implement “Notice and Take Down” processes to enable the removal of any child sexual abuse content posted on their own services, while supporting and promoting hotlines or other mechanisms for customers to report child sexual abuse content discovered on the Internet or on mobile content services.¹⁴⁸

Child sex tourism related offences

Several preventive activities have been implemented to address child sex tourism since 2006. In collaboration with, and through support from, government entities and the tourism industry, ECPAT Germany has conducted sensitisation activities and capacity building targeting various groups, including the general public, students and tourism industry staff. These initiatives were also used to promote the implementation of The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (*The Code*).

Awareness raising in the tourism sector has been successful, as the industry is now generally aware of the problem. However, improvements in the area should still be made, especially with regard to case management. Moreover, campaigns concerning the general public should also be undertaken as public awareness remains insufficient.

The German Government has continued to co-fund the long-term implementation of *The Code*, promoted by ECPAT Germany, within companies, national and international associations and structures of the tourism industry. In this framework, it has provided financial support to the development of curricula for professionals, trainees and students in the field of tourism, as well as to the training programmes held by ECPAT Germany since 2004. Those programmes have also been open to representatives of the police.¹⁴⁹

A number of workshops to promote the implementation of *The Code* in tourism destinations have been held by the German travel association, DRV, in cooperation with the German Association for Technical Cooperation (formerly GTZ, now GIZ) and ECPAT Germany.¹⁵⁰ In 2006 and 2008, two destination workshops were carried out in the Dominican Republic and Thailand,¹⁵¹ while another was conducted in Kenya in 2009.¹⁵² The workshops were attended by representatives of the tourism industry, local police, relevant ministries, and children's organisations, and contributed to raising awareness of CSEC in tourism to create a local network for child protection.¹⁵³

ECPAT Germany is actively participating in the three-year (2008–2010) EU-funded project, “Offenders Beware”, which also involves ECPAT groups from Austria, Italy, Estonia, the Netherlands and other partners.¹⁵⁴ The project aims to increase awareness and knowledge of sexual exploitation of children in tourism and build the capacity for preventive actions among tourism professionals, students and other relevant stakeholders, such as law enforcement and government authorities.¹⁵⁵ As part of this initiative, several outcomes have been achieved in Germany. Following a series of train-the-trainer sessions, ECPAT Germany carried out 19 trainings with tourism students, involving nearly 800 people. The trainings aimed to raise awareness and promote *The Code*. They were taught by an ECPAT trainer who introduced the issue of child sex tourism, ECPAT and *The Code*, as well as a police officer who provided training on international law enforcement, extraterritorial legislation and cases.¹⁵⁶

Two expert meetings to discuss the issue of CSEC in tourism were also held. The second meeting, held in Berlin in March 2010, focused on “Tackling the Sexual Exploitation of Children by strengthening cooperation between NGOs, law enforcement authorities and the private sector – How to improve reporting procedures?”. It brought together over 50 international experts from 20 different countries from law enforcement, NGOs and the private sector. It focused on existing reporting procedures for child sexual abuse cases in different countries and how reporting can be improved based on existing good practises.¹⁵⁷

The e-learning course “How to Protect Children from Sexual Exploitation in Travel and Tourism”

In the framework of the “Offenders Beware” project, a free e-learning course for tourism professionals was launched in December 2009. Developed by ECPAT Germany in cooperation with project partners, the course enables signatories of *The Code* to train employees in matters of child protection. The course includes video clips, interactive units, as well as materials providing background information on why children are exploited in certain tourist resorts, how this is related to the tourist industry and what action tourism professionals can take in their own workplaces.¹⁵⁸

The e-learning tool is now available in English, German, Dutch, Italian, Estonian, Thai, French, Spanish and Swedish. Further language adaptations are currently being discussed, and a new brochure for the promotion of the e-learning in English has been developed and distributed to all partners. The e-learning course is available at: www.childprotection-tourism.org.¹⁵⁹

PROTECTION

International and regional children’s rights legal standards

International instruments		
Human rights bodies related to child rights	Comments	
Charter-based bodies		
Working Group of the Universal Periodic Review – Human Rights Council	2009	
Special Rapporteur on the sale of children, child prostitution and child pornography	No visit so far.	
Special Rapporteur on trafficking in persons, especially in women and children	No visit so far.	
Treaty-based bodies		
Committee on the Rights of the Child		
CSEC Children’s rights instruments	Date of ratification	Date of submitted reports
Convention on the Rights of the Child – 1989	1992	1994 –Initial report 2001 – Second report 2009 - 3 rd – 4 th report
Optional Protocol on the sale of children, child prostitution and child pornography – 2000	2009	
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	2002	

CSEC Children's rights instruments	Date of ratification	Date of submitted reports
UN Convention against Transnational Organized Crime – 2000	2006	
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	2006	
Regional instruments		
Council of Europe Convention on Action against Trafficking in Human Beings	2005	
Convention on Cybercrime	2009	
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	2009	

The German government signed the new Optional Protocol to the CRC on a communications procedure on the 28th of February 2012 in Geneva.

National legislation

The Federal Republic of Germany consists of 16 federal states, known as Länder or Bundesländer. The *Basic Law for the Federal Republic of Germany*, Germany's constitution, divides authority between the Federation and the Länder. The Federation has exclusive legislative power in areas such as foreign affairs and defence, but there is concurrent legislative power in areas such as civil law, criminal law and labour law, among others. In the system of concurrent legislative power, the Länder has the power to enact legislation as long as and to the extent that

the Federation has not exercised its power to enact legislation. In practise, the Länder regulates internal affairs, educational policy, and cultural and communal affairs issues. With concurrent legislative power, however, there are situations where the Federation enacts legislation that the Länder must implement, including child and youth protection. This system can create problems, because there may be 16 different regulations implementing laws that structure childcare services or address the needs of trafficking victims.¹⁶⁰

Germany has continued to make significant efforts to improve its legislation against CSEC. Apart from ratifying all the relevant international and regional instruments addressing these issues, in November 2008 a law was passed to impose the framework decision of the Council of the European Union on combating sexual exploitation of children and child pornography, which had been in effect since 2004. Following the enactment of this law, a number of amendments to the *German Criminal Code (Criminal Code)* have been introduced that strengthen legislation on child trafficking and child pornography and raise the age of protection from sexual abuse and exploitation.¹⁶¹

However, despite progress, a number of major problems remain. Child trafficking in underage refugees continues to be a problem, as the implementation of the CRC in this area is still problematic. The general practice in Germany in these cases has been to expatriate the victims. Another weakness is the lack of focus of German legislators on the risks faced by children through media usage, social networks in particular. However, an EU-directive concerning the issue has

been passed. Finally, the implementation of protection and support of victims in general needs to be strengthened in order for German law to comply with EU guidelines. For example, financial support is given to victims only if they a) are willing to testify in court and b) their testimony could be used by the prosecution. Though welfare institutions still try to help victims no matter if they testify or not, victim protection in Germany is mostly available only to witnesses.

PROSTITUTION OF CHILDREN

Although German legislation does not explicitly define child prostitution, it punishes activities connected to child prostitution. Recent reforms of the *Criminal Code* have raised the age of protection for sexual abuse by making it punishable to abuse a person under 18 years of age by taking advantage of an exploitative situation.¹⁶² Those who act as intermediaries are also punishable.¹⁶³

German law prohibits some activities related to the prostitution of children, as well as a number of general sexual offences. The *Criminal Code* prohibits inducing a person under 18 years of age to engage in sexual acts with or in the presence of a third person for financial reward or allow sexual acts to be committed on a person under 18 years of age by a third person.¹⁶⁴ However, this provision focuses on financial reward and does not cover other forms of consideration, such as in-kind reward, as stipulated in article 2(b) of the *Optional Protocol*. Violators may be punished with up to five years' imprisonment or a fine.¹⁶⁵ The same punishment applies to inducing a child under 18 years of age in one's care for purposes of upbringing, education, or employment to commit sexual acts with or in the presence of a third person or allowing sexual acts to be committed upon the child.¹⁶⁶ Attempting these offences is also punishable.¹⁶⁷

With the amendment of the *Criminal Code* in 2008, Germany raised the age of protection for sexual abuse of young people from 16 to 18.¹⁶⁸ The current section 182 of the *Criminal Code* prohibits abusing a person under 18 through taking advantage of an exploitable situation by either engaging

in sexual activity or inducing her or him to engage in sexual activity with a third party.¹⁶⁹ The punishment is imprisonment not exceeding five years.¹⁷⁰ Attempting this offence is also punishable.¹⁷¹

With respect to prostitution, the *Criminal Code* also prohibits: managing a prostitution business, where persons are held in personal or financial dependency; providing a place for a person under 18 to conduct prostitution; and encouraging another person, for whom a place has been provided for prostitution, to engage in prostitution or exploiting that person for prostitution. Violators of these offences may be punished with up to three years' imprisonment or a fine.¹⁷²

The *Criminal Code* also bans pimping and makes it illegal to exploit another person engaged in prostitution or, for material gain, to supervise another person's prostitution, including preventing a person from leaving prostitution. Punishment for these offenses may be between six months' and five years' imprisonment. This law also prohibits professionally promoting another person's prostitution by procuring clients; punishment may be up to three years' imprisonment or a fine.¹⁷³

Finally, the *Criminal Code* prohibits several other sexual offence crimes including child sexual abuse, which applies to a variety of acts, such as engaging in sexual activity with someone under 14 years of age.¹⁷⁴ The sexual abuse provision also prohibits ‘grooming’, as it is illegal to exert influence on a child by showing him/her pornographic illustrations

or images in order to have the child repeat the portrayed acts,¹⁷⁵ or by playing pornographic audio recordings or other sexual speech.¹⁷⁶ Offenders may receive three months’ to five years’ imprisonment.¹⁷⁷ The *Criminal Code* also has provisions prohibiting sexual assault crimes and rape.¹⁷⁸

TRAFFICKING IN CHILDREN FOR SEXUAL PURPOSES

Since amendments to the *Criminal Code* enacted in 2008, German legislation addressing trafficking in human beings, including trafficking in children for sexual purposes, is generally in line with the *Trafficking Protocol* requirements.

Section 232 of the Criminal Code defines the offence of trafficking in human beings for sexual purposes as: “whosoever exploits another person’s predicament or helplessness arising from being in a foreign country in order to induce them 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.”¹⁷⁹ An act can qualify as an offence of trafficking for sexual purposes regardless of the means used by traffickers – such as force, threat, serious harm or deception (Section 232 (4)) – in line with the article 3 requirements of the *Trafficking Protocol*.¹⁸⁰ This definition is complemented by section 233a, which also prohibits *assisting* in human trafficking by recruiting, transporting, referring, harbouring

or sheltering another person for the purpose of human trafficking.¹⁸¹

The penalty for human trafficking for the purpose of sexual exploitation is imprisonment from six months to 10 years,¹⁸² but, according to section 232(3), imprisonment shall be from one year to 10 years if the victim is a “child.”¹⁸³ However, in defining a “child,” section 232(3) refers to the definition contained in article 176(1),¹⁸⁴ which stipulates that the age of sexual consent in Germany is 14.¹⁸⁵ Therefore, the reference to section 176(1) indicates that the higher level of protection mentioned in section 232(3) only applies to children under 14 years of age. This provision should be revised in order to ensure that all children under 18 have the same level of protection.

Compensation for trafficking victims

As victims of violent acts, trafficked children and adults can also pursue claims for compensation in accordance with the Victim Compensation Act (*Opferentschädigungsgesetz* or *OEG*). If the claim is rejected, the victim can challenge the decision in court. The victim can also apply for legal aid for those proceedings and can pursue claims directly against the perpetrator(s) in accordance with the provisions of the *Civil Code* (*Bürgerliches Gesetzbuch* or *BGB*). However, it is not standard practise for victims of human trafficking to pursue such claims. The few cases that reach courts usually end in a compromise settlement between the perpetrator and victim. The amounts paid are usually significantly lower than the claims initially pursued and, in most cases, they only represent a very small portion of the assets gained by the perpetrator through the exploitation of the victim.¹⁸⁶

Inadequate enforcement of anti-trafficking legislation

Data mentioned in the US Department of State's *Trafficking in Persons Report 2010* suggests that the actual application of anti-trafficking legislation is partially inadequate, mainly due to the low range of punishment applied. Available statistics indicate that the majority of convicted sex trafficking offenders were not required to serve time in prison. It is, in fact, common practise for judges in Germany to suspend prison sentences of two years or less for all crimes, including trafficking. In 2008, for example, 92 out of the 138 (70%) convicted sex trafficking offenders received either a fine or a suspended sentence. This raises concerns that punishments are inadequate to deter traffickers and do not reflect the heinous nature of the offence.¹⁸⁷

With regards to case law on convictions for child trafficking, it is notable that reports by the BKA contain cases of sexual abuse involving children under the age of 14 but hardly any cases of child trafficking (there were 11 in total in 2008).¹⁸⁸ This would seem to indicate that criminal investigators tend to classify cases as abuse rather than trafficking offences. This highlights the necessity of ensuring that child trafficking is clearly delineated, consistently applied offence accurately reflected in existing data collection systems.

CHILD PORNOGRAPHY CHILD ABUSE IMAGE

Although German law does not contain a clear definition of child pornography, the Criminal Code does cover virtual child pornography.¹⁸⁹ With the recent introduction of the offences of "distribution, acquisition and possession" of juvenile pornography, Germany has extended protection from exploitation in pornography to all children under 18. However, legislation could be further strengthened by punishing possession of *juvenile* pornography, including when it has been produced with consent of a person under 18 (law currently allows children between 15 and 18 to "consent" to being featured in pornography). It is noteworthy that, although German law does not explicitly prohibit accessing child pornography, a recent German high court judgement has declared that viewing child abuse images was illegal (see this section, below).

Sections 184b and 184c of the German *Criminal Code* prohibit the distribution, acquisition and possession of pornography involving children (under 14 years of age) and juveniles (between 14 and 18), respectively.¹⁹⁰ Although these sections technically pertain to "written materials," the definition of written materials also encompasses audiovisual media, data storage media, illustrations and other depictions.¹⁹¹ It is also noteworthy that sections 184b and 184c punish not only materials produced as a result of actual sexual abuse, but also realistic representations of sexual activities, such as virtual child pornography.¹⁹² Section 184b appears to now be interpreted to cover the provocative exhibition of children's sexual organs, but it is unclear whether this interpretation is legally authoritative or discretionary.¹⁹³

Under sections 184b and 184c, it is punishable to, among other activities, disseminate, publicly display, produce, obtain, supply, offer, import or export, such material.¹⁹⁴ The punishment for these activities is imprisonment for three months to five years for child pornography and up to three years or a fine for juvenile pornography.¹⁹⁵ Possession of child pornography is also punishable,¹⁹⁶ while possession of juvenile pornography is punishable unless the materials were produced by persons under 18 and with consent.¹⁹⁷ If the offender acts on a commercial basis or as a member of a gang, punishment is increased from six months to 10 years' imprisonment for child pornography and three months to five years for juvenile pornography.¹⁹⁸

German high court rules that viewing child pornography is a crime

The High Court of Hamburg has established that accessing/viewing child pornography on the Internet is a crime. According to the final judgement, the offence is punishable regardless of the modality of access (manually or automatically) and the time spent on viewing the webpage. Following this decision, the attempt to see and obtain child abuse images is considered illegal and should be punished as child pornography possession. The verdict has reversed a decision by the Hamburg District Court, which acquitted a man who had accessed Internet websites containing child pornography without knowing that the webpage would be automatically stored on his computer.¹⁹⁹ Though this decision should only be binding in the state of Hamburg, it appears that the temporary storage of child pornography on web browsers or caches can be criminalised,²⁰⁰ but it remains unclear whether this is a binding legal rule throughout Germany or merely discretionary application of the aforementioned provisions.

German law also makes it illegal for one or more persons to engage in sexual intercourse or other sexual acts with a child with the intent to produce pornographic material to be disseminated or publicly displayed.²⁰¹ Perpetrators of this offence face punishments of not less than two years' imprisonment.²⁰² It is also illegal to groom a child by using publications to influence her or him to engage in sexual activities with an adult.²⁰³ This provision also prohibits offering, demonstrating or promising a child to someone else for purposes of sexually abusing the child, or conspiring with another person to sexually abuse a child.²⁰⁴

Relatedly, the Criminal Code also prohibits disseminating pornographic materials under circumstances that make them accessible to persons under 18 years of age,²⁰⁵ punishable with up to one year of imprisonment or a fine.²⁰⁶ Dissemination of pornographic performances via broadcast, media services, or telecommunications services is also prohibited, unless it is ensured by technical or other measures that the pornographic performance is not accessible to persons under 18 years of age.²⁰⁷

Protection of Young Persons Act

The *Protection of Young Persons Act (JuSchG)*, last amended in October 2008, merges the Act on the Protection of Young Persons in Public and the Act on the *Distribution of Documents and Media which are Morally Harmful to Youth* into a single act so that the institutions of the Federation and the Länder can operate according to a single protection standard. The act includes provisions on the proceedings of the Federal Monitoring Agency for Media which are Morally Harmful to Youth (*Bundesprüfstelle für jugendgefährdende Medien*) and a compilation of the list of morally harmful media. The act also provides for a comprehensive ban on the sale, distribution and advertising of carrier media, such as books, video CDs, CD-ROMs and DVDs, that glorify war; present persons in a way that violates their dignity; contain adult, child or juvenile pornography; or show young persons in unnatural or deliberately sexual postures.²⁰⁸

According to Article 4 of the *Optional Protocol*, state parties should establish their jurisdiction over all child sexual exploitation related offences (territorial principle), which means that cases involving child exploitation should be investigated and prosecuted in the country where they are committed, irrespective of the nationality of the child victim and of the perpetrator.

In addition, in states where sexual exploitation against children has been committed by foreign travelling sexual offenders, the jurisdiction where the crime occurred is typically the best place for investigating and prosecuting sex crimes against children as victims, witnesses and evidence are based there. However, in some cases, travelling sex offenders have fled the country where they have committed their crime in order to escape prosecution and have, for instance, returned to their country of origin. As the best option is for offenders to be tried in the country where the offence was committed, offenders should be extradited back to the country where they committed sexual crimes against children to face trial. Germany has entered a number of agreements on extradition and mutual legal assistance that can be used to prosecute CSEC offences, especially at the European level. Apart from the European Convention on Extradition of 1957 and the Framework Decision on the European Arrest Warrant of 2002, Germany has ratified the European Convention on Mutual Legal Assistance in Criminal Matters of 1959 and

the Convention on Mutual Assistance in Criminal Matters between Members States of the European Union of 2000.

Germany acknowledges extraterritoriality as a general principle in its *Criminal Code* and specific provisions have been passed to facilitate the prosecution of child sex tourists.²⁰⁹ German extraterritorial jurisdiction applies to acts committed abroad that constitute the criminal offences of trafficking and the distribution of pornography, regardless of the legality of those acts in the country where they took place. The same also applies to other offences, such as sexual acts with a child under 14 years of age (Section 174(1)) and abusing a person under 18 years old by taking advantage of an exploitative situation (Section 182).²¹⁰ However, the reach of the German extraterritorial laws only extends to German citizens who have at least one residence in Germany, exemplifying the nationality principle of jurisdiction, but leaving a large gap in German capacity to prosecute foreign nationals who reside in Germany.

There are several practical obstacles to the implementation of extraterritorial law, especially with respect to the collection of evidence in the countries where a German citizen is suspected of abusing a child that will be admissible in German courts. Law enforcement and judicial cooperation must be strengthened to reduce impunity.

Child protection units

Whilst there are currently no special federal police units to deal specifically with sexual exploitation of children, some Länder have established investigation departments specialised in combating child pornography or child trafficking. However, this is left at the discretion of each Länder and depends on resources available. Standardisation across Länder and more funds and personnel for policing and crime prosecution are urgently needed.

Germany has two branches of police, the prevention police and the criminal police. Both deal with child protection, but have different foci. The prevention police cover all state and private programmes and measures aiming at the prevention of criminal action or the diminishment of adverse consequences following criminal action. Many of their campaigns also deal with the prevention of crime against children. For example, they have a campaign against child sex tourism (“Kleine Seelen, große Gefahr,” in cooperation with ECPAT Germany), a campaign for the safe use of the Internet by children (“Kinder sicher im Netz”) and others.²¹¹ The criminal police, on the other hand, is concerned with the investigation and prosecution of crime. The prevention police have been strengthened, but there is no child protection policy within the criminal police, despite having special units tasked with the administration of child pornography and trafficking cases. The federal police do not investigate matters within the jurisdiction of states but focus on cases abroad and serve as a coordinating body at the national and international level; however, several state child pornography units have been strengthened.²¹²

Of all the federal states in Germany, Berlin is the only one having a separate Länder police department (*Landeskriminalamt* or *LKA*) for

child trafficking.²¹³

To combat crimes on the Internet, the criminal investigation departments of the Länder have introduced well equipped special investigation units with IT specialists. Thus, the BKA works closely with these units and has a coordination agency (*Zentralstelle Kinderpornografie*) that collects information from the Länder and evaluates it.²¹⁴

Child-sensitive procedures during police, prosecution and court proceedings allowing for alternatives to direct confrontation with offenders have been adopted.²¹⁵ Under German law, child witnesses under 16 years of age may have their testimony recorded through audio or video for presentation in the course of legal proceedings in certain circumstances.²¹⁶ There is also a provision to avoid multiple interrogations and for testimony to occur away from the presence of the accused. In addition, a lawyer may be assigned to provide support to a child witness, or even to represent a child witness to a violent crime.²¹⁷ However, it was observed that child-friendly procedures contained in the *Criminal Procedure Code* are not well known and not implemented by law enforcement personnel, mainly due to financial constraints and a lack of targeted training.²¹⁸

Support services for children

According to current legislation, children in difficult circumstances, including victims of sexual abuse and exploitation, are entitled to receive a number of support services from youth welfare institutions operated by the Länder. However, most of the services provided are not tailored to the special needs of children involved in commercial sexual exploitation. Similarly, there are no specialised shelters for trafficked children and the national referral system for trafficking victims is not fully operational and effective. Assistance available for child victims of online sexual exploitation is also limited. Counselling centres remain overworked and overburdened, with waiting periods of four months or more until victim receives an introductory session. Moreover, these centres are underfunded, depending on donations, such that even their continued existence is not guaranteed.²¹⁹

A study conducted by Innocence in Danger has exposed some of the gaps in the ability to respond therapeutically to these children. These included, among others, a lack of experienced professionals, a lack of specific knowledge and expertise on the psychological impact on the victims and limited

access to services.²²⁰ The state funds civil society activity through churches, NGOs, and communities to fight CSEC problems, but there appears to be little success in supporting, rehabilitating and reintegrating trafficking victims because of poor coordination and a tendency toward deportation. However, there does appear to be progress with regard to supporting victims of other forms of sexual violence, especially boys, despite long waiting periods for access to services.

Pursuant to Book VIII of the Social Code (*Social Code*), the local unit of the public child and youth services at local level is the Länder Welfare Youth Offices (*Landesjugendamt*).²²¹ A variety of programmes and subsidies are to be provided by this agency to children in difficult circumstances, including sexually abused and exploited children, such as counselling, medical assistance, placement in day care centres and foster parenting, and support payments. These are provided case-by-case, based on expert evaluations.²²²

After the amendment of the *Social Code*, a curriculum was developed to train the staff of youth welfare authorities to the professional level required. Financial support came from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The curriculum places special emphasis on sexual

violence and is expected to have a sustainable impact on regional counselling programmes provided by youth welfare departments with respect to sexual violence. Numerous training courses, seminars and consultations for professions in the field of protecting children and young people from sexual violence have also been conducted by the voluntary sector, public youth welfare institutions, NGOs, professional associations, etc.²²³

However, most of these initiatives have focused on sexual violence against children in general, thus neglecting the special support needs of child victims of CSEC. In addition, despite the fact that there are good laws designating assistance for CSEC survivors, their implementation at the Länder level remains insufficient and problematic.

Sex offenders barred from working with children

Section 72a of the *Social Code* prohibits the employment and placement of people who have been sentenced for sex offences in areas concerned with child and youth welfare. As a result, individuals with a paedophilic inclination and other potential sexual offenders are prohibited from working with children. The implementation of the employment and placement prohibition is guaranteed by specific requirements for the examination and verification of the personal suitability of people employed in the area of child and youth welfare. More specifically, all bodies running organisations and services are to verify that their staff has a clean record at regular intervals under section 30(5) of the federal central register law.²²⁴

Cooperation agreements between police, relevant authorities and NGOs on trafficking victims' assistance have been concluded in almost all Länder. However, the National Referral Mechanism required for the identification and support of trafficked children is not fully implemented yet, and the level and type of care services provided varies across Länder.²²⁵

According to the *Residence Act*, child victims of trafficking are granted a 30-day reflection period during which they may stay in Germany, access protection and assistance services and decide whether or not they will cooperate with law enforcement authorities with respect to the investigation and prosecution of the perpetrators. The issuance of a residence permit is conditioned

on their cooperation with law enforcement authorities. However, as the right to stay in Germany and relevant data collection is strictly connected to cooperation of the victim in the investigation and legal proceedings, the Residence Act fails to result in any further consideration of child victims after completion of the legal proceedings.²²⁶

In addition to safe care and housing, there is also appointment of a custodial representative for unaccompanied minors who are identified as victims of human trafficking. The earliest identification of a potential child victim of trafficking usually takes place at clearing points/offices (*clearingstellen*), which are not situated in all Länder.²²⁷

With regard to the provision of accommodation, there are no specialised shelters exclusively for child victims of trafficking in Germany. These children are generally accommodated by Youth Welfare Offices in reception centres. However, as unaccompanied foreign children from non-EU states are legally considered adults as soon as they reach 16 years of age, under the *Residence Act* some of them may not be rejected from reception centres for children. Thus, they lack access to protection and assistance - medical, psychological, legal, etc. - that are usually provided to unaccompanied German children or children from other EU states. This regulation is in conflict with international and regional legal standards and also conflicts with the new regulation of article 42 of the *Social Code VIII* (Sozialgesetzbuch (SGB) – Achtes Buch (VIII)) which stipulates that a primary

responsibility of the youth welfare authorities is to take custody over all unaccompanied minors under 18.²²⁸ Although these centres do not provide fully appropriate support to child victims of trafficking, they at least provide protection, material and financial support and medical assistance (limited to emergency situations). As child victims of trafficking are entitled to benefits from the general regulations on health care, their access to emergency medical treatment and other support services appears to be available. However, access to medical treatment extending beyond emergency treatment, such as rehabilitation treatment, remains challenging, especially if they are nationals from non-EU states.²²⁹

Problems in this area particularly concern the housing of young people with uncertain/undetermined residence status (e.g. unaccompanied underage refugees or victims of trafficking) in youth/social welfare institutions, as this is handled differently within the federal states. For example, in some of the states young people aged 16 or above are placed in institutions for adults; other states lack institutions for victims of trafficking, which is why trafficking victims are placed in the same institutions as victims of sexual violence (e.g. within families); other states do not have any institutions for male victims.

Overall, the situation is handled quite well in the city- states such as Berlin. However, in some states the situation remains dire, in particular Thüringen (Thuringia) and Baden-Wuerttemberg.²³⁰

Hotline services

The prevention programme within the framework of the national action plan includes a free emergency helpline for children and adolescents. Certain telephone numbers have been reserved by the German Telecommunications Network Agency for providing assistance and support to missing children (116 000), children in need of assistance (116 111) and other vulnerable groups. There are a number of free and anonymous telephone hotlines run by NGOs working on the issues of

exploitation and human trafficking. Despite the existence of these hotlines, however, there is no free-of-charge and anonymous nationwide 24-hour hotline designed to specifically assist child victims of trafficking and sexual exploitation. Furthermore, although children having a German background can easily access these services, foreign children who cannot speak German may have difficulty.²³¹

The German public authorities have also developed specialised counselling services (*Fachberatungsstellen*) that provide free psychological assistance and counselling to victims of trafficking. In some of the centres providing such services, however, waiting periods to access treatment are often lengthy. One study cited waiting periods for a first consultation of up to three months (in extreme cases, up to a year) for treatment. In addition, these programmes focus on providing support to women and girl victims

of trafficking, with boy victims apparently lacking access and faced with no services available to meet their specific needs.²³² Demand for treatment and help is very high. Though boys are not systematically excluded from treatment, the system is overburdened in general and lacks resources to immediately care for victims, regardless of gender. This is especially true for the countryside where treatment facilities are often lacking or there is just one covering a comparatively huge area.²³³

Training law enforcement personnel

The German Academy for Judges offers regular courses on human trafficking.²³⁴ The BKA training programme also has training sessions on human trafficking, as well as sexual abuse of children and child pornography, in order to increase the investigative competence of police officers.²³⁵ However, there is currently no interdisciplinary training for law enforcement on recognising warning signals to identify victims or pinpointing elements of risk for children and adolescents, nor is there a child rights approach when dealing with potential victims.²³⁶ However, in the experience of some NGOs, police are better trained and aware than judges, lawyers, and others in the legal profession, suggesting a need for better education among the legal community.²³⁷

Police officers have been trained quite well and seem to be aware of the risks. The problem we see is in the area of judges, lawyers, prosecutors and law studies in general. Law students in Germany can still avoid the topic of sexual abuse altogether during their studies if they choose the “right” courses. Therefore, some are not as aware or aware to begin with of the problems. The training curriculum of the BKA includes the topics of human trafficking and sexual abuse of children and child pornography. Courses are held twice a year for officers at the federal and state level. The BKA have also taken up the topic of CSEC in conjunction with other training activities related to, for example,

people-smuggling and cross-border organised crime and in the context of railway police work. The theoretical instruction from the angle of police expertise is supplemented by further practical experience at national borders.²³⁸ Furthermore, the BKA has promoted partnerships with other countries by offering training programmes on human trafficking for foreign law enforcement.

The German Academy for Judges (*Deutsche Richterakademie*) offers regular courses on international human trafficking for judges and prosecutors.²³⁹ In addition, an annual programme of the academy usually covers relevant issues, such as dealing with victims

of sexual violence, especially children and juveniles, and psychiatry and psychology in criminal proceedings.²⁴⁰ The state judicial administrations also run in-service training events for their judges and public prosecutors.²⁴¹ These include conferences dealing with the topic of sexual abuse of children.²⁴² One conference, held in the state of Hessen in 2007, focused on questioning child witnesses via video during proceedings on maltreatment and sexual abuse.²⁴³ Another conference, focused on combating child pornography, was held in 2008 in North Rhine-Westphalia.²⁴⁴

Europol holds an annual training course on “Combating the Sexual Exploitation of Children on the Internet.” As of October 2009, after the 10th training course took place in Selm, Germany, around 420 law enforcement officers and 40 members of the judiciary from EU and other countries had attended. The training aims to share experiences and good practises and develop the participants’ knowledge and investigation skills by presenting the latest investigation methods and techniques.²⁴⁵

A number of capacity building activities

for law enforcement officers have been implemented by NGOs. As part of a European project of the ECPAT Law Enforcement Group, implemented in 16 European countries between 2001 and 2008, ECPAT Germany conducted multi-stakeholder training workshops for police, social and youth authorities and counselling centres and NGOs. They took place in Berlin and Dortmund, as well as in the eastern European countries of Romania, Czech Republic, Belarus, and Albania, with the goal of encouraging and supporting victim-friendly investigation and care. A three-day course on child trafficking took place in June 2007 in Berlin for trainers from 16 EU countries²⁴⁶ and appear to be continuing to date.²⁴⁷

The NGO Dunkelziffer organises seminars on online sexual abuse of children and child pornography for the officers of the criminal police, prosecutors and judges of all federal states. The training sessions are held four times a year, involving approximately 25 participants. The initiative has received a positive response, with several hundred state employees having participated.²⁴⁸

CHILD AND YOUTH PARTICIPATION

Although the Federal Government considers “the participation of young people as a major element of society and of the political arena and as a priority tool to promote democratic convictions,”²⁴⁹ the few initiatives against CSEC involving the direct participation of children and young people implemented since 2006 were carried out by NGOs, particularly the youth section of ECPAT Germany. The Government supported some youth-led projects, but those mostly addressed violence against children in general or focused on promoting children’s rights.

The NPA *National Plan of Action for a Germany Fit for Children 2005–2010* involved broad youth and child participation. Even more avenues for youth participation were included in the new Action Plan of 2011;²⁵⁰ youth were actively involved in every step of

its creation, including the working groups. Youth groups also committed themselves to prevention and protection by making mandatory a 40-hour special training involving sections on prevention for people working with young people.²⁵¹

With financial support from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, a virtual child protection centre (www.youngavenue.de) was set up with the aim of offering children, young people and parents in crisis situations the opportunity to make direct contact with child protection centres through the Internet. According to government information, children and young people are not only the final recipients of this initiative but also have an active role in the planning, development and implementation of the services. Peer-to-peer counselling is provided through this project, and a central activity is advising children and young people who have experienced all forms of sexual violence.²⁵²

Some NGOs have undertaken projects run by children and young people. For example, in 2009, the Safer Internet Centre Germany created a youth panel at an academic secondary school in Rhineland-Palatinate that meets bi-weekly to discuss issues related to online protection. The youth panel develops teaching and informational materials based on suggestions made by

participants and is involved in nationwide and European events related to new ICT.²⁵³ ECPAT Germany has a very active youth group which has developed several activities against CSEC since 2006. The group played an active role in sensitising staff of tourism offices on the issue of sexual exploitation of children in travel and tourism, including calling for their involvement in preventing and counteracting it. The youth group also organised a show at an airport to raise awareness of the issue on the day commemorating the fight against CSEC. Furthermore, they developed and distributed several kinds of informational materials, such as postcards they designed with a message against child prostitution, and, in 2008, they held a workshop at a volunteer festival to raise awareness among and motivate young volunteers to develop ideas and realise projects against CSEC. As a result of this workshop, a number of sensitisation evenings in schools were organised and the possibility of including the topic of CSEC in school curricula was explored through the help of a political party.²⁵⁴

The Europe and Central Asia Child and Youth Regional Preparatory Forum for the World Congress III

The Europe and Central Asia Child and Youth Regional Preparatory Forum for the World Congress III was held in Düsseldorf, from 31 October to 1 November 2008. It gathered together 25 children and young people from Austria, Belarus, Germany, Kyrgyzstan, Moldova, Netherlands, Romania, Russia, Serbia, Sweden and Ukraine. The forum provided an opportunity for children and young people to share their experiences, knowledge and models of successful child and youth-led interventions against child sexual exploitation in the region. With the help of facilitators, participants were also able to put together a set of recommendations for addressing CSEC in Europe and the Commonwealth of Independent States (CIS), to be brought forward to World Congress III. The meeting was organised by ECPAT International and ECPAT Germany, with support from Save the Children Germany and UNICEF Germany, and was made possible thanks to the financial support of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Oak Foundation.²⁵⁵

STOP Sex Trafficking of Children & Young People Campaign

An important advocacy component of The Body Shop and ECPAT 'Stop Sex Trafficking of Children and Young People Campaign' is the country progress card system, which ECPAT and The Body Shop have created to assess the progress of state action on specific commitments and promises to uphold the rights of the child to protection from sex trafficking and all forms of commercial sexual exploitation. In line with the 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children from the World Congress III against Sexual Exploitation of Children and Adolescents, this innovative tool provides readers with information on states' action to combat child trafficking, specifically towards the three goals of the campaign:

1. Community-based prevention programmes to stop child trafficking are reaching at-risk populations;
2. International legal standards for protecting children from trafficking have been incorporated into the national legal framework; and
3. Specialised government services for child victims of trafficking are integrated into national policies.

Germany: Summary of Progress Card ^{II}			
Goal 1: community-based prevention programmes			
Prevention	Collaboration	Awareness raising	Teacher training
		★	
Goal 2: legal framework			
Optional Protocol	Trafficking Protocol	National legislation	Special police units
Goal 3: specialised services for child victims			
Helpline Green = significant action taken by state; Yellow = partial action taken by state;	Shelters	Medical services	Psychological counselling

Based on a global assessment of the progress cards, Germany is among the 53% of territories reviewed that have made some progress to stop sex trafficking of children and young people. Germany has a strong national legal framework against child trafficking, one that incorporates all relevant international and regional legal instruments on child trafficking. The areas where the Government can do more is in implementing prevention initiatives, especially one that focuses on the demand and in improving the level of protection and care services, especially medical care, for child victims of trafficking.

^{II}The Germany Progress Card is available at www.ecpat.net

PRIORITY ACTIONS REQUIRED



National plan of action

- Germany should work for full implementation of the new Plan of Action 2011 of the Federal Government of Germany for the Protection of Children and Teenagers from Sexual Violence and Exploitation; in doing so, the Government must ensure the direct involvement of all relevant stakeholders, including children and the private sector, as well as the allocation of sufficient resources.

Coordination and cooperation

- The Governments of the Federal States should ensure standardised government and civil society cooperation across the 16 federal states, especially with regard to assistance for child victims of trafficking, and should develop more synergies with NGOs to conduct joint child trafficking and CSEC prevention programmes;
- Germany should further enhance international cooperation through multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism;
- Germany should continue to allocate financial resources to international cooperation projects addressing CSEC in the countries of origin of child trafficking victims and in destination countries for German child sex tourists.

Prevention

- The Governments should undertake comprehensive research on the different forms of CSEC, with a particular emphasis on prostitution of boys, online sexual exploitation of children, especially online grooming, child sex trafficking and child sex tourism, with a particular focus on the commercial aspect of sexual violence;
- The Governments of the Federal States must take urgent action to implement community-based prevention programmes that address vulnerability to trafficking and sexual exploitation of at-risk children, such as Roma children, street children, etc.;
- Local regional governments should develop policies with regard to the inclusion of awareness-raising programmes on trafficking and CSEC in teachers training courses and school curricula for students;
- The Governments of the Federal States should conduct programmes to reduce demand for sex services from children through clear preventive measures and awareness raising to encourage greater public mobilisation and stricter law enforcement;

- The Governments of the Federal States should develop specific sensitisation activities to reach out to children vulnerable to prostitution and online sexual exploitation; this includes outreach work and online counselling, among others.

Protection

- Germany should establish specialised police units dealing with CSEC offences across all Länder to ensure that all cases can be properly investigated and child victims or children at risk are adequately identified, assisted and protected;
- The Government must urgently provide resources for training law enforcement officials, prosecutors, judges and other stakeholders specifically on the topics of child trafficking and CSEC in order to increase the effective investigation and successful prosecution of related cases; this would also include improving victim identification and victim protection;
- Germany should work to resuscitate legislation allowing the blocking of child pornography websites earlier passed in February 2010 and work to educate the public about how limited use of such measures is an appropriately balanced restriction on free speech in order to address pressing child protection concerns;
- Germany should revise the Residence Act (Aufenthaltsgesetz or AufenthG) to ensure that unaccompanied children from non-EU countries - who often are victims of trafficking or at risk of being trafficked - are entitled to all relevant social services for children under 18;
- Germany should explore ways to increase the number of convicted traffickers who receive sentences commensurate with the gravity of this human rights abuse, especially when children are involved.
- Germany may consider establishing a national anti-trafficking rapporteur to draft critical assessments of Germany's efforts to punish traffickers, protect victims and prevent trafficking, with emphasis on the trafficking of children;
- Germany should establish an ombudsman for children who is able to receive complaints on CSEC violations, including directly from children; or, alternatively, Germany should expand the functions of the Children's Commission to empower this institution to receive and investigate complaints of violations of children's rights, including CSEC cases and turn the office of the Independent Representative into a permanent ombudsperson with a wider range of tasks, including a focus on CSEC.

Recovery and reintegration

- The Governments of the Federal States should provide tailored capacity building for relevant professionals providing care to child victims of trafficking and sexual exploitation, to ensure appropriate recovery and reintegration;
- The Governments of the Federal States must develop or further strengthen specialised support services for boys involved in prostitution and children victimised through the use of new technologies;

- The Governments of the Federal States should develop reporting procedures and a nationwide free-of-charge, anonymous 24-hour helpline providing specialised assistance and protection services for child victims of trafficking and sexual exploitation;
- The Governments of the Federal States should establish specific shelters where all child victims of trafficking can systematically access adequate assistance and support and allocate more funds so that the continued existence of facilities is ensured.

Child and youth participation

- The Government should take steps to ensure effective participation of children in the implementation, monitoring and evaluation of the existing Action Plan for the Protection of Children and Adolescents from Sexual Violence and Exploitation and should provide financial support for the development of youth-led programmes specifically addressing these issues.
- Germany should build a culture of respect for children's participation in their day-to-day lives through strengthening legal frameworks to institutionalise the entitlement to participation and to raise awareness and sensitise professionals and parents to the benefits of children's participation rights.
- All relevant stakeholders should help strengthen children and young people's capacities for effective participation in advocacy, particularly in relation to how governments make decisions and how to lobby, campaign and advocate for change; how to utilise research methods, data collection and media, and how to fundraise for projects.

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf

images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.

- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and

implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.

- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

Sexual exploitation of children and adolescents in prostitution

- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.

- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and

new technologies for the grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and

in ensuring, where necessary, that child victims have effective remedies and redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

- (1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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