

Mapping child protection systems in the EU (27)

Germany

May 2023

Contractor: German Institute for Human Rights

Author: Heinz Kindler

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1. Legislative and regulatory framework and policies

1.1. Overview of normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

Comparative policy studies have identified the child protection system in Germany as “family-oriented” (characterized by framing child abuse as a social problem, family needs assessment as a preliminary response, an attempt to establish a partnership with parents, and primarily voluntary arrangements with parents in making out-of-home placements).¹ A recent typology of child protection systems based on legal and normative framework analysis and empirical data put Germany within the group of “established child protection systems” in the category of “child well-being protective systems” with highly institutionalized structures (laws, protocols, organizational networks, and professional staff). These include the principles of providing universal support measures (e.g., welcome visits, preventive home visiting services, child well visits), a preference for partnership with parents and voluntary engagement, as well as a focus on the child and the child’s developmental needs in assessing the necessary interventions.²

The legal framework is based on article 6(2) of the Basic Law for the Federal Republic of Germany (Grundgesetz; “The care and upbringing of children is the natural right of parents and a duty primarily incumbent upon them. The state shall watch over them in the performance of this duty”).³ Federal laws most important for child protection include Social Service Codebook VIII (Sozialgesetzbuch VIII, regulating the regulation of child and youth welfare services), the German Civil Code (Bürgerliches Gesetzbuch, regulating family court decisions), and the German Criminal Code Book (Strafgesetzbuch, regulating police and criminal court decisions). Cooperation and Information in Child Protection Act Gesetz zur Kooperation und Information im Kinderschutz, KKGBelow the level of federal laws, there are laws regarding child protection in all of the sixteen states in Germany (Ländergesetze) and regulations regarding child protection in municipalities.

The most important institutions for detecting child maltreatment and protecting children who have been maltreated or are at risk of child maltreatment are the local child and youth welfare authorities (Jugendämter) and the family courts. Police and criminal courts (criminal justice system) are particularly important for all forms of sexual violence against children or adolescents. Health services, social services, and educational system are critical for detecting child maltreatment, follow-up, and providing support and care.

Local child and youth welfare authorities (Jugendämter) investigated 197,759 child maltreatment notifications in 2021 (§ 8a SGB VIII investigations). In 30,369 investigations, children’s well-being was considered endangered. In 34,902 investigations, latent child endangerment was the investigation’s

¹ Gilbert, N. (1997). Conclusion: A Comparative Perspective. In N. Gilbert (Ed.), *Combatting Child Abuse: International Perspectives and Trends*. Oxford: Oxford University Press, 232-240.

² Berrick, J.D., Gilbert, N. & Skivenes, M. (2023). Child Protection Systems: A Global Typology. In J.D. Berrick et al. (Eds.), *Oxford Handbook of Child Protection Systems*. Oxford: Oxford University Press, 943-970.

³ https://www.gesetze-im-internet.de/englisch_gg/

outcome.⁴ At a given time point, there are about 60.000 children in out-of-home care.⁵ Prevalence studies show that most of these children have experienced one or more forms of maltreatment.⁶ About 450.000 children are receiving other forms of child welfare services.⁷

The key term concerning child protection is child endangerment (Kindeswohlgefährdung, § 1666 BGB). It describes the threshold for family court intervention in parental rights if parents are unwilling or unable to improve the situation for the child. Thus, parents must be offered help on a voluntary basis first. Child endangerment has been defined as current danger that will most certainly cause significant harm to the child in the future.⁸ If the family court decides that involuntary child protection measures are necessary, the principle of proportionality must be applied.

Emergency placements (§ 42 SGB VIII) are the only measure where the local child and youth welfare authority intervenes directly in parental rights. Emergency placements are facilitated due to immediate danger to children's life and well-being or based on the child's wish. If parents disagree with the emergency placement, the family court has to be involved immediately.

There are 557 local child and youth welfare authorities employing 17,237 social workers who, in principle, are in a position to conduct child maltreatment investigations (§ 8a SGB VIII investigations).⁹ 109,207 social workers are providing other child and youth welfare services.¹⁰ Germany spends about 13.0 billion Euros annually on child and youth welfare services (excluding daycare).¹¹ There are no separate statistics on human and financial resources allocated to child protection.

After several child protection scandals, there have been several child protection commissions (e.g., state commissions in Hamburg, Saarland, Baden-Wuerttemberg and North Rhine-Westphalia, National Roundtable on child sexual abuse), hearings and public inquiries on child protection in foster families and residential care, sexual abuse, and sexual exploitation as well as historic child abuse. For example, a case of sexual exploitation of a boy led to a state commission on child protection in Baden-Wuerttemberg,¹² and a case of sexual abuse and online sexual abuse of several children led to an ongoing parliamentary inquiry committee in North Rhine-Westphalia that has so far produced an interim report.¹³

⁴ Statistisches Bundesamt (2022). Statistiken der Kinder- und Jugendhilfe: Gefährdungseinschätzungen nach § 8a Absatz 1 SGB VIII 2021. Wiesbaden.

⁵ Statistisches Bundesamt (2022). Statistiken der Kinder- und Jugendhilfe: Erzieherische Hilfe, Eingliederungshilfe für seelisch behinderte Menschen, Hilfen für junge Volljährige 2021. Wiesbaden.

⁶ Helfferich, C., Kavemann, B., Kindler, H., Schürmann-Ebenfeld, S., & Nagel, B. (2017). Stigma macht vulnerabel, gute Beziehungen schützen. Sexueller Missbrauch in den Entwicklungsverläufen von jugendlichen Mädchen in der stationären Jugendhilfe. *Diskurs Kindheits- Und Jugendforschung*, 12(3), 261–275. <https://doi.org/10.3224/diskurs.v12i3.01>

⁷ Statistisches Bundesamt (2022). Statistiken der Kinder- und Jugendhilfe: Erzieherische Hilfe, Eingliederungshilfe für seelisch behinderte Menschen, Hilfen für junge Volljährige 2021. Wiesbaden.

⁸ Federal Court of Justice (Bundesgerichtshof) Judgement of July 14, 1956, IV ZB 32/56.

⁹ Most recent data from 2020: Mühlmann, T. (2023). Personal in Jugendämtern und im ASD im Jahr 2020 – Entwicklungstrends und länderbezogene Unterschiede. *KomDat*, 3/2022, 17-23.

¹⁰ Most recent data from 2018: Arbeitsstelle Kinder- und Jugendhilfestatistik (2021). *Monitor Hilfen zur Erziehung 2021*. Forschungsverbund DJI/TU Dortmund.

¹¹ Most recent data from 2019: Arbeitsstelle Kinder- und Jugendhilfestatistik (2021). *Monitor Hilfen zur Erziehung 2021*. Forschungsverbund DJI/TU Dortmund

¹² <https://sozialministerium.baden-wuerttemberg.de/de/service/publikation/did/abschlussbericht-der-kommission-kinderschutz-band-i-bericht-und-empfehlungen>

¹³ <https://www.landtag.nrw.de/portal/WWW/dokumentenarchiv/Dokument/MMD17-16770.pdf>

1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection

Question	YES	NO	Comments
1.2.1. Does the constitution contain any provisions on children's rights and child protection?		x	<p>A coalition of child protection organizations, the Children's Rights Alliance (Aktionsbündnis Kinderrechte), consisting of the German Child Protection League (Deutscher Kinderschutzbund), UNICEF Deutschland and Deutsches Kinderhilfswerk, in cooperation with Deutsche Liga für das Kind, promotes the idea to include children's rights [explicitly] in the German Basic Law (Grundgesetz).¹⁴ Children already are holders of fundamental rights included in the Basic Law.¹⁵</p> <p>The current federal coalition government (SPD, Bündnis 90/Die Grünen, FDP) has declared the aim to embed children's rights explicitly in the German Basic Law.¹⁶ Moreover, the UN Commission on the Convention of Children's Rights has recommended that Germany strengthens efforts to incorporate children's rights explicitly in the German Basic Law (September 2022).¹⁷</p> <p>Most of the state constitutions (Länderverfassungen) include children's rights.¹⁸</p> <p>Art 6 (2) 2 of the Basic Law regulates the "guardianship of the state" ("Wächteramt des Staates"), which becomes relevant if parents do not fulfill the responsibility assigned to them by the Basic Law.¹⁹</p>

¹⁴ www.kinderrechte-ins-grundgesetz.de/

¹⁵ See Federal Constitutional Court (Bundesverfassungsgericht) Decision from 29 July 1968, 1 BvL 20/63, 31/66 und 5/67; see also Federal Constitutional Court (Bundesverfassungsgericht) Decision from 5 September 2022 – 1 BvR 65/22.

¹⁶ <https://www.bundesregierung.de/breg-de/aktuelles/koalitionsvertrag-2021-1990800>

¹⁷ <https://www.bmfsfj.de/bmfsfj/themen/kinder-und-jugend/kinderrechte/kinderrechte-ins-grundgesetz>

¹⁸ For an overview see <https://landkarte-kinderrechte.de/kinderrechte-in-den-verfassungen-der-bundeslaender/> (German)

¹⁹ https://www.gesetze-im-internet.de/englisch_gg/

1.2.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children's Act?	x	Different legal instruments are applicable to protect children from abuse and neglect. The most important are (a) § 1666 of the Civil Code (§ 1666 BGB), regulating family court decisions in child protection, (b) § 8a Social Code Book VIII (§ 8a SGB VIII), regulating child maltreatment investigations by child and youth welfare authorities, (c) § 4 Federal Child Protection Act (§ 4 KKG), regulating sentinel legal competence to inform child and youth welfare authorities about child maltreatment concerns and (d) § 174-176e, 182, 184b,c,e Criminal Code (§§ 174-176e, 182, 184, b,c,e StGB) regulating criminal court decisions in cases of sexual violence against children and adolescents. ²⁰
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1.2.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

Legislation	Date passed	Child protection areas covered
German Civil Code (<i>Bürgerliches Gesetzbuch</i> – BGB)	1 Jan 1900	
§ 1666 BGB (§ 1666 BGB) ²¹	1 Jan 1900, reforms in 1 Jul 1958, 1 Jan 1980, 1 Jul 1998, and 1 Jan 2002	Regulating conditions and forms of family court interference with parental rights (No permanent termination of parental rights in Germany except in very rare cases of adoption against the will of parents regarding § 1748 BGB, see 4.5.16)
§ 1631(2) (§ 1631 Abs. 2 BGB) ²²	1 Jul 1998, reforms in 3 Nov 2000, 1 Jan 2002, and 1 Jan 2023	Ban on corporal punishment and psychological violence against children by parents (symbolic law, children cannot sue parents nor is a state intervention possible . ²⁴
§ 1626 (2) (§ 1626 Abs. 2 BGB) ²³	1 Jan 1980	Parental obligation to take into consideration the growing ability and the growing need of the child for independent, responsible action, to discuss questions of parental care with the child to the extent that, in

²⁰ Hyperlinks are provided under 1.2.3

²¹ https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#p5809

²² https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#p5749

²³ https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#p5708

²⁴ Bussmann (2004) Evaluating the subtle impact of a ban on corporal punishment of children in Germany. *Child Abuse Review*, 13(5), p. 293

		accordance with the development of the child, it is advisable, and to seek agreement.
<p>Child and Youth Services Act (<i>Kinder- und Jugendhilfegesetz – KJHG</i>) - Social Code Book VIII – Child and Youth Services (<i>Sozialgesetzbuch Aches Buch – Kinder- und Jugendhilfe – SGB VIII</i>)²⁵ (no official English translation)</p>	1 Jan 1991	Provisions regarding child and youth welfare services (structures and responsibilities, services, emergency placement and participation in family court proceedings, guardianship, approvals for residential care facilities and foster families, jurisdiction, reimbursement, and statistics)
§ 8a SGB VIII ²⁶	1 Oct 2005, 1 Jan 2012, 10 Jun 2021	Mandate and procedures for child and youth welfare authorities and child and youth welfare providers regarding child protection investigations if weighty grounds to assume the endangerment of a child are present. Professionals have to take into account specific needs for the protection of children with disabilities.
§ 8b SGB VIII ²⁷	1 Jan 2007, 1 Jan 2012, 10 Jun 2021	The obligation of child and youth welfare authorities to provide counseling to people working with children if they suspect child endangerment
§ 42 SGB VIII ²⁸	1 Jan 1991, 1 Jan 2012, 29 Jul 2017, 10 Jun 2021	Provisions regarding emergency placements by child and youth welfare authorities in cases of urgent danger regarding a child or if children ask for an emergency placement
§ 45 SGB VIII ²⁹	1 Jan 1991, 1 Jan 2012, 25 Jul 2015, 1 Jan 2020, 10 Jun 2021	Provisions regarding the licensing of residential care facilities, including the obligation to provide a concept for the protection of children’s rights and the prevention of any form of maltreatment
§ 72a SGB VIII ³⁰	16 Dec 2008, 1 Jan 2012, 10 Jun 2021	Exclusion of people with relevant convictions from voluntary or professional work with children within child and youth welfare services

²⁵ https://www.gesetze-im-internet.de/sgb_8/index.html#BJNR111630990BJNE016504377

²⁶ https://www.gesetze-im-internet.de/sgb_8/__8a.html

²⁷ https://www.gesetze-im-internet.de/sgb_8/__8b.html

²⁸ https://www.gesetze-im-internet.de/sgb_8/__42.html

²⁹ https://www.gesetze-im-internet.de/sgb_8/__45.html

³⁰ https://www.gesetze-im-internet.de/sgb_8/__72a.html

Youth Courts Act (Jugendgerichtsgesetz – JGG) ³¹	13 Mar 1923, 10 Nov 1943, 1 Nov 1953, 11 Dec 1974, 01 Dec 1990, 17 Dec 2019	Provision regarding criminal law relating to young people
Youth Protection Act (Jugendschutzgesetz – JuSchG) ³²	6 Jan 1952, 1 Apr 2003, 20 Jul 2007, 1 Jul 2008, 3 Mar 2016, 1 May 2021	Regulations regarding the prohibition of access to alcohol, tobacco, media, gambling, and others for young people Since the last amendment the Youth Protection Act also focuses on the protection of young people on media platforms.
Young Persons Employment Act (Jugendarbeitsschutzgesetz – JArbSchG) ³³ (no official English translation)	1 Jun 1891, 1 Jan 1904, 30 Apr 1938, 1 Oct 1960, 12 Apr 1976, 24 Feb 1999	Protective regulations regarding working conditions for young people, the first law in Germany with child protection in its title was a law against child labor (1904)
Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (– FamFG)³⁴ § 155 (principles of priority and accelerated proceedings) ³⁵ § 159 (in-person hearings of the child) ³⁶	1 Sep 2009 1 Sep 2009, 26 Jul 2017 1 Sep 2009, 1 Jul 2021	FamFG contains provisions regarding family court proceedings, including child protection cases (§ 1666 BGB). Priority of proceedings in certain child cases including proceedings on possible child endangerment; first hearing within one month. § 159 FamFG requires that all children without age limit be heard in-person or given a personal impression particularly in child protection matters except for substantial reasons. Children must be informed of the proceedings' object, course, and potential result.
Condemnation of Violence in Education Act (Gesetz zur Ächtung von Gewalt in der Erziehung) (no official English translation) ³⁷	3 Nov 2000	Law to change § 1631 (2) BGB and ban corporal punishment and psychological violence against children by parents (see the section on civil code - BGB)

³¹ https://www.gesetze-im-internet.de/englisch_jgg/englisch_jgg.pdf

³² <https://www.bibb.de/dokumente/pdf/Germany%20-%20Youth%20Labour%20Protection%20Act.pdf>

³³ <https://www.gesetze-im-internet.de/jarbschg/>

³⁴ https://www.gesetze-im-internet.de/englisch_famfg/index.html

³⁵ https://www.gesetze-im-internet.de/englisch_famfg/englisch_famfg.html#p0816

³⁶ https://www.gesetze-im-internet.de/englisch_famfg/englisch_famfg.html#p0816

³⁷ https://www.bgbl.de/xaver/bgbl/start.xav?start=%2F%2F*%5B%40attr_id%3D%27bgbl100s1479.pdf%27%5D#_bgbl_%2F%2F*%5B%40attr_id%3D%27bgbl100s1479.pdf%27%5D__1682230977833

<p>Child and Youth Welfare Advancement Act (Kinder- und Jugendhilfweiterentwicklungsgesetz – KICK)³⁸</p>	<p>1 Oct 2005</p>	<p>Law with extension and revisions of social code book VIII regulating child and youth welfare authorities and services, especially insertion of § 8a SGB VIII, which regulates child protection investigations by local child and youth welfare authorities as well as child and youth welfare service providers (see the section on social code book VIII – SGB VIII in this table)</p>
<p>Federal Child Protection Act (Bundeskinderschutzgesetz – BKiSchG)³⁹ (no official English translation)</p>	<p>1 Jan 2012</p>	<p>This law created the “Cooperation and Information in Child Protection Act” (see section below). In addition, provisions regarding child protection investigations by child and youth welfare authorities as well as child and youth welfare service providers were reformed (§ 8a SGB VIII), and an obligation of child and youth welfare authorities to provide counseling to people working with children, if they suspect child endangerment was introduced (§ 8b SGB VIII) (see the section on social code book VIII - SGB VIII in this table). Finally, the federal state was obliged to conduct an evaluation of this law, which was published in 2015.⁴⁰</p>
<p>Cooperation and Information in Child Protection Act (Gesetz zur Kooperation und Information im Kinderschutz – KKG)⁴¹</p> <p>§ 4 KKG</p>	<p>1 Jan 2012</p> <p>1 Jan 2012, 10 Jun 2021</p>	<p>Describes state goals in child protection (§ 1 par 3), allows proactive information of all expectant parents about all kinds of support services (§ 2), and obligates child and youth welfare authorities to organize a network on child protection with different institutions (§ 3).</p> <p>Authorizes health professionals, therapists, teachers, and some other groups of professionals with professional confidentiality to report cases to child and youth welfare authorities if they come across weighty grounds to suspect child endangerment and children or parents are not willing to seek support on a voluntary basis.</p>
<p>German Criminal Code (Strafgesetzbuch – StGB)⁴²</p>	<p>1 Jan 1872</p>	<p>The criminal code includes regulations regarding offenses relating to civil status, marriage, and family (division 12: §§ 169-173), offenses against sexual self-determination (division 13: §§ 174-184I), and</p>

³⁸https://www.bgbl.de/xaver/bgbl/start.xav#__bgbl__%2F%2F*%5B%40attr_id%3D%27bgbl105s2729.pdf%27%5D__1682232357118

³⁹https://www.bgbl.de/xaver/bgbl/start.xav?start=//*%5B@attr_id=%27bgbl111s2975.pdf%27%5D#__bgbl__%2F%2F*%5B%40attr_id%3D%27bgbl111s2975.pdf%27%5D__1682232470132

⁴⁰ <https://www.bmfsfj.de/bmfsfj/service/publikationen/bericht-der-bundesregierung-evaluation-des-bundeskinderschutzgesetzes-96262>

⁴¹ See fn. 39

⁴² https://www.gesetze-im-internet.de/englisch_stgb/index.html

<p>§ 171 (breach of duty of care or upbringing)⁴³</p> <p>§ 176 (sexual abuse of children)⁴⁴</p> <p>§ 225 (ill-treatment of persons in one's charge)⁴⁵</p>	<p>1 Jan 1872, 30 Mar 1943, 1 Sep 1969, 28 Nov 1973, 1 Apr 1998</p> <p>1 Jan 1872, 20 Mar 1876, 1 Oct 1953, 1 Sep 1969, 28 Nov 1973, 1 Apr 1998, 1 Apr 2004, 27 Jan 2015, 13 Mar 2020, 1 Jul 2021</p> <p>1 Jan 1872, 1 Sep 1969, 1 Jan 1975, 1 Dec 1994, 1 Apr 1998</p>	<p>offenses against bodily integrity (division 17: §§ 223-231).</p> <p>Criminal liability of gross neglect of a person below age 16 creating a danger of severe damage</p> <p>Criminal liability of sexual acts on a person below age 14 or causing a person below age 14 to perform or tolerate sexual acts. (Other sections in division 13 are about sexual abuse of persons in one's charge, aggravated sexual abuse of children, dissemination, and possession of child pornography)</p> <p>Criminal liability of torture or rough ill-treatment, or malicious neglect of a person under 18 that damages the health of the young person</p>
<p>German Code of Criminal Procedure (Strafprozessordnung - StPO)⁴⁶</p> <p>§ 58a (audio-visual recording of witness examination)⁴⁷</p> <p>§ 247a (Witness examination via</p>	<p>1 Feb 1877</p> <p>1 April 1998, 24 June 2004, 21 Dec 2007, 29 July 2009, 26 June 2013, 5 July 2017, 10 Dec 2019, 25 June 2021</p> <p>1 Dec 1998, 1 Sep 2004, 1</p>	<p>Provisions regarding criminal court proceedings</p> <p>Rules on audiovisual recording of witness examinations, especially applicable in the investigation phase, to avoid multiple interrogations especially for minor victims of severe crimes as sexual assaults</p>

⁴³ https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p1627

⁴⁴ https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p1627

⁴⁵ https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p1627

⁴⁶ https://www.gesetze-im-internet.de/englisch_stpo/index.html

⁴⁷ https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html#p0292

<p>audio-visual means in main hearings)⁴⁸</p> <p>§ 255a (Showing of audio-visual recording of witness examination)⁴⁹</p> <p>§ 406g (Psychosocial assistance in legal proceedings)⁵⁰</p>	<p>Nov 2013, 25 Jul 2015</p> <p>1 Dec 1998, 1 Jan 2018, 13 Dec 2019, 1 Jan 2021</p> <p>1 Jan 2017, 13 Dec 2019</p>	<p>Court order for witness examination via audio-visual means in main hearings if there is an imminent risk of serious detriment to the well-being of the witness</p> <p>In main hearings, the examination of a witness under 18 years of age may be substituted by the showing of an audio-visual recording of his or her previous judicial examination under certain circumstances. This also applies to witnesses who were under 18 years of age at the time of the offence.</p> <p>Right of certain aggrieved persons, esp. underaged victims of sexual violence, for psychosocial assistance during criminal court proceedings</p>
<p>Act to Strengthen the Rights of Victims of Sexual Abuse (Gesetz zur Stärkung der Rechte von Opfern Sexuellen Missbrauchs – StORMG)⁵¹ (no official English translation)</p>	<p>1 Sep 2013</p>	<p>Possibility to use former audio-visual witness examinations in later hearings, Victims' support in criminal cases of sexual abuse, an extension of the limitation period for compensatory damages claims for victims of sexual violence</p>
<p>Law to combat sexualized violence against children (Gesetz zur Bekämpfung sexualisierter Gewalt gegen Kinder)⁵²</p>	<p>16 Jun 2021</p>	<p>Tightening of criminal law regarding child sexual abuse, especially for child sexual abuse (§ 176 StGB) and dissemination and possession of child pornography (§ 184b StGB), limitation periods for some forms of child sexual abuse start when the victim turns 30 years of age, for family judges and some other professionals in family court child protection proceedings an obligation for ongoing education and training is introduced, for the prosecution of sexual offences there are some new possibilities regarding pre-trial detention, surveillance and online-search orders.</p>

⁴⁸ https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html#p1928

⁴⁹ https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html#p1960

⁵⁰ https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html#p2630

⁵¹ https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&start=//%5b@attr_id=%27bgbl113s1805.pdf%27%5d#_bgbl_%2F%2F%5B%40attr_id%3D%27bgbl113s1805.pdf%27%5D__1682262662361

⁵² https://www.bmj.de/SharedDocs/Gesetzgebungsverfahren/Dokumente/Bgbl_Bekaempfung_sexualisierter_Gewalt_gegen_Kinder.pdf;jsessionid=F92E28152B754F8B20F48AE64F37CC40.1_cid297?__blob=publicationFile&v=2

1.3. Policy framework

Question	YES	NO	Comments
<p>1.3.1. Is there a specific national or sub-national policy framework and/or a national or sub-national strategy on child rights and/or child protection?</p> <p><u>If yes</u>, does it require an integrated approach to child protection?</p>		x	<p>Until now, no national or state (Bundesländer) framework or strategy regarding child protection or children’s rights exists.</p> <p>There are, however, certain strategic plans for specific aspects of child protection (see 1.3.2).</p>
<p>1.3.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular areas, e.g. children with disabilities, children in care?</p>	x		<p>Germany had a national action plan “For a Child-Friendly Germany 2005-2010” (Nationaler Aktionsplan “Für ein kindergerechtes Deutschland 2005–2010”) that, generally speaking, aimed at developing beneficial conditions for all children. The intention and impact at the national level is more a general increase of awareness of children’s interests and needs, less addressed to specific problems or groups. There has been a report on the results of the national action plan, including a list of measures taken in participating municipalities and recommendations of workings groups and a national steering group (e.g., p. 19 monitoring of the implementation of children’s rights is necessary). The report does not include a national political commitment to specific measures.⁵³</p> <p>A new national action plan “New Chances for Children in Germany” (“Neue Chancen für Kinder in Deutschland”), announced in 2022 has been adopted by the Federal Government in July 2023 (just outside the reference period).⁵⁴ Its objective is to implement the European Child Guarantee which aims at preventing and combating social exclusion by guaranteeing effective access of children in need to a set of key services. Activities will target socioeconomic disadvantages and limited educational options for children in poverty (see 1.4.7).⁵⁵ There have been two workshops so far which targeted many topics in relation to child poverty. Some possible parts of the action plan have the potential to benefit children in the child</p>

⁵³ <https://www.bmfsfj.de/resource/blob/94116/590c05ad0f3f47448a61f1b0572c7f8c/kindergerechtes-deutschland-abschlussbericht-data.pdf>

⁵⁴ <https://www.bmfsfj.de/resource/blob/227684/f86f78802706a73cebc4b0e526ffacc3/nap-kinderchancen-data.pdf>

⁵⁵ <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/kinder-und-jugendliche-vor-armut-schuetzen-201664>

		<p>protection system (e.g., multiprofessional support systems, support for care leavers in higher education), but the child protection system is not a specific target area in the action plan so far.⁵⁶ The action plans runs until 2030. It aim is to provide children at risk of poverty and social exclusion with high-quality early education, school-related activities, access to sufficient health services, sufficient and healthy nutrition, and living space until 2030.</p> <p>On 14 November 2023, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth launched a National Action Plan (NAP) for child and youth participation, which aims to strengthen the participation of young people, especially children under twelve.⁵⁷ The NAP is a further development of the Federal Government's Youth Strategy, which has been in place since 2020. The NAP launches a dialogue process that will run until 2025.</p> <p>Following a National Round Table on Child Sexual Abuse with a final report in 2011⁵⁸ the position of the Independent Commissioner for Child Sexual Abuse Issues (Unabhängige Beauftragte für Fragen sexuellen Kindesmissbrauchs – UBSKM) was created in 2010, and an Action Plan for the Protection of Children and Youth from Sexual Violence and Abuse (Aktionsplan zum Schutz von Kindern und Jugendlichen vor sexueller Gewalt und Ausbeutung) was adopted by the federal government in 2011.⁵⁹ There has been no evaluation or follow-up plan by the federal government until now. But, in 2019, a National Council against Sexual Violence Committed against Children and Adolescents (Nationaler Rat gegen sexuelle Gewalt an Kindern und Jugendlichen) was established and published a consensus paper in 2021,⁶⁰ and in 2020 the Independent Commissioner for Child Sexual Abuse Issues (UBSKM) published a position paper on necessary measures to improve</p>
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⁵⁶ <https://www.dji.de/ueber-uns/projekte/projekte/service-und-monitoringstelle-zur-umsetzung-des-nap-neue-chancen-fuer-kinder-in-deutschland-servikid.html>

⁵⁷ <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/nationaler-aktionsplan-staerkt-die-beteiligung-junger-menschen-203966>

⁵⁸ <https://www.bmfsfj.de/resource/blob/93204/2a2c26eb1dd477abc63a6025bb1b24b9/abschlussbericht-runder-tisch-sexueller-kindesmissbrauch-data.pdf>

⁵⁹ <https://www.bmfsfj.de/resource/blob/86314/a1769f1ca087d5bdd683eb72e4b48b2c/aktionsplan-2011-data.pdf>

⁶⁰ <https://www.bmfsfj.de/resource/blob/183016/fb60b0aee0557bf73b992d3da226f098/gemeinsame-verstaendigung-nationaler-rat-data.pdf>

			the protection of children and adolescents from sexual violence. ⁶¹ Negotiations on which measures will be taken are ongoing.
1.3.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?		x	<p>Until now, there is no such national policy or plan. The Federal Agency for Child and Youth Protection in the Media (Bundeszentrale für Kinder- und Jugendmedienschutz, BzKJ), which has been developed from the Federal Review Board for Media Harmful to Minors (Bundesprüfstelle für jugendgefährdende Medien, BPjM), is an important coordinating body. For example the BzKJ has the task of working towards such a policy. Within the framework of the ZUKUNFTSWERKSTATT (future workshop), the protection of children and young people in the media is to be continuously developed. It still has no website in English (www.bzki.de).</p> <p>The national action plan “New Chances for Children in Germany” (“Neue Chancen für Kinder in Deutschland”) was adopted by the Federal Government in July 2023. So far, protection of children in a digital environment was not included in the first two workshops.⁶²</p>
1.3.4. Is there a (regular) child participation policy and/or mechanism and/or body related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children’s rights forum, child surveys, child participation platform? <u>If yes, are appropriate child protection and safety measures in place?</u>		x	<p>There are around 500 municipal child and youth parliaments in Germany. The Initiative for strong Children and Youth Parliaments, funded by the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth (BMFSFJ), supports child and youth parliaments nationwide at the local level through advice, information, networking and qualification. In Germany, the participation of children and young people at the municipal level is regulated by the municipal ordinances of the federal states. In November 2022, the BMFSFJ, together with the German Federal Youth Council⁶³, published quality standards for participation of children and young people. They are meant to serve as impulses for further developing child and youth participation at different levels and in different.⁶⁴ Some states</p>

⁶¹[https://beauftragte-](https://beauftragte-missbrauch.de/fileadmin/Content/pdf/Pressemitteilungen/2020/10_Oktober/02/UBSKM_Positionspapier_2020_Gemeinsam_gegen_Missbrauch.pdf)

[missbrauch.de/fileadmin/Content/pdf/Pressemitteilungen/2020/10_Oktober/02/UBSKM_Positionspapier_2020_Gemeinsam_gegen_Missbrauch.pdf](https://beauftragte-missbrauch.de/fileadmin/Content/pdf/Pressemitteilungen/2020/10_Oktober/02/UBSKM_Positionspapier_2020_Gemeinsam_gegen_Missbrauch.pdf)

⁶² <https://www.dji.de/ueber-uns/projekte/projekte/service-und-monitoringstelle-zur-umsetzung-des-nap-neue-chancen-fuer-kinder-in-deutschland-servikid.html>

⁶³ <https://www.dbjr.de/en/bodies>

⁶⁴ Bundesministerium für Familie, Senioren, Frauen und Jugend (BMFSFJ) (Hrsg.) (2012): Qualitätstandards für Beteiligung von Kindern und Jugendlichen. Berlin. Verfügbar über:

		<p>(Länder) have regulated in their constitutions that there has to be some form of child participation at a municipal level.⁶⁵</p> <p>For residential care facilities and youth work, participation in some form is mandatory (§ 45 SGB VIII). Since 2021, local child and youth welfare authorities must support voluntary self-representing organizations of care leavers and other young persons receiving child and youth welfare services (§ 4a SGB VIII). No national figures are available.</p> <p>Moreover, there are school councils in all states. They are also organized on the state level (Landesschülerrat). There is also a federal school council (however, not legally recognized and only includes 13 of 16 states), and is only to facilitate exchange and not to campaign for any political agenda.</p> <p>The development and strengthening of youth and child participation is part of the “National Action Plan for Child and Youth Participation” (NAP) for the further development of the youth strategy.⁶⁶ With the NAP, particular emphasis is being placed on strengthening the possibilities of involvement. The NAP is a dialogue process that began in 2022 and will continue until 2025. Various formats are carried out with the participation of representatives of the NGOs active in the youth field, the municipal umbrella organizations and the federal states as well as the young people themselves. In connection with the NAP, the youth policy days (JugendPolitikTage) and the federal youth conference (Bundesjugendkonferenz) are also being implemented at federal level as youth participation formats. At the end of the process, the recommendations for better child and youth participation are presented to the federal cabinet and the youth and family minister conference of the federal states.</p>
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<https://www.bmfsfj.de/blob/94118/c49d4097174e67464b56a5365bc8602f/kindergerechtes-deutschland-broschuere-qualitaetsstandards-data.pdf>

⁶⁵ For an overview from 2019 see:

https://www.dkhw.de/fileadmin/Redaktion/1_Unsere_Arbeit/1_Schwerpunkte/3_Beteiligung/3.11_Studie_Beteiligungsrechte/Studie_Beteiligungsrechte_von_Kindern_und_Jugendlichen.pdf

⁶⁶ <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/nationaler-aktionsplan-staerkt-die-beteiligung-junger-menschen-203966>

1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant action plan, protocol, procedure, or guidance issued by competent authorities. Please always specify how children’s participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children’s right to be heard).

1.4.1. Children victims of abuse, exploitation, or neglect

In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)

Policy developments	Legislative developments
<p>On victims of child sexual abuse: Starting point of recent developments was the Round Table in 2010/11, the appointment of an Independent Commissioner for Child Sexual Abuse Issues (UBSKM) in 2010 and a national action plan on sexual violence and abuse in 2011. (See point 1.3.2)</p> <p>This plan has addressed / supported:⁶⁷</p> <ul style="list-style-type: none"> - prevention, i.e., awareness among children and parents, training of professionals, quality of child and youth services, strengthening of children and youth esp. with appropriate sex education, and also preventive therapies for men with a preference for children - intervention, i.e., strengthening of victims, appropriate consultation and support offers, prosecution - digital communications, i.e., media literacy, technical measures for youth protection, child pornography, etc. - child trafficking for sexual exploitation - tourism, reg. sexual exploitation - research - International cooperation 	<p>On victims of child sexual abuse: Law to combat sexualized violence against children (Gesetz zur Bekämpfung sexualisierter Gewalt gegen Kinder), 16 Jun 2021: Tightening of criminal law regarding child sexual abuse, the extension of the limitation periods, new qualification requirements for family judges and other professionals in family court child protection proceedings, and some new possibilities for police (see 1.2.3)</p> <p>On victims of all forms of child maltreatment: In 2019, a new law on compensation payments for all victims of violence and terror was passed (Law on social compensation: Gesetz zur Regelung des sozialen Entschädigungsrechts).⁷² Children who are Non-German citizens who legally reside in Germany and become victims of maltreatment or other forms of violence are entitled to the same compensation payments as German victims of violence. A nationwide system of trauma clinics for emergency aid has to be established in 2021. Most of the changes in the law will take effect in 2024. Payments will rise substantially. In addition, requirements for services will be lower.</p>

⁶⁷ Ibid.

⁷²[https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&start=//*\[@attr_id=%27bgbl119s2652.pdf%27\]#__bgbl__%2F%2F%5B%40attr_id%3D%27bgbl119s2652.pdf%27%5D__1682840600105](https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&start=//*[@attr_id=%27bgbl119s2652.pdf%27]#__bgbl__%2F%2F%5B%40attr_id%3D%27bgbl119s2652.pdf%27%5D__1682840600105)

There has been no evaluation of the action plan. But, a monitoring study showed that a majority of residential care facilities and day care centers and a substantial part of schools had adopted several preventive measures.⁶⁸ Several counselling centers for men with pedophilic sexual orientation that seek support to avoid becoming sexual offenders have been founded and organized in a network.⁶⁹ Another network includes counselling centers for child sexual abuse victims.⁷⁰ The Independent Commissioner for Child Sexual Abuse Issues (UBSKM) made agreements with several stakeholders in society (e.g., churches, conference of state school ministries) that contained action plans and commitments to improve prevention and intervention against child sexual abuse.

Since 2015, the Independent Commissioner for Child Sexual Abuse Issues is accompanied by a Board of survivors with members of different contexts of child sexual abuse. The Board also advises the Independent Inquiry and contributes to various nationwide political and professional processes.

In 2019 a National Council on sexual violence against children and adolescents (Nationaler Rat gegen sexuelle Gewalt an Kindern und Jugendlichen) was formed (see 1.3.2). Members are 40 high-level state and non-state actors. Moreover, there are five working groups with additional altogether over 300 experts working on policy recommendations ("Protection," "Support," "Child-friendly justice," "Protection from exploitation and international cooperation," as well as "Research").

On other forms of child maltreatment: Since 2018, hospitals have the possibility to bring to account more intensive diagnostics and collaboration in possible child protection cases.⁷¹ This was decided by the Federal Joint Committee (Gemeinsamer

⁶⁸ Kappler et al. (2019). Kinder und Jugendliche besser schützen - der Anfang ist gemacht. Schutzkonzepte gegen sexuelle Gewalt in den Bereichen: Bildung und Erziehung, Gesundheit, Freizeit. Abschlussbericht des Monitorings zum Stand der Prävention sexualisierter Gewalt an Kindern und Jugendlichen in Deutschland (2015-2018). Berlin UBSKM.

⁶⁹ <https://www.kein-taeter-werden.de>

⁷⁰ <https://www.bundeskoordination.de/de/topic/53.was-ist-spezialisierte-fachberatung.html>

⁷¹ Schwier, F., Manjgo, P., & Kieslich, M. (2019). Neue Entwicklungen im medizinischen Kinderschutz. Monatsschrift Kinderheilkunde, 167(10), 856-867.

<p>Bundesausschuss- G-BA) is the highest decision-making body of the joint self-government of physicians, dentists, hospitals, and health insurance funds in Germany. The same possibility does not exist for physicians and psychotherapists in private practice.</p>	
<p>1.4.2. Children with disabilities</p> <p>Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The National Plan of Action for the implementation of the CRPD from 2016 contains certain objectives in the promotion of welfare and protection of children with disabilities, namely overcoming the division of responsibilities for the funding of early promotion measures for children with disabilities by an integrated approach under the umbrella of Social Code Book VIII; refining the arrangements for relieving the burden on working parents of children with disabilities; further strengthening inclusion in kindergartens and childcare facilities.⁷³ These objectives are still in the process of being implemented.</p> <p>In an ongoing organized participation process, young people with disabilities, experts, and professionals from associations for child and youth welfare, disabled people and health care, from research and science, as well as practitioners discuss the process of integrating children with disabilities into the system of child and youth welfare services.⁷⁴ Projects develop curricula to prepare professionals for new tasks.</p> <p>Already in 2011, the National Plan of Action for the Protection of Children and Youth from Sexual Violence and Abuse notes the particular vulnerability of children with disabilities (p. 12) and explicitly includes children with disabilities but does not put a particular focus on or provide particular</p>	<p>A reform of the social code book VIII (SGB VIII) in 2021 contained a time schedule for the integration of services for all children with disabilities into child and youth services under the roof of the social code book VIII. With first steps in 2021 and 2024, the process shall be finished by Jan 2028 (§§ 10, 10a, 10b, 107 SGB VIII). Until now, services for children with disabilities (except children whose participation in social life is at risk due to psychological/psychiatric disorders) are served in a separate system called integration assistance (Eingliederungshilfe).</p> <p>Regarding an improved protection of children with disabilities from child maltreatment since 10 Jun 2021, professionals from child and youth welfare services doing child protection investigations have to consider specific needs for protection of children with disabilities (§ 8a SGB VIII, see 1.2.3). The Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth (BMFSFJ) has declared that this also applies for professionals from child and youth welfare authorities since Germany has signed the CRPD.</p>

⁷³ www.einfach-teilhaben.de/SharedDocs/Downloads/DE/StdS/U_BRK/NAP.pdf

⁷⁴ <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/gemeinsam-zum-ziel-inklusive-kinder-und-jugendhilfe-gestalten-195938>

<p>measures for this group.⁷⁵ It took a long time before concrete steps toward this goal could be seen.</p> <p>On a policy level, in a widely received model project, concepts for protecting children with disabilities receiving integration assistance (Eingliederungshilfe) have been developed and disseminated.⁷⁶</p>	
<p>1.4.3. Children in the context of migration</p> <p>Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented – irregular migrant families; asylum seeking children; refugee children</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>Unaccompanied minor refugees: A coalition agreement in 2013 states that the precedence of child welfare and protection over asylum law shall be laid down in law (p. 110). This referred to the status of minor refugees in asylum procedural law, where the situation was that from 16 years of age, they were treated like adults.⁷⁷</p> <p>In 2021, the BMFSFJ (Ministry for Family Affairs, Senior Citizens, Women, and Youth) published guidelines for minimal standards for (joint) refugee accommodations.⁷⁸ It also outlines necessary steps to ensure children’s safety and develop a child-friendly environment. It also considers the special needs of persons with disabilities and mental health problems, as well as LGBTQ+ persons.</p>	<p>Unaccompanied minor refugees: Since 1 Nov 2015 (revised on 9 Aug 2019), the following regulations apply: For unaccompanied minors entering Germany the child and youth welfare authority has to appoint a guardian. Before appointing a guardian, the Child and Youth Welfare Office is obliged to represent the unaccompanied minor in order to carry out the legal acts that are necessary for the minor's well-being (so-called “emergency representation”).⁷⁹ The young person has to be registered. Together with the young person, it has to be decided if there are parents or relatives in Germany or elsewhere that can take responsibility for the young person. If not, it has to be decided together with the young person whether child welfare considerations prevent the young person to take part in a regular distribution procedure due to acceptance rates for each state (Bundesland). If the young person travels during distribution or to a parent/relative, a professional must travel with the young person. During the distribution procedure, siblings shall not be separated. If minors are placed they have to be placed in a regular residential care facility or foster</p>

⁷⁵ www.bmfsfj.de/RedaktionBMFSFJ/Abteilung5/Pdf-Anlagen/aktionsplan-2011.pdf

⁷⁶ <https://www.dgfpi.de/files/was-wir-tun/best/BeSt%20Handbuch.pdf>

⁷⁷ www.bundesregierung.de/Content/DE/_Anlagen/2013/2013-12-17-koalitionsvertrag.pdf

⁷⁸ <https://www.bmfsfj.de/bmfsfj/service/publikationen/mindeststandards-zum-schutz-von-gefluechteten-menschen-in-fluechtlingsunterkuenften-117474>

⁷⁹ https://www.gesetze-im-internet.de/sgb_8/_42a.html

	<p>family provided by child and youth welfare services (§ 42a, 42b SGB VIII)</p> <p>Children from undocumented – irregular migrant families: The legal situation has not changed since 2011. In that year, a reform of § 87 of the Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory (Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet – AufenthG) took place.⁸⁰ An exception from the general obligation to work with migration authorities for all public bodies was introduced for schools and other educational and care establishments for young people. This allows children from undocumented–irregular migrant families to use daycare and go to school without risk of being reported to migration authorities (see also 4.3.7).</p> <p>Based on § 24 Aufenthaltsgesetz, refugees from Ukraine (including children) are assigned refugee status upon registration and do not need to wait for an individual assessment of the case. From 1 June 2022, refugees from Ukraine who have been granted temporary protection status are entitled to benefits under Book II or XII of the Social Code and will no longer have to rely on reduced benefits under the Asylum Seekers Benefits Act (AsylbLG).⁸¹</p>
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1.4.4. Children in alternative care

Specific thematic areas: residential – institutional care; foster care; adoption (including international adoption)

Policy developments	Legislative developments
<p>Two recent cases of sexual abuse in foster families (in Luegde and Tübingen) led to a public discussion about child protection in foster families. There are two still ongoing inquiries about these cases. A widely disseminated model project has studied</p>	<p>Since 3 Jun 2021, local child and youth welfare authorities have the obligation to ensure that a concept to safeguard the rights of the child or young person is applied in foster families. This includes protection against violence and the possibility to complain (§ 37b SGB VIII). A similar provision for residential care had been introduced nine years earlier (§ 45 SGB VIII, Jan 2012), but several child protection scandals about sexual abuse in foster families were needed to extend this regulation to foster families (see policy).</p>

⁸⁰ https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p1813

⁸¹ <https://www.asyl.net/view/gefluechtete-aus-der-ukraine-sollen-sgb-leistungen-erhalten>

possibilities to improve child protection in foster care.⁸²

After public debate, care leavers have organized themselves in an organization⁸³, and a longitudinal study to examine the experience of care leavers has started.⁸⁴ An important point in the debate about care leavers is the approval of support measures young adults are entitled to in the social code book VIII (§ 41 SGB VIII) because an official report on the situation of children and youth in Germany (Kinder- und Jugendbericht) has been reported that young adults have difficulties in accessing these support measures.⁸⁵

In some cases placement of children or adolescents in closed facilities or other measures that deprive children or adolescents of liberties are admissible to protect them for danger to self or others (§ 1631b BGB). Such measures applied to children or adults require family court approval.⁸⁶ The law has been changed in 2017 to include all measures that deprive children or adolescents of liberties. Previously, family-court approval was necessary only upon placement in closed facilities. A guardian ad litem must be appointed in either case. There is no national statistic on such measures nor a recent large-scale empirical study on the application of the law. It has been reported that deprivation of liberty measures applied to children and adolescents with disabilities are often declared to be short-time and therapeutically necessary, so as to circumvent court approval.⁸⁷ The law should be evaluated in 2021. Currently, the evaluation report is expected.

1.4.5. Children affected by custody disputes, including parental abduction

Policy developments

Legislative developments

⁸² Fegert, J.M. et al. (2022). Schutzkonzepte in Pflegefamilien. Ein Werkbuch zur Stärkung der Rechte junger Menschen. Weinheim und Basel: Beltz.

⁸³ <https://www.careleaver.de/>

⁸⁴ <https://cls-studie.de/>

⁸⁵ Deutscher Bundestag (2013). Bericht über die Lebenssituation junger Menschen und die Leistungen der Kinder- und Jugendhilfe in Deutschland (14. Kinder- und Jugendbericht) Drucksache 17/12200, p.350-353

⁸⁶ https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#p6495

⁸⁷ E.g. https://www.ssoar.info/ssoar/bitstream/handle/document/75731/ssoar-2021-schrottle_et_al-Gewaltschutzstrukturen_fur_Menschen_mit_Behinderungen.pdf?sequence=1&isAllowed=y&lnkname=ssoar-2021-schrottle_et_al-Gewaltschutzstrukturen_fur_Menschen_mit_Behinderungen.pdf

<p>Recently, there have been discussions about parenting models following divorce and separation in the Bundestag (German parliament), particularly in relation to the shared physical custody model and whether it should become the default model. So far, this has not led to a change in policy or legislation. The coalition agreement, however, contains a passage on planned changes in social security and tax law to make shared physical custody more attractive and improvements in counseling services focusing on shared physical custody.⁸⁸</p> <p>Based on the Istanbul convention, there have been discussions on how to make sure that domestic violence is taken into consideration in family court proceedings on custody or contact disputes. For both situations, clarifications in family law have been suggested.⁸⁹ The Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth (BMFSFJ) has funded an E-Learning Program to qualify practitioners to work with such family court cases⁹⁰ and a printed report.⁹¹</p> <p>In parental abduction and transnational custody disputes about parental responsibility, there have been no changes in policy documents. The Federal Ministry of Justice provides extensive information.⁹²</p>	<p>There have been changes in family law to make sure that court hearings of children take place. This also affects children in custody disputes: Since 2021, all children—without age limit—have to be seen or heard by the family court in matters that concern them (§ 159 FamFG, see 1.2.3).</p> <p>Moreover, in 2021 there has also been a change in qualification requirements for guardians ad litem for minors which may also affect children in custody disputes (§ 158a FamFG; not in all custody disputes children will have a guardian ad litem for minors). Guardians ad litem for minors are now required to have sufficient knowledge of developmental psychology, child-friendly interviewing, and law proceedings. A person cannot function as a guardian ad litem for minors when he/she has committed any criminal offense against a child. This is ascertained by the review of the extended certificate of good conduct/criminal record (not older than three years).</p>
<p>1.4.6. Missing children</p>	
<p>Policy developments</p>	<p>Legislative developments</p>

⁸⁸ <https://www.bundesregierung.de/breg-de/aktuelles/koalitionsvertrag-2021-1990800>, p. 102.

⁸⁹ <https://www.deutscher-verein.de/de/empfehlungenstellungnahmen-2022-empfehlungen-des-deutschen-vereins-fuer-eine-reform-des-familien-und-familienverfahrensrechts-unter-beruecksichtigung-von-haeuslicher-gewalt-4640,2599,1000.html>

⁹⁰ <https://haeuslichegewalt.elearning-gewaltschutz.de/>

⁹¹ Meysen, T. (Hrsg) (2021). Kindschaftssachen und häusliche Gewalt. Umgang, elterliche Sorge, Kindeswohlgefährdung, Familienverfahrensrecht. Heidelberg: SOCLES, https://b0a41ef3-f7f2-494b-b63d-d460ecd6b6be.filesusr.com/ugd/b52b3f_c0626e5bf4254076b4ef7886ef1cd5fd.pdf

⁹² https://www.bundesjustizamt.de/DE/Themen/Familieinternational/Sorgerecht/Hinweise/Hinweise_node.html

<p>Parts of the Innovationsfond für eine jugendgerechte Gesellschaft⁹³ were used by the BMFSFJ to fund projects for children living on the street (2014-2019). Furthermore, they were scientifically evaluated, but so far projects have not been implemented more widely.⁹⁴</p> <p>The coalition agreement includes an international action plan against human trafficking as well as an independent monitoring of human trafficking.⁹⁵ Moreover, the Bundesweite Koordinierungskreis gegen Menschenhandel started an additional project to fight human trafficking in relation to refugees from the Ukraine.⁹⁶</p>	None
<p>1.4.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (ARPE)</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>Children and youth whose parents receive social benefits are entitled for services from the Package for Education and Participation (Bildungs- und Teilhabepaket) that was launched by the federal government in 2011, i.e., subsidies for school trips, sports clubs, or other cultural events. However, it has turned out that this package is too bureaucratic and ineffective.⁹⁷</p> <p>In 2022, the federal government announced a new national action plan “New Chances for Children in Germany (“Neue Chancen für Kinder in Deutschland”) that was adopted in July 2023, just outside the reference period. Its objective is to implement the European Child Guarantee for Germany to guarantee children</p>	

⁹³ <https://archiv.jugendgerecht.de/innovationsfonds/>

⁹⁴ <https://www.dji.de/veroeffentlichungen/literatursuche/detailansicht/literatur/28512-projekte-fuer-die-zielgruppe-der-strassenjugendlichen-entwickeln-und-durchfuehren.html>

⁹⁵ <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/bundesregierung-verstaerkt-kampf-gegen-menschenhandel-205132>

⁹⁶ <https://www.kok-gegen-menschenhandel.de/startseite>

⁹⁷ www.dkhw.de/cms/presseundmaterialien/pressemitteilungen/1637-deutsches-kinderhilfswerk-bildungs-und-teilhabepaket

<p>and young people at risk for poverty access to education, health care, healthy nutrition, and housing by 2030. As national coordinator Ekin Deligöz, parliamentary state secretary at the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth (BMFSFJ) has been appointed.</p> <p>From September 1, 2022 to May 31, 2026, the German Youth Institute (Deutsches Jugendinstitut, DJI) is providing a service and monitoring office for the implementation of the National ActionAt the moment, it is controversial how much money the federal government will spend on the goal to end child poverty and which social security laws will be changed.</p>	
<p>1.4.8. Children belonging to minority ethnic groups, e.g. Roma, Sami, etc.</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>In 2022, the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth (BMFSFJ) has named a representative on antigypsyism (Antiziganismusbeauftragten) to fight prejudice against Roma and Sinti and facilitate inclusion of Roma and Sinti.⁹⁸ This work includes children and adolescents. It is part of the implementation of the EU Rom Strategic Framework. This also includes a competence network which is also linked to the initiative Demokratie leben! (Engl.: Living Democracy!). This initiative supports more than 600 projects which foster democratic values within the general public.⁹⁹ Since 2022, there have been ongoing projects to help integrate children from Ukraine into the school system in Germany.¹⁰⁰</p>	<p>None</p>
<p>1.4.9. Children involved in judicial proceedings as victims or witnesses or parties</p>	
<p>Policy developments</p>	<p>Legislative developments</p>

⁹⁸ <https://www.bmfsfj.de/bmfsfj/ministerium/behoerden-beauftragte-beiraetere-gremien/antiziganismusbeauftragter-der-bundesregierung>

⁹⁹ <https://www.demokratie-leben.de/projekte-expertise/kompetenzzentren-und-netzwerke/kompetenznetzwerk-im-themenfeld-antiziganismus>

¹⁰⁰ <https://www.bmfsfj.de/bmfsfj/themen/ukraine>

<p>The National Council on sexual violence against children and adolescents (Nationaler Rat gegen sexuelle Gewalt an Kindern und Jugendlichen) has published guidelines for child-friendly criminal court proceedings in 2022¹⁰¹ and for child-friendly family court proceedings in 2023.¹⁰²</p>	<p>The possibility for witness examination via audio-visual means in criminal court proceedings exists since 1998 and is used widely for child and adolescent victims (see 1.2.3). Psychosocial assistance in criminal proceedings for child and adolescents victims, esp. of crimes of sexual violence has been introduced into the law for criminal proceedings in 2017 (see 1.2.3). In family court proceedings, a recent reform in 2021 has made it mandatory for courts to hear children or get a personal impression of infants and toddlers if the proceeding is about their welfare. Exceptions are only allowed for substantial reasons. Children also have to be informed of the object, course, and potential result of the proceedings (see 1.2.3). Two laws in 2021 raised qualification requirements for family court and youth court judges and guardians ad litem for minors (see 1.2.3 and 1.4.5)</p>
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1.4.10. Children involved in judicial proceedings as suspects or accused persons

Policy developments	Legislative developments
<p>In response to Directives (EU) 2016/800 and 2016/1919 and the implementing national legislation in 2019 (see next column) as well as to earlier legislative amendments the German Lander started a revision of the existing detailed guidelines for the application of the provisions of the German Youth Courts Act (Jugendgerichtsgesetz - JGG) in judicial practice.¹⁰³ The new version of these guidelines will be an additional enhancement of the awareness for the specific needs of children (above the age of criminal</p>	<p>In December 2019, the Law to strengthen the procedural rights of accused persons in youth criminal proceedings came into effect (Gesetz zur Stärkung der Verfahrensrechte von Beschuldigten im Jugendstrafverfahren).¹⁰⁵ In the same year the “Law amending the right of necessary defense (Gesetz zur Neuregelung des Rechts der notwendigen Verteidigung) came into effect.¹⁰⁶</p> <p>Another law from 2021 provided for an amendment of § 37 of the German Youth Courts Act (Jugendgerichtsgesetz - JGG)¹⁰⁷, which came into force</p>

¹⁰¹ <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/praxisleitfaden-fuer-kindgerechte-justiz-veroeffentlicht-187024>

¹⁰² <https://www.bmfsfj.de/bmfsfj/service/publikationen/praxisleitfaden-zur-anwendung-kindgerechter-kriterien-fuer-das-familiengerichtliche-verfahren-203944>

¹⁰³ <https://bravors.brandenburg.de/verwaltungsvorschriften/rijgg> (version from 1994; the revising procedure is still ongoing, thus the new wording is not yet set into force and published).

¹⁰⁵ https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&start=//%5b@attr_id=%27bgbl119s2146.pdf%27%5d#__bgbl__%2F%2F%5B%40attr_id%3D%27bgbl119s2146.pdf%27%5D__1682509839988

¹⁰⁶ https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&start=//%5b@attr_id=%27bgbl119s2128.pdf%27%5d#__bgbl__%2F%2F%5B%40attr_id%3D%27bgbl119s2128.pdf%27%5D__1683180571981

¹⁰⁷ https://www.gesetze-im-internet.de/englisch_jgg/englisch_jgg.pdf

responsibility – in Germany: 14 years) as accused persons in criminal proceedings, following the sensitization of juvenile criminal policy and practice by the process of implementing the above mentioned directives. Furthermore, advanced training offers for professionals of juvenile justice have been established by some Lander and notably the German Association of Youth Courts and Youth Court Assistance Services (Deutsche Vereinigung für Jugendgerichte und Jugendgerichtshilfen – DVJJ) An ongoing research project is studying certain important effects of the new legislation.¹⁰⁴

with the beginning of 2022. It made the existing requirements in regard of the qualification of youth court judges and public prosecutors dealing with young defendants more concrete and binding. Besides appropriate education skills and training, as well as experience in the education and upbringing of juveniles it is now explicitly required that they are to have knowledge of the areas criminology, education and social education, as well as youth psychology.

The EU Directives mentioned in the left column had several intentions and some literature examined how these intentions were transformed into German law.¹⁰⁸ In general, the evaluation was positive.

Regarding the information of children and adolescents as suspects and accused persons and the comprehensibility of such information for the young person §§ 70a and 70b of the Youth Courts Act (JGG) were inserted resp. changed.¹⁰⁹

Regarding the intention to keep custody holders informed during all stages and to enhance their involvement and procedural rights, § 67, § 67a, and § 51 of the Youth Courts Act (JGG) have been adapted.¹¹⁰

The right of access to a legal counsel and the procedure to appoint a mandatory legal counsel are regulated in §§ 68, 68a, and 68b of the Youth Courts Act (JGG)¹¹¹ and in §§ 140, 141, 141a ss. of the German Code of Criminal Procedure (Strafprozessordnung – StPO)¹¹² in combination with § 2 (2) of the Youth Courts Act (JGG), which were also amended implementing the EU Directives.

Regarding the intention to ensure that there is information about the individual personality and circumstances of the young person, Germany has installed a system of juvenile court assistance services

¹⁰⁴ www.dji.de/juhis

¹⁰⁸ E.g. Holthausen & Schmoll, Neues im Jugendgerichtsgesetz. Folgen für die Jugendlichen und die Jugendhilfe im Strafverfahren. Nachrichtendienst Deutscher Verein, 100(3), 2020, 113-118; Drenkhahn, Die EU-Richtlinie 2016/800 und ihre Umsetzung ins deutsche Jugendkriminalrecht– Erfahrungen aus Praxis und Wissenschaft. RdJB Recht der Jugend und des Bildungswesens, 70(4), 2023, 590-602.

¹⁰⁹ https://www.gesetze-im-internet.de/englisch_jgg/englisch_jgg.html#p0418

¹¹⁰ https://www.gesetze-im-internet.de/englisch_jgg/englisch_jgg.html#p0418

¹¹¹ https://www.gesetze-im-internet.de/englisch_jgg/englisch_jgg.html#p0418

¹¹² https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html#p1370

(Jugendgerichtshilfe) that must be involved in every case. A reform of § 38 of the Youth Courts Act (JGG) clarifies this involvement and makes clear that a report must be available as soon as needed, generally – in combination with a new § 46a JGG – before an indictment to the court.¹¹³

In cases of pretrial detention or other preliminary deprivation of liberty according to § 70a (2) JGG young persons have to be informed about their right to a medical examination.¹¹⁴

Interrogations of an accused young person outside of the main hearing before the court can be recorded audio-visually. They have to be recorded in cases of homicide or if accused persons recognizably suffer from limited mental abilities or a severe mental disorder (§ 136 (4) StPO in combination with § 2 (2) JGG)¹¹⁵ and in (other) cases of mandatory defense if no defense lawyer is present (§ 70c (2) JGG).

Regarding the use of deprivation of liberty as a last resort and the deprivation of liberty to the shortest reasonable time at each stage of the procedure, existing regulations in § 72 JGG¹¹⁶ (in combination with §§ 112 (1, 2nd sentence), §§ 112a, 113, 115, 115a, 116, 116a, 117, 120-122a StPO¹¹⁷ and the general principle of proportionality guaranteed by the German constitution) were considered sufficient, and no changes were made.

Finally, regarding the intention of Directive (EU) 2016/800 that criminal proceedings involving children and young persons be handled with priority, due care and respect for the dignity of the young person, changes were made regarding the information rights of all accused young persons (especially §§ 70a, 70b JGG) and the right of support during proceedings (parental, child and youth welfare services, especially §§ 38, 51, 67 JGG and § 52 of Book 8 of the German Social Code – Sozialgesetzbuch VIII, SGB VIII).¹¹⁸ It is not explicitly regulated that criminal proceedings involving children and young persons have to be handled with priority. Instead, it is seen by juvenile criminal law literature and

¹¹³ https://www.gesetze-im-internet.de/englisch_jgg/englisch_jgg.html#p0418

¹¹⁴ https://www.gesetze-im-internet.de/englisch_jgg/englisch_jgg.html#p0418

¹¹⁵ https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html#p1928

¹¹⁶ https://www.gesetze-im-internet.de/englisch_jgg/englisch_jgg.pdf

¹¹⁷ https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html#p1072

¹¹⁸ https://www.gesetze-im-internet.de/sgb_8/_52.html

	juvenile jurisdiction as a general principle in youth courts. ¹¹⁹ This may be a critical point.
1.4.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence	
Policy developments	Legislative developments
<p>Children at risk of harmful practices have been the subject of guidelines in some states (Bundesländern). Particularly concerning children returning with their mothers from fighting for the IS.¹²⁰</p> <p>Other materials in relation to radicalization, fundamentalism, and child endangerment have been developed.¹²¹</p> <p>Moreover, there is an ongoing discussion about child well-being and child endangerment in extreme right-wing movements.¹²²</p>	<p>Female genital mutilation has been criminalized in § 226a StGB¹²³ since 2013. Regarding male circumcision the care for the person of the child, which is held by parents or legal guardians, includes the right to give consent even to the medically unnecessary circumcision if the procedure is carried out according to the rules of medical science (§ 1631d BGB).¹²⁴</p> <p>The minimum age for marriage in Germany is 18 (§ 1303 BGB). Child marriages with a person below age 16 legally contracted abroad are not recognized (Art. 13 (3) Nr. 1 Introductory Law to the Civil Code, Einführungsgesetz zum Bürgerlichen Gesetzbuch, EGBGB)¹²⁵ and marriages contracted by a spouse of 16 or 17 shall be annulled by court decision (Subject to certain exception). The Federal Constitutional Court recently stated that this regulation is not in accordance with the constitution to the extent that there are no follow-up claims to protect the minor such as maintenance claims and there is no possibility of curing the invalidity coming of age. Legal</p>

¹¹⁹ Scheffler, U. (1981). Legitimation und Funktion des Beschleunigungsprinzips im Jugendstrafrecht. *Recht der Jugend und des Bildungswesens*, 29, 451-464.

¹²⁰ https://www.vielfalt-mediathek.de/material/religioeser-fundamentalismus/schriftenreihe-heft-4-rueckkehrerinnen-und-ihre-kinder-psychologisch_therapeutische-perspektiven-zur-rehabilitation-von-frauen-und-kindern-aus-den-ehemaligen-gebieten-des-sog-islamischen-staates

¹²¹ <https://www.dji.de/ueber-uns/projekte/projekte/radikal-fundamentalistisch-anders-fachkraefte-im-kontakt-rafik.html>;

Meysen, T., Baer, S., Meilicke, T., Becker, K. & Brandt, L. (2021). *Kindeswohl bei Aufwachsen in islamistisch oder salafistisch geprägten Familien. Orientierungshilfe für Jugendämter*. Erstellt im Auftrag des Niedersächsischen Ministeriums für Soziales, Gesundheit und Gleichstellung. Heidelberg: SOCLES. (Orientierungshilfe)

¹²² https://www.lpr.niedersachsen.de/Landespraeventionsrat/Module/Publikationen/Dokumente/h-Rechtsextremismus-und-Kindeswohlgefaehrdung_1653.pdf

¹²³ https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p2131

¹²⁴ https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#p6500

¹²⁵ https://www.gesetze-im-internet.de/englisch_bgbeg/englisch_bgbeg.html#p0078

	amendment is in progress. ¹²⁶
1.4.12. Children whose parents are in prison/custody	
Policy developments	Legislative developments
An open working group of the state justice ministries analyzed the situation of the children of prisoners and published a report in 2019 with recommendations that should adequately take the interests of affected children into account. ¹²⁷ A non-representative study by the German Institute for Human Rights has found very different regional options for realizing access rights for the children of prisoners. ¹²⁸ An ongoing project is trying to improve the situation. ¹²⁹	None
1.4.13. Children who drop out of compulsory education and working children under the legal age for work	
Policy developments	Legislative developments
To prevent children from dropping out of compulsory education is the school system's responsibility, i.e., of the state (Bundesländer). The topic received much attention in school social work and several guidelines for "school distanced pupils" were published by education authorities or state ministries. ¹³⁰ There is no single instrument to prevent drop out from school, this was one aspect in the national action plan "for a child-friendly Germany." Fostering school attendance is part of the	None

¹²⁶ BverfG Beschluss vom 01. Februar 2023, 1 BvL 7/18,

<https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/DE/2023/bvg23-036.html>

¹²⁷ <https://www.netzwerk-kvi.de/wp-content/uploads/2021/06/2019-12-19-Abschlussbericht-LAG-Kinder-von-Inhaftierten.pdf>

¹²⁸ <https://www.institut-fuer-menschenrechte.de/publikationen/detail/kontakt-von-kindern-zu-ihren-inhaftierten-eltern>

¹²⁹ <https://www.institut-fuer-menschenrechte.de/das-institut/geoerderte-projekte/kinder-inhaftierter-eltern-landesweite-strukturentwicklungsprojekte#top>

¹³⁰ e.g., Ministry of Education, Research, and Culture (2013) Fachliche Empfehlung zum Umgang mit Schuldistanz in Thüringen, www.thueringen.de/de/publikationen/pic/pubdownload1393.pdf

<p>overall aim of the Action Plan New Chances for Children in Germany. It contains, however, so far no specific measure for school dropouts.</p>	
<p>1.4.14. Please insert any other group of children that is not listed above, such as children with drug or alcohol addictions (<i>add rows as needed</i>)</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>After intense public discussions the current federal government declared that the law on transsexuality with its regulations regarding medical assessment shall be abolished and replaced by a self-determination law.¹³¹ In May 2023, just outside the reference period, the federal government published a draft text of the self-determination law.¹³²</p>	<p>On 31 January 2013, the German Bundestag passed the Act Amending the Personal Statute Law (Personenstandsrechtsänderungsgesetz). Among others, the act provides that parents of intersexual children shall not decide between male or female for birth register and rather leave the category ‘gender’ open.¹³³</p> <p>On 22 May 2021, the Law about Protection of Children with Variants of Gender Development entered into force. This law prohibits surgeries of intersexual children unless the surgery is urgently necessary underage and a family court approves the treatment (§ 1631e BGB).¹³⁴ The purpose is to end previous medical practice to undertake surgeries to adapt a child’s body to the “normal” body of a male or female child.</p>

1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards that have been pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

There are at least three contradictions between EU regulations or international treaties and child protection law or practice: First, several studies have reported that children's participation rights are often ignored in practice. There has been a legislative response regarding child protection procedures in front of the family court (§ 159 FamFG), but there is no policy or legislative response regarding child and youth welfare authorities, which handle much more cases of possible child endangerment. This seems to be contradictory.

¹³¹ <https://www.bundesregierung.de/breg-de/aktuelles/koalitionsvertrag-2021-1990800>, p. 119.

¹³² <https://www.bmfsfj.de/resource/blob/224548/4d24ff0698216058eb758ada5c84bd90/entwurf-selbstbestimmungsgesetz-data.pdf>

¹³³ www.personenstandsrecht.de/SharedDocs/Downloads/PERS/Themen/Rechtsquellen/peränd_g.pdf

¹³⁴ https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#p6500

Second, the Istanbul Convention regulates that in cases of domestic violence protection of victims has priority. However, regulations regarding access after the parental separation do not take the protection of adult victims caring for a child into consideration (§ 184 (4) BGB). Moreover, victimized mothers and children exposed to domestic violence may experience some pressure in cases of contested access. This seems to be a contradiction between national law and an international treaty. Third, children in asylum-seeking families cannot claim child and youth welfare services based on § 6 (2) SGB VIII.¹³⁵ Based on § 6 (4) SGB VIII¹³⁶ and § 5 (1) of “Haager convention on the jurisdiction, applicable law, recognition, enforcement and cooperation in the field of parental responsibility and child protection measures – KSÜ”,¹³⁷ they have a right to receive services. Nevertheless, their access to services may be hampered, and a legal alignment may be preferable.

1.6. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

Child protection in Germany has a long tradition of leaning towards family orientation with many support measures available on a voluntary basis even when there is no serious risk of significant harm. Research on the effectiveness of support measures is sparse. Moreover, child and youth welfare authorities are not incentivized to offer evidence-based support measures, if available, to families and children. Families rarely get any information on evidence for the effectiveness of services that are suggested to them. If it is seen as a basic right of service users to get the best available service, in particular, if basic rights of children are at stake, this can be seen as fragmentation.

There is a heavy investment in the prevention of sexual violence against children and adolescents. However, there is no monitoring of whether the prevalence of sexual violence really can be reduced, making it more difficult to govern change. In addition, child neglect and other forms of child maltreatment do not attract the same attention. Given a similar potential of all forms of child maltreatment to damage child development and violate children’s rights, this is a second kind of fragmentation.

Third, Germany has commissioned child and youth welfare authorities to organize child protection networks (§ 3 KKG). However, regulations for schools, courts, police, and health do not contain regulations that give professionals in these institutions resources to participate in child protection networks. This is a third fragmentation.

¹³⁵ § 6 (2) SGB VIII: Foreigners can only claim services under this book if they have their habitual residence in Germany lawfully or on the basis of a toleration under the law on foreigners.

¹³⁶ § 6 (4) SGB VIII: Provisions of supranational and international law remain unaffected.

¹³⁷ § 5 (1) HSÜ: The judicial or administrative authorities of the Contracting State of the habitual residence of the child have jurisdiction to take measures directed to the protection of the child's person or property.

1.7. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection legislation and policies in the past 8 years, incl. achievements and (persisting) gaps and challenges.

As described above, many minor improvements in policy and legislation have been made. Main lines of change may include efforts to ensure that children are informed and heard at least in front of a court (e.g., § 159 FamFG, § 70a JGG). Another main line of change may be an extension of opportunities for consultation with child protection specialists for adults working with children if they suspect child maltreatment (§ 8b SGB VIII) and rising qualification requirements for professionals with important roles in child protection (e.g., guardians ad litem for minors in § 158a FamFG and family court judges in § 23b GVB).

Since 2021, Germany in a legally binding way has decided to create an inclusive child and youth welfare system for all children, adolescents and young adults including young persons with all forms of disabilities until 2028 (see 1.4.2).

Finally, with the decision for a new action plan “New Chances for Children in Germany (“Neue Chancen für Kinder in Deutschland”) major steps to fight child poverty in Germany maybe ahead (see 1.4.7). However, in the moment this is only a quite undefined plan.

Promising practices

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

There are several promising practices in Germany. The most important is that parents have a right to child and youth welfare services even if problems are below the threshold for child endangerment. Another promising practice may be that hardly any child protection notifications are screened out without investigation. Another strength of the child protection system in Germany is that there are strong participation rights for children and parents in child protection proceedings with the child and youth welfare authority or the family court. However, there is a need for improvement in children’s participation in practice. Germany has a very low rate of compulsory measures in child protection at least if compared to England and the Netherlands. Finally, the idea of mandatory concepts (Schutzkonzepte) to protect children from institutional abuse and provide them with qualified contact persons if they have experienced maltreatment inside or outside an institution in all schools, daycare centers, foster families, residential care facilities, and clinics seems promising. Research shows that many institutions have made some progress, although there is a need for further improvement and research on the effects of such concepts.

2. Governance, coordination structures, and services

2.1. Primary institutions and main service providers responsible for child protection

Question	Yes	No	Comments
<p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p><u>If yes</u>, please provide the name in the comments box.</p>		x	<p>The Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth (Bundesministerium für Familie, Senioren, Frauen und Jugend, BMFSFJ) is responsible for legislation concerning child protection (particularly the child and youth welfare system), but it has no supervisory duties for the different institutions implementing legislation on state level.</p> <p>The Federal Ministry for Justice (Bundesministerium der Justiz, BMJ) is responsible for legislation in the fields of civil law, commercial and economic law, criminal law, and procedural law. Civil law and criminal law are relevant for child protection, especially family court child protection procedures (see 1.2.3: German Civil Code and Family Law Proceedings Act) and criminal court procedures (see 1.2.3: German Criminal Code and German Code of Criminal Procedure).</p> <p>As demanded by § 69 (3) SGB VIII, there are 17 Landesjugendämter (state child and youth welfare authorities, each state has one, except North Rhine Westphalia which has two) on state level. The number of local child and youth welfare authorities (Jugendämter) varies between states based on the number of habitants and organizational structures on the levels of municipality. As of March 2023, there are 559 local child and youth welfare authorities in Germany.¹³⁸ In addition, each state in Germany has a State Ministry for Justice organizing the court system (including family</p>

¹³⁸ <https://www.unterstuetzung-die-ankommt.de/de/das-sind-wir/zahlen-und-fakten/>

		courts and criminal courts within the state.
<p>2.1.2. Are there different structures sharing the primary responsibility (e.g. departments in the same or different ministries, different agencies etc.)?</p> <p><u>If yes</u>, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions.</p>	x	<p>Within the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth (Bundesministerium für Familie, Senioren, Frauen und Jugend, BMFSFJ), there are two departments responsible for most aspects of child protection policy (Dep. 523: Child Protection, Prevention of Sexual Violence, , Federal Foundation for Early Childhood Intervention) and legislation (Dep. 522: Legal issues of children and youth welfare).</p> <p>Within the Federal Ministry for Justice (BMJ) there are two departments responsible for most aspects relevant for child protection within the area of responsibility of the ministry: Dep. IA2 (Law on parent and child matters) and Dep. IIA7 (Criminal law on sexual offenses; criminology; anti-doping criminal law; criminal justice statistics).</p> <p>Within states, central state child and youth welfare authorities (Landesjugendämter, see 2.1.1) have a mainly supportive role for local child and youth welfare authorities (Jugendämter). They also offer some centralized services (e.g., central adoption services), and they have a supervisory role for residential care facilities (Heimaufsicht).</p> <p>Local child and youth welfare authorities (Jugendämter) are responsible and accountable for risk assessment and casework in cases of possible child endangerment. If an intervention into parental rights is necessary, responsibility for interference is transferred to the local family court. However, the local child and youth welfare authority has an obligation to take part in the family court procedure. According to § 79 (1) SGB VIII, local child and youth welfare authorities have the overall responsibility for fulfilling all tasks specified in the SGB VIII and providing all the services listed in the code book, including planning responsibility.</p>

<p>2.1.3. Are there child focal points or similar in different ministries or agencies?</p> <p>If <u>yes</u>, in which ministry are they located, what are they called, and what role/functions do they have? How do they coordinate?</p>		x	<p>There are no child focal points on national level. There are, however, on a local and state level different contact points to where children might receive help in cases of child abuse and neglect: 1) local child and youth welfare authorities, 2) police (particularly in cases of child sexual abuse), 3) state-wide ombudspersons.</p> <p>On national level, there are helplines for children, such as the “Nummer gegen Kummer” (number against grief), and for adult victims of sexual violence during childhood or adolescence, such as the hotline of the Independent Commissioner for Child Sexual Abuse Issues.</p>
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Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

Name of the body	Level (national/regional/local).	Area of responsibility and roles in child protection <i>(for example coordination, legislation, policy making, training, monitoring, financing, implementing)</i>	Comments <i>(for example in case of ombuds institution, compliance with the Paris Principles)</i>
Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth <i>(Bundesministerium für Familie, Senioren, Frauen und Jugend, BMFSFJ)</i>	National	national child protection legislation (e.g. SGB VIII, except BGB, FamFG, StGB, StOP, see 1.2.3)	

Federal Ministry for Justice (<i>Bundesministerium der Justiz</i> , BMJ)	National	national legislation with relevance for child protection (BGB, FamFG, StGB, StOP, see 1.2.3)	
Federal Office of Justice (Bundesamt für Justiz, BfJ)	National	Central Authority under various internal and European Conventions	
State child and youth welfare authorities (Landesjugendämter)	state	developing guidelines, organization of further training for professionals, central adoption services, and supervisory body for residential care	
local child and youth welfare authorities (Jugendämter)	local	<p>coordination and financing of measures and services, counseling, according to SGB VIII</p> <ul style="list-style-type: none"> - Investigations into suspected child maltreatment - child-rearing and family counseling (Erziehungs- und Familienberatung – EFB) - administration for guardianships, daily childcare - socio-pedagogical interventions: foster care, adoptions, youth justice support (juvenile delinquents) 	
family courts	local	<ul style="list-style-type: none"> - restriction of parental rights in cases of child endangerment - divorce (separation in cases of partnerships) 	

		<ul style="list-style-type: none"> - custody, contact, residence, maintenance disputes (also in relation to divorces) - issues in relation to parentage - adoption 	
non-governmental child and youth welfare organizations (Freie Träger)	local	providing services according to SGB VIII, based on the principle of subsidiarity	

2.1.4. Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc. Please indicate notably if an integrated approach has been sought and/or achieved.

In 2021, the Child and Youth Welfare Strengthening Act (Kinder- und Jugendhilfestärkungsgesetz)¹³⁹ came into effect. This led to changes in the responsibilities of the following institutions.

State child and youth welfare authorities (Landesjugendämter): The state child and youth welfare authorities have to establish Ombudspersons on the state level. Children and families can issue complaints to the Ombudspersons about issues with local child and youth welfare authorities or other child and youth welfare services.

Local child and youth welfare authorities (Jugendämter): Only minor changes concerning child protection issues (e.g., the right of children to receive counseling without information to parents has been strengthened by deleting the former requirement that there has to be an emergency situation for the child).

¹³⁹ <https://www.bmfsfj.de/bmfsfj/service/gesetze/neues-kinder-und-jugendstaerkungsgesetz-162860>

Non-governmental child and youth welfare organizations (Freie Träger): Adequate measures to ensure child protection within the institutions are outlined in more detail; this includes a protection concept (participation, complaint management, extended certificate of good conduct (erweitertes Führungszeugnis) of all employees).

Also in 2021, the Law to combat sexualized violence against children (Gesetz zur Bekämpfung sexualisierter Gewalt gegen Kinder) ¹⁴⁰ came into effect and led to the following changes:

Family courts: Children’s rights to be seen and heard in family court proceedings are strengthened (no age limit, only few exceptions). Guardians ad litem for minors, which the family court appoints, need to have specific qualifications (e.g. knowledge in developmental psychology and family court proceedings) and have the obligation for continued qualification in relation to their responsibilities.

2.1.5. Please indicate, in the table below, the major service providers at national level in the area of child protection. Include family support services /measures (i.e. counselling, financial assistance) that are part of the overall social protection/welfare system for children in risk.

Service providers	Type of services	Target groups	Funding
<i>(include the name and the type of institution i.e. public authority, NGOs, religious institutions, private)</i>	<i>(Include counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness –training activities, etc.)</i>	<i>(For example, children with disability, children in risk of or living in poverty, immigrant children, children deprived form parental care, child victims of abuse or exploitation. When relevant, please indicate if third country nationals and irregular immigrants are entitled to such services)</i>	<i>(national budget, EU funded, other)</i>
All child and youth welfare services are organized and			

¹⁴⁰ https://www.bmj.de/SharedDocs/Gesetzgebungsverfahren/DE/Bekaempfung_sex_Gewalt_Kinder.html

provided on the local level (municipality) and vary between regions. However, there are some 'umbrella organizations.'			
non-governmental charity organizations (<i>Wohlfahrtsverbände</i>), i.e. their local branches: - Caritas (Catholic) - Diakonie (Protestant) - Central Jewish Welfare Service - German Red Cross - Workers' Welfare (Arbeiterwohlfahrt) - Paritätischer Wohlfahrtsverband (an umbrella organization of actors, many of them smaller entities)	all services	all target groups	municipal budget, funded by local child and youth welfare authorities

2.1.6. Please indicate if any child participation or feedback mechanisms are part of child protection services.

In investigations into suspected child maltreatment, children should be seen and heard by the caseworkers at the local child and youth welfare authority by law (§ 8a SGB VIII). This is also the case when child protection cases are brought to court (§ 159 FamFG). In cases of immediate danger, when it is impossible for the court to hear children before a decision, they need to be heard immediately after. The court does not hear children if this might endanger their well-being. In emergency placements by local child and youth welfare authorities children have to be involved in planning their

future (§ 42 SGB VIII). Until now, accountability for children's participation seems to be low.¹⁴¹ Parents can function as gatekeepers to children's participation, and the extent of children's participation lies within the discretion of caseworkers and judges. Feedback is not collected on a regular basis.

If child and youth services are provided, there is a planning process with regular meetings (Hilfepanconferenz) involving children and adolescents to decide how the service should go on (§ 36 SGB VIII).

There are no child representatives in local service planning procedures.

¹⁴¹ See Witte, Susanne/López López, Mónica/Baldwin, Helen (2021): The voice of the child in child protection decision-making. A cross-country comparison of policy and practice in England, Germany, and the Netherlands. In: Fluke, John D./López López, Mónica/Benbenishty, Rami/Knorth, Erik J./Baumann, Donald J. (Hrsg.): Decision Making and Judgement in Child Welfare and Protection. Theory, Research and Practice. New York: Oxford University Press, S. 263-280

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

Question	YES	NO	Comments
<p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?</p> <p><u>If yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p>		x	<p>According to § 75 (1) SGB VIII, every person or organization can become a non-governmental child and youth welfare organization (Freie Träger) if they provide child and youth welfare services, are non-profit, have sufficient knowledge and skills to be able to contribute to child and youth welfare services, and are pledged to working in a way that is supportive of achieving the goals outlined in the German constitutional law (Grundgesetz).</p> <p>According to § 75 (3) SGB VIII, the nationally organized charity associations are recognized and accredited non-governmental child and youth organizations (Freie Träger). These are:</p> <ul style="list-style-type: none"> - Caritas (Catholic) - Diakonie (Protestant) - Central Jewish Welfare Service - German Red Cross - Workers' Welfare (Arbeiterwohlfahrt) - Paritätischer Wohlfahrtsverband (an umbrella organization of actors, many of them smaller entities)
<p>2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?</p> <p><u>If yes</u>, which is the responsible authority? How frequent are reviews and inspections?</p>	X		<p>Persons or organizations have a right to be accredited as non-governmental child and youth welfare organizations (Freie Träger), when they have provided services in line with § 75 (1) SGB VIII for at least three years (§ 75 II SGB VIII).</p> <p>Organizations supervising children and adolescents on a regular basis need to obtain a license (§ 45 SGB VIII). Organizations have to provide information on how children's well-being is ensured. This includes a concept for quality management and the regular collection of extended certificates of good conduct (erweitertes Führungszeugnis, clearance certificate) of employees (§ 45 (3) SGB VIII).</p> <p>The law does only specify a regular collection of extended certificates of good conduct. A specific period is not outlined by law.</p>
<p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p>	x		<p>§ 74 SGB VIII emphasizes the promotion and support of non-governmental child and youth welfare organizations (Freie Träger). For most services, non-governmental child and youth welfare organizations (Freie Träger) should be preferred over state child and youth welfare</p>

<p><u>If yes</u>, What is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services targeted, and financial aspects of such partnerships (i.e. if done in view of accessing EU funds).</p>		<p>organizations (Öffentliche Träger). Therefore, a local child and youth welfare authority engages non-governmental child and youth welfare organizations (Freie Träger) similar to a sub-contractor. This is in line with the principle of subsidiarity. Sovereign tasks of the local child and youth welfare authority (e.g., emergency placements, participation in family court child protection proceedings) cannot be transferred to non-governmental child and youth welfare organizations (Freie Träger).</p> <p>According to § 8a (4) SGB VIII, local child and youth welfare authorities have to make contracts with all providers of child and youth welfare services working for them to ensure that their professionals carry out a child protection investigation if they come across weighty grounds for child endangerment, involve a child protection expert (insoweit erfahrene Fachkraft) and inform the child and youth welfare authority if the risk for the child can not be averted.</p>
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2.3. Inter-agency cooperation in the area of child protection

Question	YES	NO	Comments
<p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p> <p><u>If yes</u>, how is this done? Please comment on the strengths and weaknesses.</p> <p><u>For example</u>, is this cooperation – coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p>	X		<p>The state ministers for youth and family affairs confer at least once a year (Jugend- und Familienministerkonferenz, JFMK). The Federal Minister of the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth (Bundesministerium für Familie, Senioren, Frauen und Jugend, BMFSFJ) is invited as a guest. The JFMK discusses current matters and makes decisions regarding child, youth, and family policy. Chair responsibilities rotate every year from state to state. The JFMK is one of the conferences of specific ministers concerning youth and family affairs (another such conference is the Kultusministerkonferenz, KMK, a conference of all the state ministers responsible for education). There is no legislative framework guiding the work of the JFMK, but the necessity to confer derives from the federal system.</p> <p>The Working Group of the Highest State Authorities on Youth and Family Affairs (Arbeitsgemeinschaft der Obersten Landesjugend- und Familienbehörden, AGJF) prepares the JFMK's working papers and decisions</p>

		<p>and ensures their implementation at the state level. The AGJF is closely linked with the JFMK and can be seen as its ground-working body, consisting of the heads or experts of relevant departments from the ministries.</p> <p>The Federal Working Group of the state child and youth welfare authorities (Bundesarbeitsgemeinschaft der Landesjugendämter, BAGLJAE) develops guidelines for implementing the SGB VIII and comments for the professional community. Furthermore, it hosts working groups on specific topics.¹⁴² Whereas the AGJF comes from the ministry level focusing on legislation and policy making, the BAGLJAE also focuses on the casework and daily practice of local child and youth welfare authorities.</p> <p>As this practice (framed by federal law and state execution orders) varies from state to state, the BAGLJAE aims to standardize practices by issuing guidelines for social professionals in the child and youth welfare system.</p>
<p>2.3.2. Is there inter-agency cooperation between the relevant actors having responsibility in the area of child protection (including civil society organisations)?</p> <p><u>If yes</u>, please mention <u>how this is done</u> (for examples are there standing inter-agency committees or meetings, are digital tools used?). Which actor has a leading role?</p>	X	<p>Inter-agency cooperation, particularly between different professional groups (e.g., physicians, teachers), is crucial in child protection. Previous case reviews have linked insufficient cooperation as relevant for negative case outcomes.¹⁴³ Thus, in the last years, inter-agency cooperation has been targeted by initiatives as well as by law:</p> <ul style="list-style-type: none"> - Professionals have the right to be counseled by a child protection expert (Insoweit erfahrene Fachkraft) on whether to report a family to the local child and youth welfare authority (§8b SGB VIII) - Since the Kinder- und Jugendhilfestärkungsgesetz, professionals reporting suspected child maltreatment should be included in the investigation in an appropriate manner (§ 8a (1) SGB VIII) - The BKischG (i.e., §3 (3) KKG, the Cooperation and Information in Child Protection Act) demands a coordinating role of the local child and youth welfare authorities in inter-agency coordination.

¹⁴² <http://www.bagljae.de/content/ueber-uns/arbeitsweise/>

¹⁴³ <https://www.fruehehilfen.de/service/publikationen/einzelansicht-publikationen/titel/gemeinsam-lernen-aus-kinderschutzverlaeufen-eine-systemorientierte-methode-zur-analyse-von-kindersch/>

			Coordinative structures vary between regions due to the federal structure of child and youth welfare services.
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2.3.3. What are the main challenges regarding effective cooperation and coordination? (For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?

In serious case reviews, challenges in inter-agency cooperation have been noted as possible causes for negative outcomes. Particularly, communication between health services and child and youth welfare authorities is considered challenging. This is due to different perspectives on child maltreatment (child and youth welfare authorities are required to give a prognosis regarding future risk of significant harm, whereas professionals in health services work based on the diagnosis of past events), conflicting attitudes towards assessment approaches, the disparity in professional status, and divergent work schedules. Although there have been initiatives, the number of reports of suspected child maltreatment from health service professionals to local child and youth welfare authorities remains low.¹⁴⁴ Cooperation between the educational system and child and youth welfare authorities has also been considered challenging at times. Finally, while health professionals from clinics can claim resources and compensation for cooperating with child and youth welfare professionals in child protection cases, this is not true for health professionals in private practice and teachers.

Question	YES	NO	Comments
2.3.4. Are child protection authorities engaging in <u>transnational cooperation</u> in the area of child protection, for example with regards to missing children, parental abduction, or migrant children?	x		Germany is a party in several international conventions (listed below). The standards of these conventions are respected. The Federal Office of Justice (Bundesamt für Justiz) is the German Central Authority under these international conventions (see below). It is the first point of contact in cross border cases involving a state party to any of the Conventions. ISD, the German branch of the International Social Service (Internationaler Sozialdienst, ISD), funded by the BMFSFJ, gets involved in cross-border family conflicts. It acts as an intermediary between non-governmental child and youth welfare organizations (Freie Träger), local child and youth welfare authorities, and family courts in Germany and, on the other side, those abroad. The ISD provides counseling to these organizations as well as to individuals. ¹⁴⁵ Other smaller child and youth welfare organizations also specialize in counseling and provide mediation in transnational child protection and reunification cases (e.g., MIKK

¹⁴⁴ https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Kinderschutz/Publikationen/Downloads-Kinderschutz/gefaehrdungseinschaetzungen-5225123197005.xlsx?__blob=publicationFile

¹⁴⁵ www.iss-ger.de/the-isd-iss-german-branch

If yes, please briefly comment and include information on transnational agreements-protocols of cooperation as well as on the interaction between child protection authorities and other actors involved in transnational cooperation processes, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any challenges relating to transnational cooperation? Are the challenges different for cross-border cases among EU countries or with third countries?

Please provide information on main relevant agreements – cooperation schemes in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children (family tracing-family reunification –return-relocation).

Germany is party to the following international conventions and bound by the following EU instruments concerning cross-border child protection or family conflicts:

- 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children
- 1980 Hague Convention on the Civil Aspects of International Child Abduction
- Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children
- Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption

As assigned in § 3 (1) of the International Family Law Proceedings Act (Internationales Familienrechtsverfahrensgesetz, IntFamRVG), , the Federal Office of Justice (Referat II 3 – Central Authority for International Custody Conflicts) is the Central Authority under the Hague Convention for the Protection of Children, the Hague Convention on International Child Abduction, the Council Regulation (EU) 2019/1111 and the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children. The Federal Office of Justice is able to provide support in international custody conflicts within the framework of these international regulations.

In cases of parental abductions:

In cases of parental abduction, the aim is to take back children from abroad and to bring back children to their country of habitual residence as soon as possible. Any further decision about the children abducted from Germany is then made by a family court in Germany.

According to German family law, children should be heard by a judge. Legal counsels, often specialized in cross-border conflicts, are appointed by the family court to assess the children's well-being and their wishes (§§ 158 f. FamFG).¹⁴⁷

Inter-country adoptions:

According to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption a Federal Central Office for International Adoptions (Bundeszentralstelle für Auslandsadoptionen) was established to coordinate international activities and to supervise national jurisdiction. Responsible for each intercountry adoption placement are central adoption agencies of the Land Youth Welfare Office (Zentrale Adoptionsstellen der Landesjugendämter),¹⁴⁸ and accredited private foreign placement agencies with the permission for certain countries (anerkannte

¹⁴⁶ www.mikk-ev.de

¹⁴⁷ https://www.gesetze-im-internet.de/englisch_famfg/englisch_famfg.html#p0844

¹⁴⁸ https://www.bundesjustizamt.de/DE/Themen/Familieinternational/Adoption/Anschriften/Landesjugendaemter/Landesjugendaemter_node.html

Auslandsvermittlungsstellen).¹⁴⁹ Since 1st April 2021, international standards of protection as set out in the Hague Convention on Intercountry Adoptions apply to all intercountry adoptions. Thus, it is ensured that adoptions from countries that are not parties to the Hague Convention on Intercountry Adoptions serve the best interests of the child. For this purpose, adoption agencies in Germany, for example, must cooperate with adoption agencies in the home country specialist office (§ 2c (2) Act on Adoption Placement and Support Adoptionsvermittlungsgesetz – AdVermiG).¹⁵⁰ This also includes, that adoption agencies check the child proposal of the home country specialist office (§ 2c (3)AdVermiG). Unmediated intercountry adoption is prohibited (§ 2b AdVermiG). Therefore, such adoptions are usually not recognized by the family court (§ 4 Adoption Effects Act (Adoptionswirkungsgesetz – AdWirkG)).¹⁵¹

2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

The Child and Youth Welfare Strengthening Act (Kinder- und Jugendhilfestärkungsgesetz)¹⁵² as well as the Law to combat sexualized violence against children (Gesetz zur Bekämpfung sexualisierter Gewalt gegen Kinder)¹⁵³ both from 2021 are widely considered a valuable achievement in child protection— notably, the strengthened rights of children’s participation in family court proceedings. Also, the obligation for judges from family courts for continued qualification is considered an achievement.

Due to the continued shortage of specialists and the funding of cooperation, there are concerns about the feasibility of transferring the rights into practice. Moreover, governance is not oriented to empirical outcome indicators (e.g., rates of repeat child maltreatment notification).

2.5. Promising practices

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

For professionals from the health system and the child and youth welfare system, the Medical Child Protection Hotline (Medizinische Kinderschutzhotline) provides counseling in specific cases of suspected child abuse and neglect. The evaluations of the pilot phases are promising and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) plans to make the Medical Child Protection

¹⁴⁹

https://www.bundesjustizamt.de/DE/Themen/Familieinternational/Adoption/Anschriften/Ausland_svermittlungsstellen/Auslandsvermittlungsstellen_node.html

¹⁵⁰ https://www.gesetze-im-internet.de/englisch_advermig/englisch_advermig.html

¹⁵¹ <https://www.gesetze-im-internet.de/adwirkg/>

¹⁵² <https://www.bmfsfj.de/bmfsfj/service/gesetze/neues-kinder-und-jugendstaerkungsgesetz-162860>

¹⁵³ https://www.bmj.de/SharedDocs/Gesetzgebungsverfahren/DE/Bekaempfung_sex_Gewalt_Kinder.html

Hotline permanent.¹⁵⁴ In some states, state-wide options for counseling professionals in cases of suspected child abuse and neglect have been established. For example, in Bavaria, professionals can receive counseling from RemApp.¹⁵⁵

An E-Learning program for family judges and other professionals participating in child protection procedures at the family court has been developed.¹⁵⁶ Evaluation results are positive.¹⁵⁷

Moreover, the Independent Commissioner into Issues of Child Sexual abuse has established the podcast EinsbisZwei to inform about sexism and sexual violence.¹⁵⁸ There is also another Podcast called Kinderschutz Podcast by the foundation Hänsel & Gretel to inform about recent developments in child protection.¹⁵⁹

The World Childhood Foundation has established eight Childhood Houses in Germany so far. The Childhood Houses are child advocacy centers providing support for child victims of sexual and physical abuse with an interdisciplinary team. There are plans to establish at least one Childhood House in each state.¹⁶⁰

For specific municipalities, research-practice projects have been established to develop higher quality of care or ease transition to new legislation following the Kinder- und Jugendhilfestärkungsgesetz.¹⁶¹

¹⁵⁴ <https://kinderschutzhotline.de/>

¹⁵⁵ https://www.remapp.de/users/sign_in

¹⁵⁶ <https://guteverfahren.elearning-kinderschutz.de/>

¹⁵⁷ Kadera, S.; Chauviré-Geib, K.; Kindler, H.; Fegert, J. M. (in press): E-Learning zur Stärkung interdisziplinärer Zusammenarbeit in Kinderschutzverfahren. Evaluation des BMFSFJ geförderten Verbundprojektes „Gute Kinderschutzverfahren“. Zeitschrift für Kindschaftsrecht und Jugendhilfe

¹⁵⁸ <https://beauftragte-missbrauch.de/mediathek/podcast-einbiszwei/uebersicht-podcast-einbiszwei>

¹⁵⁹ <https://haensel-gretel.de/kinderschutz-podcast>

¹⁶⁰ <https://www.childhood-de.org/childhood-haus/vision-mission/>

¹⁶¹ For example: <https://www.ipp-muenchen.de/forschungsprojekte/weiterentwicklung-des-kinderschutzes-im-landkreis-aichach-friedberg-beratung-empirische-bedarfserhebung-empfehlungen/>

3. Capacities (human and financial resources)

3.1. Information on budget allocation and funding

Question	YES	NO	Comments
3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments?		x	Child and youth services are financed on local level, i.e., by the municipality, due to its right of local self-government and budget sovereignty. For budget allocation, a local youth services committee is established (§§ 70 f. SGB VIII).
3.1.2. Is the budget allocated to child protection (alternatively on children's rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific budget item allocated to this in 2022?		x	This is not possible, as the municipalities have the responsibility for budget allocation. Moreover, some initiatives enhancing overall children's well-being might not be labeled child protection but can serve child protection purposes in specific cases. In 2021, the child and youth welfare system spent 62.0 billion Euros (58.7 billion Euros in 2020, 54.9 billion in 2019). Most of this is for daycare (42.6 billion Euros in 2021, 40.1 billion Euros in 2020, 36.9 billion Euros in 2019). 14.0 billion Euro were invested in child and family services in 2021 (e.g., social-pedagogical in-home child and family services, emergency placements), including support services for children and families in child protection cases (13.4 billion Euros in 2020, 13.0 billion Euros in 2019). ¹⁶²
3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on the budget allocated to social protection/social welfare in general.			
As there is no budget labeled child protection, it is impossible to calculate its percentage in relation to the total state budget.			
Different social protection/social welfare aspects are allocated in different ministries in Germany. The highest proportion for social welfare rests with the Ministry of Work and Social Matters (Bundesministerium für Arbeit und Soziales, BMAS, about 34.5% in 2023) as it provides unemployment			

¹⁶² <https://www-genesis.destatis.de/genesis/online?operation=abrufabelleBearbeiten&levelindex=1&levelid=1685109340539&auswahloperation=abrufabelleAuspraegungAuswaehlen&auswahlverzeichnis=ordnungsstruktur&auswahlziel=werteabruf&code=22551-0001&auswahltext=&werteabruf=Werteabruf#abreadcrumb>

benefits.¹⁶³ The Ministry for Family Affairs, Senior Citizens, Women, and Youth (Bundesministerium für Familien, Senioren, Frauen und Jugend, BMFSFJ) is allocated a budget of 2.85% of the total national budget.¹⁶⁴

Nevertheless, child and youth welfare services, including services in child protection services, are financed locally and thus are not included in the national budget. Other social services, e.g., health care, are financed via a (mandatory) insurance system.

The child and youth welfare system spent 62 billion Euros with local expenses in 2021. Ten years earlier, 30.5 billion Euros were spent. Five years earlier, the corresponding figure was 45.1 billion Euros. Focusing on expenses of child and family services (e.g., social-pedagogical in-home child and family services, emergency placements) figures are 7.4 billion in 2011, 11.6 billion in 2016, and 13.5 billion in 2021.¹⁶⁵

In 2021, the child and youth welfare system spent 62.0 billion Euros (58.7 billion Euros in 2020, 54.9 billion in 2019). Most of this is for daycare (42.6 billion Euros in 2021, 40.1 billion Euros in 2020, 36.9 billion Euros in 2019). 14.0 billion Euro were invested in child and family services in 2021 (e.g., social-pedagogical in-home child and family services, emergency placements), including support services for children and families in child protection cases (13.4 billion Euros in 2020, 13.0 billion Euros in 2019).¹⁶⁶ The child and youth welfare budget is afforded mostly by the municipalities, it does not directly come out of the national state budget.

Question	YES	NO	Comments
<p>3.1.4. Is the existing budget and funding of child protection services/institutions considered sufficient <u>and</u> sustainable (as compared to only project based for a limited period of time)?</p> <p><i>(Please consider available studies, reports at national level conducted by</i></p>		x	<p>The financial capacities for child protection vary between municipalities depending on the amount of tax income. Thus, the local child and youth welfare authorities have different resources. Quality standards are developed, but adherence depends on the human resources. The “Working group for child and youth welfare” (Arbeitsgemeinschaft für Kinder- und Jugendhilfe - AGJ) a national organization of child and youth welfare providers as well as the</p>

¹⁶³ <https://www.bundeshaushalt.de/DE/Bundeshaushalt-digital/bundeshaushalt-digital.html>

¹⁶⁴ <https://www.bundeshaushalt.de/DE/Bundeshaushalt-digital/bundeshaushalt-digital.html>

¹⁶⁵ <https://www-genesis.destatis.de/genesis/online?operation=abruftabelleBearbeiten&levelindex=1&levelid=1684408190347&auswahloperation=abruftabelleAuspraegungAuswaehlen&auswahlverzeichnis=ordnungsstruktur&auswahlziel=werteabruf&code=22551-0001&auswahltext=&werteabruf=starten#abreadcrumb>

¹⁶⁶ <https://www-genesis.destatis.de/genesis/online?operation=abruftabelleBearbeiten&levelindex=1&levelid=1685109340539&auswahloperation=abruftabelleAuspraegungAuswaehlen&auswahlverzeichnis=ordnungsstruktur&auswahlziel=werteabruf&code=22551-0001&auswahltext=&werteabruf=Werteabruf#abreadcrumb>

<p><i>public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>			<p>“Federal Working Group of the state child and youth welfare authorities” (Bundesarbeitsgemeinschaft der Landesjugendämter - BAGLJAE, see 2.3.1) recurrently criticize the shortage of personnel in local child and youth welfare authorities due to the lack of financial resources on municipal level.</p> <p>Projects in relation to the Covid-19 pandemic have been criticized for only being project-based and thus do not allow for long-term investments.</p> <p>Even if municipalities have sufficient resources, they have difficulties hiring a sufficient number of professionals due to a shortage of specialists. The UN Committee on the Rights of the Child, in its concluding observations on the combined third and fourth periodic reports of Germany, 2014, recommends to “provide welfare services with adequate human and financial resources in order to make it available to all families faced with social and economic difficulties, including migrant families, particularly in overcoming the language barrier.”¹⁶⁷</p>
<p>3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies?</p> <p>Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).</p>		x	<p>EU funds are used for educational work (e.g., youth work, political education, school social work), not directly for child protection services.</p>
<p>3.1.6. Is corporate social responsibility developed at national level in relation to child protection services?</p> <p><u>If yes</u>, please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by public-private schemes/synergies.</p>		x	<p>We are not aware of such developments.</p>

¹⁶⁷ Section IV E 47 (b), p. 9,
http://s3.amazonaws.com/rcpp/assets/attachments/1718_CRC_C_DEU_CO_3-4_16304_E_original.pdf

<p>3.1.7. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted by government/local authorities to provide services.</p> <p><u>If yes</u>, please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are covered. Provide information based on indicative examples.</p>		x	<p>As the German social welfare and protection system has a long tradition of subsidiarity, the provision of social services by non-governmental child and youth welfare organizations (Freie Träger, e.g., Diakonie, Caritas, Paritätischer Wohlfahrtsverband) is the rule rather than the exception. The state entirely funds these non-governmental child and youth welfare organizations (Freie Träger). Hence, they are supported financially on a similar level. Some non-governmental child and youth welfare organizations solicit donations from private companies emphasizing their role in child protection (e.g., SOS Kinderdorf e.V.¹⁶⁸ or Kinderschutz e.V.¹⁶⁹). There are, however, no statistics on an increasing or decreasing number of donations from corporations for child protection.</p>
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3.2. Information on human resources, qualification requirements, and training

Question	YES	NO	Comments
<p>3.2.1. Are the allocated human resources in the area of child protection at all levels sufficient? (services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as</i></p>		x	<p>The resources of each local child and youth welfare authority depend on the municipality's financial situation. Whereas services should only be granted based on the specific needs of children and families, differences in financial resources emerge based on the financial situation at the municipal level.¹⁷⁰</p> <p>The number of staff in child and youth welfare authorities responsible for child protection investigation has risen from 7585 to 15098 between 2006 and 2018.¹⁷¹ Nevertheless, the</p>

¹⁶⁸ <https://www.sos-kinderdorf.de/portal/spenden/als-unternehmen-spenden/partner-werden>

¹⁶⁹ <https://www.kinderschutz.de/mitwirken-und-spenden/engagiert-als-unternehmen/>

¹⁷⁰ <https://www-genesis.destatis.de/genesis/online?operation=abruftabelleBearbeiten&levelindex=1&levelid=1682087973596&auswahloperation=abruftabelleAuspraegungAuswaehlen&auswahlverzeichnis=ordnungsstruktur&auswahlziel=werteabruf&code=22551-0003&auswahltext=&werteabruf=Werteabruf#abreadcrumb>

¹⁷¹ Mühlmann, T. (2020). Personal im Jugendamt und im ASD. KomDat, 23(1), 6–10.

<p><i>concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>			<p>ratio of child protection investigations per case worker has worsened (+23.6% per case worker), and the number of cases with some child and youth welfare services has remained at a high level.¹⁷²</p> <p>Local child and youth welfare authorities and child and youth welfare services report difficulties recruiting and keeping qualified staff.¹⁷³ There is, however, no national or state calculation on the number of staff missing.</p> <p>The concluding observations of the UN Committee on the Rights of the Child urge Germany to invest more in child protection.¹⁷⁴</p>
<p>3.2.2. Are the allocated human resources competent in the area of child protection and appropriately trained?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>	?	?	<p>Child and youth welfare authorities have to employ staff that has the specific qualifications for their tasks (§ 72 SGB VIII; Fachkräftegebot). The law does not outline more specifics. In 2018, 92% of all professionals at child and youth welfare authorities conducting child protection investigations had at least a degree from a University of Applied Sciences (Fachhochschule) – mostly, they had studied social work.¹⁷⁵</p> <p>Because there is no national curriculum for social work courses, there are differences in knowledge and competencies regarding child protection among social work students. In a study with social workers at local child and youth welfare authorities in Baden-Wuerttemberg (84% participation rate), the majority of social workers wanted to learn more about risk assessment, sexual abuse, and working with parents with mental health problems in child protection.¹⁷⁶</p>

¹⁷² Mühlmann, T. (2022). Personal in Jugendämtern und im ASD im Jahr 2020 – Entwicklungstrends und länderbezogene Unterschiede. KomDat, 25(3), 17-23.

¹⁷³ E.g. https://www.deutscher-verein.de/de/uploads/empfehlungen-stellungnahmen/2021/dv-4-21_asd.pdf;

¹⁷⁴ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&TreatyID=10&TreatyID=11&DocTypeID=5

¹⁷⁵ Autorengruppe Kinder- und Jugendhilfestatistik (2021). Kinder- und Jugendhilfereport 2021 Extra. Dortmund und München: Forschungsverbund TU Dortmund/DJI.

¹⁷⁶ https://www.dji.de/fileadmin/user_upload/bibs2022/Abschlussbericht_Qualit%C3%A4tsentwicklung%20Kinderschutz%20Baden-W%C3%BCrttemberg.pdf

<p>3.2.3. Is there a <u>compulsory certification or licencing</u> process for social workers and other professionals who work for child protection?</p> <p><u>If yes</u>, briefly describe the process.</p>	<p>x</p>	<p>There is no compulsory certification or licencing process for social workers and other professionals who work for child protection.</p> <p>Social workers and other professionals working for child protection must meet two requirements: (1) They have to prove that they are qualified for their tasks (§ 72 SGB VIII; Fachkräftegebot, see 3.2.2). (2) § 72a SGB VIII excludes persons with previous relevant convictions (e.g., interpersonal violence, sexual abuse, child/human trafficking) from working with children as volunteers as well as professionals. Therefore, an extended certificate of good conduct (erweitertes Führungszeugnis; i.e., no criminal record including crimes against sexual self-determination, clearance certificate) must be shown. The local child and youth welfare authorities must control this as part of the hiring process. The non-governmental child and youth welfare organizations (Freie Träger) also have to guarantee <u>not</u> to employ convicted offenders.</p>
<p>3.2.4. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers working with children in various areas?</p> <p><u>If yes</u>, please describe briefly.</p>	<p>x</p>	<p>Volunteers should be supported and trained (§ 73 SGB VIII). Specific qualification criteria are not required by law.</p> <p>Volunteers have to present an extended certificate of good conduct (erweitertes Führungszeugnis; i.e., an official record from the Federal Office of Justice (Bundesamt für Justiz) confirming that there are no relevant convictions (e.g., crimes against sexual self-determination) (§ 72a SGB VIII).</p>
<p>3.2.5. Is there <u>regular training</u> on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area?</p> <p><u>If yes</u>, please include information on the training of law enforcement officials (judges, persecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors).</p>	<p>x</p>	<p>Regular training is not mandatory by law for social workers or other professionals in child protection. There is an exception for family court judges and guardians ad litem (§ 23b GVG, § 158a FamFG). Child and youth welfare authorities as employers may make it mandatory for staff to receive regular training, but there is no overview on local regulations. In a study with social workers at local child and youth welfare authorities in the state of Baden-Wuerttemberg (84% participation rate), 61% of social workers had at least one day of training on</p>

<p>Please provide information on the mandatory nature of training, its frequency, funding, if it relates to specific needs of children, etc.</p>		<p>child protection issues during the last year.¹⁷⁷ In another study with local child and youth welfare authorities from North-Rhine Westphalia there was an average investment of 412 euros per ASD full-time equivalent per year in training.¹⁷⁸ Professional associations may also make regular training mandatory (e.g., child protection physicians, legal psychologists).</p> <p>The states are responsible for the educational system and, thus also for training teachers. Child protection is so far not included in mandatory training. However, there are voluntary training courses to foster the detection of abuse and neglect and the implementation of child protection concepts in schools.¹⁷⁹</p> <p>Training of law enforcement is also part of the state's responsibilities. Responses to domestic violence are included in the training. There are also specific investigative groups for sexual violence that have certain qualifications. However, training may vary.</p> <p>In the area of 1980 Hague child abduction cases the Federal office of Justice organises a conference for the judges at the specialized Hague courts twice a year to discuss any relevant developments and case law in this field of law.</p>
<p>3.2.6. Are child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists involved in child protection systems? (Please include information regarding law enforcement officials, judges, prosecutors, lawyers, health, and education personnel)</p>	<p>x</p>	<p>Even in the social work curriculum, children's rights and child protection issues are rare. Usually, this is not mandatory but is only part of specialized children and youth services seminars. Specific master's programs on child protection or children and youth welfare, however, exist.¹⁸⁰</p> <p>Child rights and child protection are not included on a regular basis in the curricula of other professional groups as a distinct topic.</p>

¹⁷⁷https://www.dji.de/fileadmin/user_upload/bibs2022/Abschlussbericht_Qualit%C3%A4tsentwicklung%20Kinderschutz%20Baden-W%C3%BCrttemberg.pdf

¹⁷⁸ <https://www.landtag.nrw.de/portal/WWW/dokumentenarchiv/Dokument/MMI17-316.pdf>

¹⁷⁹ <https://www.was-ist-los-mit-jaron.de/>; <https://www.schule-gegen-sexuelle-gewalt.de/start/>; <https://www.wissen-hilft-schuetzen.de/>

¹⁸⁰ For example: <https://www.aubi-plus.de/studiengang/kinderschutz-berufsbegleitend-3590/>

<p><u>If yes</u>, please describe briefly.</p>			
<p>3.2.7. Are there <u>joint training activities</u> involving professionals and personnel from various disciplines in place?</p> <p>Please provide some examples.</p>		x	<p>There is no mandatory joint training for any professional groups in child protection. Some training initiatives provide information for multiple professional groups and use training activities for networking as well.¹⁸¹ But, these are not common.</p>
<p>3.2.8. Outline briefly the <u>main challenges and/ or gaps relating to human resources, qualification requirements and training</u> underlined the relevant authorities and/ or child protection civil society organisations.</p>	<p>There are two main challenges in child protection in Germany: 1) Lack of training in child protection with curricula and no mandatory continuous education mandated in child protection and 2) a shortage of qualified staff and a high staff turnover at the local child and youth welfare authorities. The latter also applies to other professions, e.g., child and adolescent psychotherapists trained in trauma-focused therapy.</p>		

3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements and (persisting) gaps and challenges

Since 2014, the number of staff in child and youth welfare offices has expanded, but the ratio of child protection investigations per case worker has worsened (see 3.2.1).

Qualification requirements and mandatory training have been introduced for family court judges and guardians ad litem but are lacking for other professional groups (see 3.2.5).

There are promising initiatives on national and state levels to qualify professionals in child protection matters. Mainly E-Learning has been evaluated positively (see 2.5). However, most training programs lack any evaluation, and there is a shortage of joint training of different professional groups in child protection.

3.4. Promising practices

Please list and briefly describe any promising practice in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

There are many initiatives for qualifying professionals in the field of child protection, particularly in child sexual abuse. One of these is an E-Learning platform for joint qualification of family court judges and professionals at local child and youth welfare authorities, "Gute Kinderschutzverfahren." The results of

¹⁸¹ For example: <https://guteverfahren.elearning-kinderschutz.de/>

the scientific evaluation are promising.¹⁸² The Independent Commissioner for Child Sexual Abuse Issues (Unabhängige Beauftragte für Fragen des sexuellen Kindesmissbrauchs, UBSKM) also offers specific qualification platforms for professionals, e.g., teachers.¹⁸³

Moreover, specific child protection master's programs have been developed for social workers.¹⁸⁴ These provide qualifications to become child protection experts (Insoweit erfahrene Fachkräfte). For physicians, there is the possibility to receive an additional license as a medical child protection expert (requirements: clinical experience, courses in child protection, and completion of an interview; certificate needs to be renewed every five years).¹⁸⁵

A promising research project is developing and testing virtual scenes for training interviewers from various professions in interviews with children where sexual abuse is suspected.¹⁸⁶

¹⁸² <https://guteverfahren.elearning-kinderschutz.de/>

¹⁸³ <https://www.was-ist-los-mit-jaron.de/>; <https://www.schule-gegen-sexuelle-gewalt.de/start/>;
<https://www.wissen-hilft-schuetzen.de/>

¹⁸⁴ For example: <https://www.aubi-plus.de/studiengang/kinderschutz-berufsbegleitend-3590/>

¹⁸⁵ <https://www.dgkim.de/verein/zertifizierung-und-akkreditierung/zertifikat-kinderschutzmediziner-in-dgkim>

¹⁸⁶ <https://www.uni-flensburg.de/zebuss/forschung/projekte/aktuelle-projekte/vicontact-20>

4. Care

4.1. Prevention measures and services

4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?

The key institutions for child protection in Germany are the local child and youth welfare authorities (Jugendämter) and the family courts. Local child and youth welfare authorities carry out investigations into suspected child maltreatment (§ 8a SGB VIII), provide services, and facilitate emergency placements. Only family courts are able to restrict parental rights long-term. Local child and youth welfare authorities also provide other services for children and families. These include the organization of daycare, counseling for divorcing families, and case management for children with disabilities and mental health problems.

The most important cooperation partner for child protection are the non-governmental child and youth welfare services (Freie Träger). They provide many child and youth welfare services that do not fall under the sovereign duty of the local child and youth welfare authority.

There are multiple links with other systems, such as social protection, educational, and health systems. Moreover, there are links with law enforcement (e.g., police, criminal court). All persons and institutions can report suspected child endangerment to the local child and youth welfare authorities, which then initiate investigations if there are weighty grounds to assume child endangerment. The educational and health systems might also be involved in help and support for children (and parents) when it is considered necessary to protect the child or support the child's well-being (e.g., provision of psychotherapy through the health system; regular visits to the daycare as part of the protection plan; in-classroom support for children by a social worker). There are no guidelines on national level on when to include the educational or health system; it depends on the case characteristics and the social workers' discretion.

Professionals in contact with children (i.e., all professionals that have regular contact with children, for example, teachers, paediatricians, social workers in child and youth welfare organisations) have the right to be counseled by a child protection specialist according to § 8a and § 8b SGB VIII (Insoweit Erfahrene Fachkraft) whether to report the case to the local child and youth welfare authority or not. The local child and youth welfare authorities have to take care that there is a child protection specialist according to § 8a and § 8b SGB VIII (Insoweit Erfahrene Fachkraft). This person can be employed directly by the local child and youth welfare authority or by a non-governmental child and youth welfare organization (Freier Träger).

The link between employment offices (Arbeitsämter) is weak in reporting suspected child endangerment. However, applying for unemployment funds and organizing support for reemployment might be part of the help planning.

4.1.2. Is there evidence that families are supported in their role of primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through universal and targeted services and through every stage of the intervention, particularly through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need.

The German child protection system has been considered family service oriented, with a strong value on cooperation with families, particularly parents. Parental rights can only be restricted when previous help failed or help may fail with a very high likelihood (§ 1666 SGB VIII). Moreover, parents have the right to receive services for child rearing even though the threshold for child endangerment

is not met. Families in need can receive medical treatment, including mental health services via the health system (health insurance) and child welfare services via the local child and youth welfare authorities. The latter include social-pedagogical family support, specialized pedagogical support for children, and (voluntary) out-of-home placement. The local child and youth welfare authorities also provide financial support for daycare fees or when non-residing parents do not pay child maintenance.

Employment offices (Arbeitsämter) grant an allowance to pregnant unemployed women to pay for care equipment. Additional money is appointed to unemployed parents after the first year of unemployment (in the first year, the unemployment fund is income related).

Financial support for employed women in the last six before and eight weeks after giving birth to a child (Mutterschutz). The financial support substitutes the mothers' income completely (also disadvantages for later taxation remain, i.e., Progressionsverbehalt). Parental leave is paid for up to 14 months in Germany with 63% of the average monthly earnings of the parent with a top of 1800 Euro per month. One parent can, however, only apply for a maximum of 12 months. The other two months are lost if not the other parent takes them.

Since 2006, a programme for early childhood intervention (Frühe Hilfen) has been established in Germany. Since 2018 the Federal Foundation for Early Childhood Intervention is in place. It is situated within the child and youth welfare system and the health system, providing help and support for families from pregnancy until children are three years old.

4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

The local child and youth welfare authorities coordinate support services according to SGB VIII. The caseworker at the local child and youth welfare authority draws an initial support plan, most likely based on the discussions in a help planning conference. These help planning conferences include the family members and professionals in contact with the family. The support plan is usually revised every six months or when necessary. The follow-up support plans are (again) negotiated together with the service providers (usually non-governmental child and youth welfare organizations, Freie Träger). Service providers usually have to report the outcome of the measures. Help planning conferences are part of help planning according to § 36 SGB VIII. By this law, it is required that children and parents with and without parental responsibility are informed and counselled about help options in an understandable manner. Moreover, professionals in contact with the family or providing support to the family should be involved. In order to achieve this goal, a help planning conference is often the measure of choice for caseworkers. The legal framework does not specify in more detail the setting of help planning conferences. More specific guidelines might exist on the municipal level, i.e., in each local child and youth welfare authority. There is no timeline specified by law (e.g., the number of hours or days) for the creation of the help plan, it has, however, been drawn up as soon as possible. In cases with a risk of child endangerment, the support plan also contains a protection plan, which outlines how children's well-being can be ensured.

If support measures fail and there is a high likelihood of child endangerment, the local child and youth welfare authority has to facilitate an emergency placement (§ 42 SGB VIII). Subsequently, the local child and youth welfare authority must petition the family court to restrict parental rights.

4.1.4. What are the crisis emergency responses in place?

The local child and youth welfare authority can facilitate an emergency placement (§ 42 SGB VIII) if there is an immediate risk of child-endangerment or if the child wishes to be put in emergency placement. As local child and youth welfare authorities do not have on-call services outside office hours, the police will also facilitate emergency placements. Children in emergency placement are then placed in specific shelters or with short-term foster families (Bereitschaftspflege). Some of the shelters provide gender- and culture-specific services (e.g., girls at risk for honor-based violence or

forced marriage). Following an emergency placement, children have the right to inform another person, and parents are notified. If parents disagree with the emergency placement, the matter has to be brought to the family court. If parents agree with the emergency placement, there is no appeal to the family court. The placement is then either continued on a voluntary basis or if there is no threat to child's well-being in the family anymore, the child is reunified with their family. The German law does not specify the maximum length of emergency placements.

4.2. Identification and reporting procedures

Question	Yes	No	Comments
<p>4.2.1. Is there an identification/reporting obligation foreseen in the legislation?</p> <p><u>If yes</u>, please provide the relevant provisions and indicate authorities and/or individuals that have identification/reporting obligations.</p>		x	<p>Everybody can report suspected child endangerment to the local child and youth welfare authority. The local child and youth welfare authority assess whether there are weighty grounds to assume child endangerment and initiate an investigation (§ 8a SGB VIII).</p> <p>Professionals in contact with children can receive counseling from a child protection expert according to § 8a and § 8b SGB VIII (Insoweit Erfahrene Fachkraft) on whether they should report to the local child and youth welfare authorities.</p> <p>When professionals cannot ensure the child's safety through working with the family, they should report to the local child and youth welfare authority. For non-governmental child and youth welfare organizations (Freie Träger), there is the obligation to report if the child's safety cannot be ensured (§ 47 SGB VIII):</p> <p>There is no obligation to report child sexual abuse to law enforcement. The Act on Cooperation and Information in Child Protection (KKG) provides in § 4 that persons named in § 4 para 1 can inform the Youth Welfare Office in order to avert a threat to the welfare of a child or adolescent if, in their opinion, an urgent risk to the welfare of the child or adolescent requires action by the Youth Welfare Office, § 4 para. 3 , s. 3.</p>
<p>4.2.2. Please describe available national and/or sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in <u>all available reporting mechanisms, including, helplines and hotlines</u>. Include the legislative and regulatory framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.</p>			

Please provide details such as if there a common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?

Children and families are seen by many professionals (e.g., physicians, teachers, childcare workers, and social workers) that might become aware of a risk of child endangerment. Most of them are bound by professional duty to secrecy.

When these professionals recognize signs of child endangerment, they shall work together with the parents and children toward an acceptance of support services. (§ 4 of the Cooperation and Information in Child Protection Act; Gesetz zur Kooperation und Information im Kinderschutz, KKG, which is part of the BKiSchG).

Professionals with a duty to secrecy (Berufsheimnisträger) are entitled to contact a child protection expert according to § 8a and § 8b SGB VIII (Insoweit Erfahrene Fachkraft) to search for advice. For this collegial consultation, the child’s data should be pseudonymized (§4 (2) KKG). The intention is to make an endangerment assessment without threatening the families and children’s relationship with the professional in contact with the family.

If the parents are unwilling or unable to reduce the risk of child endangerment, professionals are authorized to report to the local child and youth welfare authority. The parents have to be informed about that by the reporting professional if, thereby, the child’s protection is not at risk. (§ 4 (3) KKG) There is no obligation to report to law enforcement, see above.

Still, each state (Bundesland) has developed its own standards on how the educational system has to report to the local child and youth welfare authority.

Every person has the possibility to report to the local child and youth welfare authority, also anonymously. If there are weighty grounds to start an investigation, the local child and youth welfare authority has to initiate the investigation.

Reports to local child and youth welfare authorities can be made via different means, e.g., phone, mail, letter, or during personal contact. All reports need to be assessed by the local child and youth welfare authorities.

Child telephone helplines, for example, “Nummer gegen Kummer,” provide confidential counseling for children and only report to local child and youth welfare authorities or police in urgent cases of endangerment.¹⁸⁷ The child protection league, a non-governmental child and youth welfare organization, offer this helpline. Helplines report—if necessary—to the local child and youth welfare authorities where the child resides. These reports are then investigated similar to those from other persons or institutions.

Question	Yes	No	Comments
4.2.3. Do children have the right to report independently? If <u>yes</u> , please provide information on the availability	x		In situations of distress or crisis, children have the right to be counseled by the local child and youth welfare authorities (i.e., it will be likely a social worker) and, thus, report independently without their parents’ knowledge to the local child and youth welfare authority (§ 8 (3) SGB VIII). Persons

¹⁸⁷ www.nummergegenkummer.de

<p>of <u>age-appropriate and child-friendly</u> reporting procedures (to whom and how children can report child rights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Please comment briefly.</p>			<p>reporting child endangerment can remain anonymous to the parents, so this would also apply to children. However, there children's right to confidentiality is not stressed by law.</p> <p>Children can also report to other professionals and persons they trust (e.g., school social work, helplines).</p>
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<p>4.2.4. Are children informed of their right to report and how they can do it? If yes, by whom and how?</p>	<p>x and</p>	<p>x</p>	<p>In general, there are no initiatives to inform children about their right to report child endangerment, including concrete contact information at the local child and youth welfare authorities. Schools might provide information on contact details (e.g., on information boards). Whether children are informed depends on the focus of the professionals in their daily life. Children from families already in contact with the local child and youth welfare authority might have received information about their right to report as part of the protection plan (e.g., children are told whom to contact in case of emergency).</p>
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4.2.5. What are the main challenges and/or gaps relating to identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?

The comparison of retrospective self-report data on child maltreatment and the frequency of reported child maltreatment to local child and youth welfare authorities points to a gap in recognizing child sexual abuse and child emotional abuse. Moreover, reporting from certain sectors, particularly health care, is low (cf., 4.2.1).

The federal structure of the child protection system might also hinder reporting as for each municipality, different contact details might be needed to report suspected child endangerment. For example, in some municipalities, it is possible to report via an online entry form, contact details only contain telephone numbers. Working hours might also differ.

4.3. Referral procedures(s) and investigation and protection

4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.)

The local child and youth welfare authority has the leading role in cases of suspected child endangerment (§ 8a SGB VIII). There is wide room for professional discretion in conducting the investigations. However, the following principles are outlined by law:

The caseworker should see the child (Inaugenscheinnahme), involve parents and children in the investigation, and work towards cooperation and acceptance of support with the parents. If there is a necessity to receive services from other sectors, caseworkers should work with parents to seek help there. Only if parents are unwilling the caseworker may contact these sectors themselves. Caseworkers should include the reporting person in the investigation if feasible and appropriate and have to inform the reporting persons from certain professionals about the outcome of the investigation (§4 (4) KKG).

The legislation does not mandate more specific methods for child endangerment, e.g., standardized assessment tools.

Question	Yes	No	Comments
4.3.2. Are there applicable standards in the form of legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks regarding investigation and assessment procedures following reporting and identification procedures?	x		<p>§ 8a SGB VIII is the legal ground for investigations into suspected child endangerment (see 1.2.3). Investigations have to be conducted when there are ‘weighty grounds’ to assume child endangerment (§ 1666 (1) BGB). Child endangerment is defined as threat to children’s cognitive, emotional, and physical well-being.</p> <p>On a national level, the framework is provided by the § 8a SGB VIII. Based on the general legal framework for child protection (cf., section 1) and the provision of child and youth welfare services (SGB VIII, cf., section 1) more specific guidelines are developed on state and municipality level.</p>
4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?	x and	x	<p>The caseworkers at child and youth welfare authorities have the leading role in investigations into suspected child endangerment. They should seek information from other professionals in contact with the child. The inclusion of other professionals depends on professional discretion. Within the local child and youth welfare authority, the staff is unlikely to be compromised by other professions than social workers.</p>

4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.

The local child and youth welfare authority investigates suspected child endangerment (§ 8a SGB VIII). By law, those investigations should include information seeking from professionals in contact with the

family (particularly those professionals reporting the suspected child endangerment), children, and their families. Children should be seen (“Inaugenscheinnahme), most likely during home-visits. Besides collecting information, caseworkers should offer help and support to parents from the earliest stage of the investigation and establish good cooperation with parents. Certain aspects of the investigation can be skipped if it is not in the best interest of the child. States and local child and youth welfare authorities have developed more guidelines for investigating suspected child endangerment, but a strong focus on caseworkers’ discretion is still predominant.

If caseworkers at the local child and youth welfare authority conclude that the parents are unable or unwilling to reduce the risk of child endangerment, they have to appeal to the family court. If there is an immediate threat to children’s well-being, the local child and youth welfare authority has to facilitate an emergency placement (§ 42 SGB VIII). If parents disagree with the emergency placement, the local child and youth welfare authority has also to appeal to the family court to restrict parental rights.

The family court must prioritize proceedings concerning children’s well-being and endangerment. As the proceeding is about restricting parental rights, a guardian ad litem for minors (Verfahrensbeistand) has to be appointed for a child. Guardians ad litem for minors have to have specific qualifications (e.g., knowledge about family court proceedings, child-friendly interviewing, developmental psychology) and characteristics (e.g., unbiased, no criminal conduct; § 158a FamFG). The guardian ad litem for minors represents the child's interests to the family court; § 158b FamFG. Moreover, the judge can appoint the task of talking with parents and caretakers to find a mutual agreement.

Children have to be heard in family courts (§ 159 FamFG). In child endangerment cases, there are no grounds to skip child hearings. If children are unable to express their wishes, the family court still has to see the child and assess their situation. If child hearings are not conducted before decision-making due to immediate danger, child hearings have to be conducted afterward as soon as possible.

Question	Yes	No	Comments
4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society organisations) clearly stated in the legislative and regulatory framework?	x		<p>The local child and youth welfare authority has the leading role in investigations into suspected child endangerment according to § 8a SGB VIII.</p> <p>Also, according to § 8a SGB VIII, non-governmental child welfare organizations (Freie Träger) are obligated to endangerment assessments and counsel children and parents. But, they have to consult a child protection specialist (Insoweit erfahrene Fachkraft; § 8a SGB VIII, § 8b SGB VIII) and have an obligation to inform the child and youth welfare authority if they can not avert child endangerment.</p>
4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with	x		<p>The local child and youth welfare authorities have to establish and maintain cooperation with other non-governmental child and youth welfare organizations (Freie Träger), public health departments, schools, general violence protection</p>

<p>responsibility in the referral procedure and enhance the efficiency of their actions?</p>			<p>services, police, prosecuting authorities, courts (§ 81 SGB VIII).</p> <p>Within investigations into child endangerment, they have to involve the reporting person/institution within the investigation and seek information from other professionals in contact with children and families (§ 8a SGB VIII).</p> <p>On state and municipal levels, more detailed protocols for cooperation may be established.</p>
<p>4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? <i>Please also consider potential divergences depending on main actors involved.</i></p>		<p>x</p>	<p>The children’s residential status is not decisive or influential for investigations into suspected child maltreatment.</p> <p>But according to § 87 of the Residence Act (Aufenthaltsgesetz) the local child and youth welfare authority is obligated to inform the immigration authorities about an “irregular residence status” if this does not jeopardize its own duties. This means the social worker has the right to decide about his/her priority: either child protection or reporting to the immigration authority (see also 1.4.3).</p> <p>In cases of unaccompanied minors with refugee status, the local child and youth welfare authority is in charge of facilitating placements (also called emergency placement), appointing a legal guardian, and working with the migration office to place the child permanently (§ 42 SGB VIII).</p>
<p>4.3.8. Are affected children heard as part of the procedures?</p> <p><u>If yes</u>, are the hearings child-sensitive and designed age-appropriately and in child-friendly language? Do children receive information and support by competent and trained professionals?</p>	<p>x</p>		<p>Children have to be heard in investigations into suspected child endangerment at the local child and youth welfare office (§ 8a SGB VIII) and family court proceedings (§ 159 FamFG). There is no age limit neither by investigations into suspected child endangerment or family court proceedings, by law. For family court proceeding, § 159 FamFG stipulates that children have to be personally seen by the court even if they are not able to build or express their wishes in cases of child endangerment; the court must also obtain a personal impression of the child. Children should also be informed about the subject, course and outcomes of the court proceedings in a child-friendly manner (§ 159 FamFG).</p> <p>In family court proceedings about child endangerment, children are appointed a guardian</p>

		<p>ad litem for minors (§ 158 (2) Nr. 1 FamFG), which has to have qualifications in child-friendly interviewing.</p> <p>Child-friendly interview rooms (e.g., small rooms with toys, judges do not talk from desk down to child; no standardization of requirements for child-friendly interview rooms) become more and more common in family courts. No official number of child-friendly interview rooms exist. However, child-friendly interview rooms are not mandated by law.</p>
<p>4.3.9. Are there mental health support services available for affected children?</p> <p><u>If yes</u>, how are services working together? How is it ensured that the child is informed and can make use of these services?</p>	x	<p>Mental health services are available to children and paid for by general health insurance. Caseworkers at the local child and youth welfare authorities should work with parents on the uptake and acceptance of support measures, including mental health support when considered necessary (§ 8a SGB VIII). Sometimes mental health professionals are then included in help planning conferences or are used as a source of information to determine child endangerment.</p> <p>Specialized mental health support services are sometimes not available due to an insufficient number of providers. This is particularly true for rural areas.</p>
<p>4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.</p>		
<p>The pattern of referrals on specific types of maltreatment compared to self-report data show an underreporting of child sexual abuse to local child and youth welfare authorities. Moreover, very few reports of suspected child maltreatment to local child and youth welfare authorities are from the health system.¹⁸⁸ Although hearing children is mandated by law, the participation rate remains low.¹⁸⁹ So far, there is no published data on the effectiveness of interventions into suspected child maltreatment or longitudinal outcomes for children from families in contact with local child and youth welfare authorities due to (risk of) child endangerment.</p>		

¹⁸⁸ Witte, S., López López, M., Baldwin, H., Biehal, N., & Kindler, H. (2022). Child maltreatment investigations: Comparing children, families, and reasons for referral in three European countries. *Child Abuse & Neglect*, 132, 105805. <https://doi.org/10.1016/j.chiabu.2022.105805>

¹⁸⁹ Witte, S., López López, M., & Baldwin, H. (2021). The voice of the child in child protection decision-making. In J. Fluke, M. López López, R. Benbenishty, E. J. Knorth, & D. Baumann (Eds.), *Decision-making and judgment in child welfare and protection: Theory, research, and practice* (pp. 263–280). New York, NY: Oxford University Press. <https://doi.org/10.1093/oso/9780190059538.003.0012>

4.4. Placement decisions – care orders

4.4.1. Following the investigation and assessment of the child’s situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

Children can be placed due to three main principles: 1) with the consent of the parents, 2) emergency placement (§ 42 SGB VIII) by the local child and youth welfare authority or due to the child’s wish (i.e., when a child express their wish to the local child and youth welfare authority to be placed in an emergency placement, the local child and youth welfare authority has to grant it without assessing the reason; there is no age limit to this right of children and the child’s wish cannot be overruled by the local child and youth welfare authorities’ assessment of the situation), and 3) placement following the restriction of parental rights by the family court (§ 1666 BGB)

Question	Yes	No	Comments
<p>4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that should be taken into consideration in the assessment of the situation and in the decision-making process?</p> <p>Are there provisions specifying the criteria that should be considered when deciding to remove the child from its family? Are the principles of necessity and appropriateness considered?</p>	x and	x	<p>The legal framework (§ 42 for emergency placement and § 1666 BGB for restriction of parental responsibilities) defines when to intervene and has been further clarified by court rulings (1956, BGH). Child endangerment has been defined as a current danger that will most certainly cause significant harm to the child in the future (see 1.1). It does not specify certain parental behaviors as child endangerment. There are no standardized assessment tools mandated by national or state regulatory provisions. But, there are some assessment tools at the level of child and youth welfare authorities.</p>
<p>4.4.3. Are there provisions requiring that the views of the child should be taken into consideration in the decision-making process?</p> <p><u>If yes</u>, please specify if this is mandatory or left to the discretion of the responsible authorities, and if there are age-related requirements.</p>	x		<p>Children have to be heard (or at least seen when they are not able to form and express their wishes, e.g., due to insufficient speech capacities) in investigations into child endangerment (§ 8a SGB VIII), family court proceedings (§ 159 FamFG), and help planning conferences (§ 36 SGB VIII). How children’s participation is ensured, lies within the discretion of the caseworker or judge. There are no guidelines on how to hear children on national level.</p> <p>Moreover, children have the right to demand an emergency placement which has to be</p>

			granted (§ 42 SGB VIII).
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4.5. Types of care with focus on alternative care

Types of care existing in the country	Yes	No	Who is offering such services? (State, regional, local authorities, civil society, religious institutions)	Please make differences between the different types of care explicit
Foster care	x		Local child and youth welfare authorities organize foster families. If there is a shortage of foster families or other reasons (e.g., threat of violence by parents), they will work with foster families from other municipalities.	
Residential – institutional care	x		non-governmental child and youth welfare organizations (Freie Träger), local child and youth welfare authorities	
Other forms of family-based or family-like care placements	x		kinship foster care, non-governmental child and youth welfare organizations (Freie Träger)	
Supervised independent living arrangements for children	x		non-governmental child and youth welfare organizations (Freie Träger)	
Question	Yes	No	Comments	
4.5.1. Is there data available on the number of children in care (disaggregated by type of care, gender/age, length of placement, etc)?	x		Data on the number of children placed in care is collected and published annually by the National Statistics Office (Statistisches Bundesamt) on an aggregated level. ¹⁹⁰ Disaggregated data analyses are conducted by a specialized unit at the University of Dortmund. In 2021, 28518 emergency placements were facilitated based on immediate risk to children’s well-being (i.e., child	

¹⁹⁰ For example: Statistisches Bundesamt (2022). Statistiken der Kinder- und Jugendhilfe: Vorläufige Schutzmaßnahmen. Wiesbaden. Retrieved from <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Kinderschutz/Publikationen/Downloads-Kinderschutz/vorlaeufige-schutzmassnahmen-5225203217004.html>

			endangerment) and 7727 based on the child's wish. ¹⁹¹ 73090 were in foster families (§ 33 SGB VIII), 82128 in residential homes (§34 SGB VIII), and 3501 in intensive socialpedagogical individual support (§ 35 SGB VIII) in 2021 (always assessed at the 31 st of December). Moreover, 16746 children with mental health problems received support in either foster placement or placement in a residential home. ¹⁹² In general, foster care is more prevalent for younger age groups, particularly infants and children until the age of three years, and residential homes are more frequently sought for adolescents.
4.5.2. Is there data available on the number of children placed in alternative care that disappeared and/or went missing from residential care institutions?		x	There is data prior to placement in alternative care (e.g., with their parents, in a foster family), but this data gives no information about children disappearing from residential care institutions.
4.5.3. Is there a <u>national</u> registry of foster care families? How many children can be fostered in one family?		x	The placement of foster children is the responsibility of the local child and youth welfare authority, so there is a registry only at the local level. The number of fostered children in one family depends on the individual capacities of the foster family (e.g., income, rooms, individual situation). The number of children is not regulated on a nation-wide level.

¹⁹¹ Statistisches Bundesamt (2022). Statistiken der Kinder- und Jugendhilfe: Vorläufige Schutzmaßnahmen. Wiesbaden. Retrieved from <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Kinderschutz/Publicationen/Downloads-Kinderschutz/vorlaeufige-schutzmassnahmen-5225203217004.html>

¹⁹² Statistisches Bundesamt (2022). *Statistiken der Kinder- und Jugendhilfe: Erzieherische Hilfe, Eingliederungshilfe für seelisch behinderte Menschen, Hilfen für junge Volljährige 2021*. Wiesbaden. Retrieved from https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=0CAIQw7AJahcKEwjQ-dTmvpr_AhUAAAAAHQAAAAAQAg&url=https%3A%2F%2Fwww.destatis.de%2FDE%2FThemen%2FGesellschaft-Umwelt%2FSoziales%2FJugendarbeit%2FPublikationen%2FDownloads-Jugendarbeit%2FERzieherische-hilfe-5225112207004.pdf%3F__blob%3DpublicationFile&psig=AOvVawO8RND44yMZiaVk6C4p6xrl&ust=1685448420511877

4.5.4. How and by whom foster families are recruited, vetted, and trained? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.

Local child and youth welfare authorities are responsible for recruiting, vetting, and training foster families. Foster parents need the permission of the local child and youth welfare authority (§ 44 SGB VIII). Permission cannot be granted if the well-being of the child or young person in the foster home is not guaranteed (§ 44 (2) SGB VIII). The local child and youth authority has to check the requirements of the individual case on the spot whether the conditions for granting the permit continue to exist (§ 44 (3) SGB VIII). Foster parents have to inform the local child and youth welfare authority about important events that might affect the child's well-being (§ 44 (4) SGB VIII). There are no standardized rules on training on a national level.

Local child and youth welfare authorities can outsource and delegate these duties of § 44 (3) SGB VIII to non-governmental child and youth welfare organizations (Freie Träger).

Within this legal framework, married/unmarried couples, single persons, and same-sex couples can become foster parents. All state child and youth welfare authorities have to define criteria for § 44 (2) SGB VIII, and most states have published recommendations on the issue. In a national study, most common selection criteria were:¹⁵⁶

- family-equivalent age (usually not more than 40 years difference between child and parents)
- sufficient living space
- sufficient income (independent from the income of the foster child)
- no life-threatening diseases
- no previous conviction for capital crimes/extended certificate of good conduct/criminal record, including crimes against sexual self-determination

The last criterion is part of the law (§ 44 (2) SGB VIII).

The recruitment is based on interviews about the motivation to become foster parents. Often the future foster parents have to pass a basic qualification of approx. 75 hours. Until today there are no nation-wide training standards.

In 2011, the German Youth Institute (DJI), with the financial support of the BMFSFJ, published the "Handbook Foster Care" (Handbuch Pflegekinderhilfe) based on a national study.¹⁹³ It is intended for social professionals who act in the field of foster care.

4.5.5. Are any types of care (foster homes, residential care, other form of care arrangements) monitored once children are placed therein? If so, provide information on the applicable legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, how and by whom?

Caseworkers at the local child and youth welfare authority must review the help regularly (help planning conferences; § 33 SGB VIII). At these conferences, the children's well-being should be assessed, and thus also the quality of alternative care provided to the child. For foster families, this is outlined in § 44 SGB VIII. Residential homes are also monitored as part of their license (§ 45 (2) SGB VIII).

Question	Yes	No	Comments
4.5.6. Are children placed in foster care homes	x	x	The geographical distance is not tracked in any official statistic. The geographical distance depends on the

¹⁹³ www.bmfsfj.de/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/Handbuch-Pflegekinderhilfe-DJI

<p>geographically <u>close to their biological families</u>, school, friends, and/or community?</p>			<p>availability of services (including foster families) in relation to children's needs. The following principles can be derived from reports from practitioners/guidelines: 1) high geographical distance is sought when there is a risk of child abduction, honor-related violence, or threats to the child's life 2) Children in short-term care should be placed close to their community (especially to ensure continued schooling)</p>
<p>4.5.7. Is there a <u>national registry</u> of residential institutions for children? <u>If yes</u>, please provide information regarding the existent number of residential institutions and their capacity (beds).</p>		x	<p>There is no registry, neither on national nor on state level.</p>
<p>4.5.8. Are there <u>accreditation and licensing procedures</u> for residential institutions in place? <u>If yes</u>, please provide information on the legislative framework, the responsible authority and procedure.</p>	x		<p>Organizations supervising children and adolescents on a regular basis need to obtain a license (§ 45 SGB VIII). This includes residential institutions. Organizations have to provide information on how children's well-being is ensured. This includes a concept for quality management and the regular collection of extended certificates of good conduct (erweitertes Führungszeugnis; clearance certificates) of employees (§ 45 (3) SGB VIII). The law does only specify the regular collection of clearance certificates, but inspections are not mandated by law. Licenses are granted by the state child and youth welfare authorities (Landesjugendämter).</p>
<p>4.5.9. Are there <u>national applicable standards</u> relating to the operational framework of such institutions (requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children)?</p>	x	x	<p>Overall § 45 SGB VIII outlines certain aspects important for licensing of institutions. Organizations have to provide information on how children's well-being is ensured. This includes a concept for quality management and the regular collection of extended certificates of good conduct (erweitertes Führungszeugnis, clearance certificate) of employees (§ 45 (3) SGB VIII). The law does only specify a regular collection of extended certificates of good conduct. A specific period is not outlined by law. More sophisticated guidelines for licensing have been developed on a state level by the state child and youth welfare authorities (Landesjugendämter). The responsibility for assessment whether an institution adheres to the guidelines lies with the local child and youth</p>

			welfare authority. There is no regular review of this guidelines mandated by national law.
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4.5.10. How is the residential care staff recruited, vetted, and trained?

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Sufficient training and qualification of staff is part of the requirements for licensing (§ 45 SGB VIII). Moreover, an extended certificate of good conduct (erweitertes Führungszeugnis) must be collected on a regular basis (§ 45 SGB VIII).

Question	Yes	No	Comments
<p>4.5.11. Are children placed in alternative care allowed to <u>lodge complaints</u> against the personnel /foster parents and care workers and report abuse or violations of their rights? Are these procedures child-friendly and respective of confidentiality?</p> <p>If <u>yes</u>, briefly describe to whom and how children can lodge complaints.</p>	x		<p>Following § 45 SGB VIII, each institution providing care for children and adolescents has to establish structures that enable children’s participation and complaints by children. Moreover, in each state an Ombudsperson has been established. Children and parents can report complaints to this Ombudsperson in relation to conflicts with the local child and youth welfare authorities and non-governmental child and youth welfare organizations (Freie Träger; § 9a SGB VIII). The Ombudsperson will try to mediate conflicts, however, the ombudsperson will not provide judicial assistance.</p>
<p>4.5.12. What is the <u>assistance available to adolescents that leave alternative care</u> to live independently?</p> <p>(e.g. financial, housing, vocational, educational, employment, life skills, mental health services, social or emotional)?</p> <p>Briefly describe who is responsible for such assistance?</p>	X		<p>Young persons, including care leavers, have the right to receive continued services from the local child and youth welfare authority, generally until the age of 21 years, in justified individual cases beyond this for a limited amount of time, if considered necessary (§ 41 SGB VIII). Moreover, young persons may receive assistance to apply for adult social welfare support (see also 1.4.4).</p> <p>Challenges for young persons continuing in higher education (university; university for applied science) frequently arise, as the state-paid support (BaföG) depends on birth parents’ income. Thus, they have to seek their birth parents and depend on their cooperation to receive benefits.</p>

4.5.13. What assistance is provided to families - while the child is placed to alternative care - to support the return of the child in the family? By whom? Who coordinates the assistance? Please briefly describe.

According to § 37 (1) SGB VIII, parents are entitled to advice and support as well as the promotion of the relationship with their child during placement. Counseling and support are intended to improve the upbringing conditions in the family of origin within a reasonable period of time so that the child or young person can be raised in the family of origin again. The coordination and responsibility in cases of placed children remain by the assigned caseworker at the local child and youth welfare authority. Within the help plan, parents may have certain tasks that they should accomplish before reunification (e.g., psychotherapy, treatment for substance abuse, cleaning up messy houses). Moreover, alternative care providers should cooperate with parents as long as this is in the child's best interest (§ 37 SGB VIII). This might include supervised contact (begleiteter Umgang) for children and parents.

<p>4.5.14. Is any <u>assistance</u> provided to children and families <u>upon return of the child in the family</u>? Briefly describe. Who is responsible for such assistance?</p> <p>Is there any monitoring and follow-up of such cases?</p> <p>Who is coordinating assistance and support?</p>	<p>X</p>	<p>The local child and youth welfare authority is responsible for installing support for the family and has to monitor children's well-being. Hence, there is the possibility for support measures (e.g., home visits by social worker to work on specific aspects of family life). However, it lies within the discretion of the caseworker. The same applies to follow-up monitoring of children's well-being.</p>
<p>4.5.15. Are decisions of placement in alternative care reviewed?</p> <p>If <u>yes</u>, please provide the applicable legislative provisions. How frequently is this done? By whom?</p> <p>Are the children's views taken into consideration?</p>	<p>x</p>	<p>The help plan has to be reviewed on a regular basis, including the placement decision (§ 36 SGB VIII). The law does not specify a timeframe, but a six-month interval has been widely established in practice guidelines.</p> <p>Family court decisions can either be contested by an appeal to a higher court. Moreover, they have to be reviewed upon parental appeal when circumstances leading to the restriction of parental rights may have changed (e.g., no more drug abuse of parent).</p> <p>Children have to be heard or at least seen in investigations into suspected child maltreatment (§ 8a SGB VIII), help planning conferences (§ 36 SGB VIII), and family court proceedings (§ 159 FamFG). Child hearings cannot be</p>

		skipped in family court proceedings concerning child endangerment and restriction of parental rights.
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4.5.16. Is there a legal framework regarding adoption? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?

The child's best interests principle is the legal foundation for all adoption decisions concerning minors (§ 1741 of the German Civil Code - BGB). Although adoption services are embedded in the child and youth welfare system, they have a separate place in family law, child protection, and child and youth welfare law, resulting in the legal framework for adoptions in Germany presenting a complex picture. Regulations within family law are to be found within an entirely separate title of the BGB as well as of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (FamFG, cf. section 1).¹⁹⁴ In Germany, the Hague Convention on Inter-country Adoption is implemented by the Adoption Convention Implementation Act (Adoptionsübereinkommens-Ausführungsgesetz - AdÜbAG¹⁹⁵) which is supplemented by the Adoption Effects Act (Adoptionswirkungsgesetz - AdWirkG¹⁹⁶) and the Act on Adoption Placement and Support (Adoptionsvermittlungsgesetz - AdVermiG¹⁹⁷). Adoption placement may only be carried out by Youth Welfare Offices, Land Youth Welfare Offices and agencies which are authorized. Authorisation underlies strict criteria on qualification and independence. Adoption agencies have to check whether adoptive candidates are suitable for adopting a child (§ 7 AdVermiG). In the case of intercountry adoptions, adoptive candidates have to go through a two-stage suitability test, consisting of a general and a country-specific suitability test (§ 2c (1) AdVermiG). Intercountry adoptions that have not been mediated by an authorised adoption placement agency are prohibited (§ 2b AdVermiG). Therefore, foreign adoption decisions are not recognized by the family court (§ 4 AdWirkG). Exceptions are only possible if the family court concludes that it can be expected that a parent-child relationship will develop between adoptive parents and the child and the best interests of the child require the acceptance of the adoption. For every adoption procedure under German Law the family court has to involve youth welfare office and the Land youth welfare office on their request (§ 188 (2) FamFG).¹⁹⁸ In addition, under § 189 FamFG in every case of an adoption of a minor a professional statement of the involved adoption agency has to be obtained; if no adoption agency was involved, the professional opinion of the Youth Welfare Office shall be obtained.¹⁹⁹ If there are open questions or contradictions regarding the best interests of the child they have to be clarified during the court procedure. In cases of intercountry adoptions the Land youth welfare office or the involved central adoption office of the Land youth welfare office have to be heard (§ 195 FamFG; § 6 (3) AdWirkG) because they have more competence in intercountry adoptions compared to local youth welfare office at the place of residence of adoptive parents.²⁰⁰ Children have to consent to adoption when they are 14 years or older (§ 1746 BGB). Private adoptions are not possible as adoptions need to be pronounced by the family court (§ 1752 BGB).

¹⁹⁴ <https://www.gesetze-im-internet.de/bgb/> ; <https://www.gesetze-im-internet.de/famfg/>

¹⁹⁵ https://www.gesetze-im-internet.de/ad_bag/

¹⁹⁶ <https://www.gesetze-im-internet.de/adwirkg/>

¹⁹⁷ https://www.gesetze-im-internet.de/englisch_advermig/englisch_advermig.pdf

¹⁹⁸ https://www.gesetze-im-internet.de/famfg/__188.html

¹⁹⁹ https://www.gesetze-im-internet.de/famfg/__189.html

²⁰⁰ https://www.gesetze-im-internet.de/famfg/__195.html

4.5.17. What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports ec.*

Insufficient protection of children from abuse, particularly sexual abuse, in alternative care has been reported and discussed widely following the case of Lügde. But, peer victimization is also an issue in residential care. The newly established Ombudspersons should ensure better detection of abuse and neglect in alternative care.

Educational support for young adults leaving care in order to go to university remains an issue.

Outcomes of children in alternative care are not tracked comprehensively, thus, there is a lack of evidence in regard to children's well-being and adult outcomes.

4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

In 2021, the Kinder- und Jugendhilfestärkungsgesetz came into effect. With the new legislation, the children's participation should be strengthened (e.g., Ombudsperson, hearing in family court proceedings without age limits, and mandated by law in cases of child endangerment). Moreover, the requirements for alternative care are outlined in greater detail. They now require foster families as well as providers of residential care to have a child protection concept.

For investigations into suspected child endangerment (§ 8a SGB VIII), cooperation, particularly with the reporting person/institution, was strengthened.

Insufficient monitoring of children's outcomes (educational, mental health, health) following interventions and the provision of support measures remains a gap in child protection in Germany.

4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In 2021, the Kinder- und Jugendhilfestärkungsgesetz came into effect. With the new legislation, the children's participation should be strengthened (e.g., Ombudsperson, hearing in family court proceedings without age limits, and mandated by law in cases of child endangerment). Moreover, more the requirements for alternative care are outlined in greater detail. They now require all providers of alternative care, including foster families, to have a child protection concept. Platforms on state level for ombudspersons have been established. The Ombudsperson's platform from Baden-Wuerttemberg provides different ways of contact (chat, phone) and also has helpful information.²⁰¹ The

²⁰¹ <https://www.ombudschaft-jugendhilfe-bw.de/kontakt>

Ombudsperson's platform in North Rhine Westphalia provides at least some information in different languages (Farsi, Turkish, English).²⁰²

For investigations into suspected child endangerment (§ 8a SGB VIII), cooperation, particularly with the reporting person/institution, was strengthened.

There are some initiatives to strengthen the quality of alternative care. For example, the initiative "Gut drauf! Bewegen, Essen, Entspannen" helps providers of alternative care to create an environment that fosters the physical and mental health of children and youth in alternative care. The professionals are trained in fostering health on an individual level. This also includes fostering mental health through relaxation techniques. Children and youth are included in structural changes (e.g., establishing a plan for more healthy meals). Support (including psycho-social support) for children and youth is fostered via training of professionals in these matters. The results of the qualitative evaluation are promising.²⁰³

Although there is no overall monitoring of children in child protection, some providers of alternative care have started to investigate children's outcomes. One such study is the Längsschnittstudie of SOS Kinderdörfer. Young persons leaving care provide regular feedback on their educational achievement, sense of belonging, and mental health outcomes.²⁰⁴ Another study with potentially important results is the Langzeitstudie zur Lebenssituation und Lebenslage von (armen) Kindern (AWO-ISS-Langzeitstudie). Children with different socioeconomic backgrounds have been followed since the 1990s. Data also include support measures.²⁰⁵ In 2021, the project Care Leaver Statistics started. It tracks the transition of 2000 care leavers from alternative care to adulthood.²⁰⁶

²⁰² <https://ombudschaft-nrw.de/kinder-und-jugendliche/>

²⁰³ <https://www.gutdrauf.net/>; evaluation results: Bhandari, J. (2021): Gute Bewertungen spornen an!; retrieved from:
https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=web&cd=&ved=OCAIQw7AJahcKEwiAhp6pt5r_AhUAAAAAHQAAAAQAg&url=https%3A%2F%2Fwww.gutdrauf.net%2Ffileadmin%2Fuser_upload%2Fgutdrauf%2FGD-Evaluation%2FGUT_DRAUF-Schulungsevaluation_2021_Bericht.pdf&psig=AOvVaw3-sO6Fkflgrv5CmwRy1y2V&ust=1685446344793115.

²⁰⁴ <https://www.sos-kinderdorf.de/portal/paedagogik/praxisforschung/laengsschnittstudie>

²⁰⁵ <https://www.iss-ffm.de/themen/alter/projekte-1/langzeitstudie-zur-lebenssituation-und-lebenslage-armen-kinder>

²⁰⁶ <https://cls-studie.de/>

5. Accountability, data collection, and monitoring mechanisms

5.1. Accountability mechanisms

5.1.1. Are there accountability mechanisms in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

There is no monitoring system for the child protection system as a whole. Data on child protection and children and youth services is collect as mandated by law (§ 99 SGB VIII). The local child and youth welfare authorities and non-governmental child and youth welfare organizations (Freie Träger) have to report data about their services (§ 102 SGB VIII). The statistical offices of the states (Statistisches Landesämter) collect the data, which are then aggregated and published by the Federal Statistical Office (Statistisches Bundesamt). In addition, the Centre for Child and Youth Services Statistics (Arbeitsstelle Kinder- und Jugendhilfestatistik, akjstat) was founded in 1997 at the Technical University of Dortmund, by the DJI and others, to analyze the data for stakeholders and the scientific community.²⁰⁷

The official statistics, however, do not include data on children's outcomes (e.g., protection from revictimization, mental health, educational achievement) or quality of professional practice. There are no long-term research projects assessing outcomes for children in the German child protection system on a national level (cf., some projects with specific samples in 4.7).

There is no child's ombudsperson or child commissioner in Germany on a national level, but some States (Länder) have installed child commissioners on the their level . The Independent Commissioner for Child Sexual Abuse Issues (Unabhängige Beauftragte für Fragen des sexuellen Kindesmissbrauch, UBSKM who is installed on the federal level) offers help and support to victims of sexual abuse by bringing in their interests and needs into political processes. The Federal Parliament's Children's Commission (Kinderkommission) does only take up issues of child protection occasionally and is only a weak structure.

The German Institute for Human Rights (Germany's National Human Rights Institution)has been entrusted with monitoring the UN Convention on the Rights of the Child since 2015. The [National CRC monitoring body](#) currently consists of 4 full-time positions and one administrative staff. However, to date there has been no explicit monitoring of the child protection system and its human and financial resources.

5.1.2. How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

Overall, some aspects of the child and youth welfare system are monitored by the Federal Statistics Office (Statistisches Bundesamt). Reports are published yearly, and there is a department at the Technical University of Dortmund conducting in depth analyses (Arbeitsstelle Kinder- und Jugendhilfestatistik, akjstat). Thus, these analyses should detect the effects of policy changes. However, most aspects of service provision, particularly in terms of quality and children's outcomes, are not covered in the data.

²⁰⁷ www.akjstat.uni-dortmund.de/index.php?id=420

For the Bundeskinderschutzgesetz in 2012, an evaluation was conducted.²⁰⁸ For the new Kinder- und Jugendhilfestärkungsgesetz, certain aspects are evaluated (change in the inclusion of children with disability and mental health problems).

The Federal Foundation for Early Childhood Intervention (Bundesstiftung Frühe Hilfen) is implemented together with the National Centre on Early Prevention. It includes data collection and monitoring to some extent.²⁰⁹

Question	YES	NO	Comments
5.1.3. Is there a child rights assessment existing or foreseen? Please note that child rights' assessment stands for the measurement of the impact of proposed or adopted legislation on children as a group. It is usually done at the parliamentary or ministerial level.	x		The Kompetenzzentrum Jugend-Check provides regular impact assessments of draft legislation in relation to their effects on young people (12 to 27 years). ²¹⁰ The Kompetenzzentrum Jugend-Check is financed by the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth (BMFSFJ; Jugendstrategie der Bundesregierung – Nationaler Aktionsplan für Kinder- und Jugendbeteiligung) The German Institute for Human Rights (Deutsches Institut für Menschenrechte, DIMR), Germany's independent national human rights institution was entrusted with the monitoring of the implementation of the UN-CRC. ²¹¹ The DIMR reports on the progress in establishing children's rights to various entities and also provides counseling in relation to changes in policy and their (possible) effects on children and their rights. ²¹² The DIMR assesses specific draft legislation, but not all draft legislation. ²¹³

5.1.4. Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.

²⁰⁸ <https://www.bmfsfj.de/bmfsfj/service/publikationen/bericht-der-bundesregierung-evaluation-des-bundeskinderschutzgesetzes-96262>

²⁰⁹ <https://www.fruehehilfen.de/>

²¹⁰ https://dopus.uni-speyer.de/frontdoor/deliver/index/docId/5930/file/RIA_in_Germany_April22.pdf

²¹¹ <https://www.institut-fuer-menschenrechte.de/das-institut/abteilungen/monitoring-stelle-un-kinderrechtskonvention>

²¹² https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Weitere_Publikationen/Supplement_to_the_Parallel_Report_of_the_National_CRC_Monitoring_Mechanism.pdf; <https://www.institut-fuer-menschenrechte.de/publikationen/detail/parallel-report>

²¹³ <https://www.institut-fuer-menschenrechte.de/das-institut/abteilungen/monitoring-stelle-un-kinderrechtskonvention>

For institutions providing care for children, § 45 SGB VIII has outlined some aspects, which are then further specified by the state child and youth welfare authorities (§ 85 SGB VIII). According to § 45 SGB VIII, organizations have to provide information on how children's well-being is ensured in the organization. This includes a concept for quality management and the regular collection of extended certificates of good conduct (erweitertes Führungszeugnis, clearance certificate) of employees (§ 45 (3) SGB VIII). The law does only specify the regular collection of extended certificates of good conduct. A specific period is not outlined by law.

Full-time employed caseworkers should not have more than 50 cases in which they exercise legal responsibility (Pflegschaften, Vormundschaft; § 55 SGB VIII). If they have other tasks, the number of cases has to be reduced accordingly (§ 55 SGB VIII). There is no regulation of the number of cases for investigations into suspected child maltreatment or cases in which only support is offered.

Guardian ad litem for minors (Verfahrensbeistände) have to have specific qualifications (e.g., knowledge about family court proceedings, child-friendly interviewing, developmental psychology) and characteristics e.g., unbiased, no criminal conduct; § 158a FamFG. The guardian ad litem for minors represents the child's interests to the family court; § 158b FamFG.²¹⁴

State child and youth welfare organizations and local child and youth welfare organizations have to develop guidelines and measures for quality development (§ 79a SGB VIII).

Question	YES	NO	Comments
<p>5.1.5. Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and measures and in the development of child protection policies and legislation?</p> <p><u>If yes</u>, at what level is this done? Please provide indicative examples.</p>		x	none
<p>5.1.6. Is the responsibility for data collection on child protection determined in the legislative framework?</p>	x		<p>There is a special chapter on child and youth welfare system statistics in §§ 98-103 SGB VIII.</p> <p>All providers which offers services according to SGB VIII have to collect data.</p> <p>Data is collected in each municipality (non-governmental child and youth welfare organizations transfer the data to the local child and youth welfare authority). This data is then forwarded to each state which then forward data to the national statistics</p>

²¹⁴ https://www.gesetze-im-internet.de/englisch_famfg/englisch_famfg.html#p0844

			office (Statistisches Bundesam). Data is only collected on an aggregated level and never linked to identifying information of children (or their family members). ²¹⁵
5.1.7. Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level? If <u>yes</u> , Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level?	x		The collected data at the state level is aggregated and published by the Federal Statistical Office (Statistisches Bundesamt). In-depth analyses are conducted by a working group (Arbeitsstelle Kinder- und Jugendhilfestatistik, akjstat) at the Technical University of Dortmund and the German Youth Institute (Deutsches Jugendinstitut, DJI). ²¹⁶ The information is published in a journal (with three issues each year)—KomDat. ²¹⁷ Moreover, researchers at the akjstat frequently also publish articles and book chapters in other means of publication. ²¹⁸
5.1.8. Are there common indicators in place to monitor the performance of the child protection system?	x and	x	No common indicators exist. This is also due to the complexity of the child protection in Germany (federal multi-layer system, strong involvement of non-governmental child and youth welfare organizations (Freie Träger) with a diversity of professional approaches). Data is collected regularly. § 99 SGB VIII lists the indicators for several parts of child and youth welfare and protection regarding: ²¹⁹ - support measures for parenting according to §§ 27-35 SGB VIII (§ 99 (1) SGB VIII) - emergency placement (§ 99 (2) SGB VIII) - adoptions (§ 99 (3) SGB VIII) - public guardianships (§ 99 (4) SGB VIII) - day and foster care (§ 99 (5) SGB VIII) - investigations in cases of suspected child endangerment (§ 99 (6) SGB VIII) - declaration of parental custody (§ 99 (6a) SGB VIII) - measures due to family court rulings (§ 99 (6b) SGB

²¹⁵ For each statistical report methodological data can be obtained under:

<https://www.destatis.de/DE/Methoden/Qualitaet/Qualitaetsberichte/Soziales/einfuehrung.html>

²¹⁶ <https://www.dji.de/en/about-us.html>

²¹⁷ <https://www.akjstat.tu-dortmund.de/komdat/>

²¹⁸ For example an in-depth analysis for a book on emergency placements: Mühlmann, T. (2020). Die vielen Gesichter der Inobhutnahme: Einsichten auf Basis der amtlichen Kinder- und Jugendhilfestatistiken. In Fachgruppe Inobhutnahme (Ed.), *Praxis und Forschung: Vol. 37. Handbuch Inobhutnahme: Grundlagen - Praxis und Methoden - Spannungsfelder* (pp. 174–189). Frankfurt am Main: IGfH-Eigenverlag.

²¹⁹ <https://www.sozialgesetzbuch-sgb.de/sgbviii/99.html>

		VIII) - personnel (§ 99 (7) to (7b) SGB VIII) - others These statistics do not contain child-level outcome data (e.g., mental health, educational achievement).
5.1.9. Are there data protection protocols in place and adhered to?	x	The local child and youth welfare authorities and all other institutions have to follow the Datenschutzgrundverordnung (DSGVO). There have been no media reports of data privacy violations.
5.1.10. Are there any gaps in the data collection system related to child protection in the country, which have been identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and consistent collection of data related to child protection at national, regional, or local level? Please mention if efforts are made to address these gaps.		
<p>The most serious gap in child protection data collection in Germany is the lack of knowledge on children’s outcomes. This includes information about placement trajectories, revictimization, educational achievement, and mental health.²²⁰ The data collection consists of the number of cases, sociodemographic characteristics, and aspects of service provision. Moreover, aggregated information on financial resources is collected. A department at the Technical University of Dortmund (Arbeitsstelle Kinder- und Jugendhilfestatistik, akjstat) conducts in-depth analysis of the data, but still does not have data on children’s outcomes.</p> <p>There are only specific research projects investigating certain aspects of the child protection system²²¹, and some municipalities analyze case data in more detail as part of quality monitoring.</p>		

5.2. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

Insufficient monitoring of children’s outcomes following interventions and the provision of support measures remains a gap in child protection in Germany. Data collection on national level has not changed since 2014, besides some minor changes in the presentation of information. Some more data has been collected via research projects within the field of child protection. However, no overall agenda exists to further accountability in the child protection system.

²²⁰ <https://www.bmfsfj.de/blob/jump/179392/neunter-familienbericht-bundestagsdrucksache-data.pdf>

²²¹ <https://cls-studie.de/>

5.3. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Serious case reviews may strengthen accountability but are not mandatory in Germany, and (due to a lack of a specific law) there are some problems with data protection issues if children and families disagree. Yet, some serious case reviews have been done, and results have been widely discussed.²²² A first state (North Rhine-Westphalia) has passed a child protection law making serious case reviews mandatory.²²³

Although there is no overall monitoring of children in child protection, some providers of alternative care have started to investigate children's outcomes. One such study is the Längsschnittstudie of SOS Kinderdörfer. Young persons leaving care provide regular feedback on their educational achievement, sense of belonging, and mental health outcomes.²²⁴ Another study with potentially important results is the Langzeitstudie zur Lebenssituation und Lebenslage von (armen) Kindern (AWO-ISS-Langzeitstudie). Children with different socioeconomic backgrounds have been followed since the 1990s. Data also include support measures.²²⁵ In 2021, the project Care Leaver Statistics started. It tracks the transition of 2000 care leavers from alternative care to adulthood.²²⁶

Finally, as states can make executive laws for federal child and youth welfare legislation it is possible that states regulate that additional information regarding child protection is collected and reported. For example the state of Rhineland-Palatinate (Rheinland-Pfalz) has regulated that there has to be a report on child protection in the state every four years.²²⁷ Published reports have focused on the role of child well-being examinations in child protection.

²²² Gerber, C. & Lillig, S. (2018). Gemeinsam lernen aus Kinderschutzverläufen. Eine systemorientierte Methode zur Analyse von Kinderschutzfällen und Ergebnisse aus fünf Fallanalysen. Köln/München: NZFH.

²²³ https://recht.nrw.de/lmi/owa/br_vbl_detail_text?anw_nr=6&vd_id=20399&vd_back=N509&sg=0&menu=1

²²⁴ <https://www.sos-kinderdorf.de/portal/paedagogik/praxisforschung/laengsschnittstudie>

²²⁵ <https://www.iss-ffm.de/themen/alter/projekte-1/langzeitstudie-zur-lebenssituation-und-lebenslage-armer-kinder>

²²⁶ <https://cls-studie.de/>

²²⁷ https://kinderrechte.rlp.de/fileadmin/user_upload/LKindSchuG.pdf

6. General education, promotion, and awareness raising

6.1. Education on child rights

6.1.1. Does education on child rights form part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career.

The educational system is organized on a state level (Bundesland). Thus, school curricula vary. The Kultusministerkonferenz (KMK, Conference of all state ministers for Education for coordination of education; the KMK cannot make binding guidelines; guidelines are based on consensus and implemented into practice by state ministers) has updated their guidelines for human rights education in 2018.²²⁸ In general, human rights education is considered an important part of education. It should be taught throughout all grades and should also be considered a bridging topic between different subjects. The KMK does not specify the number of hours spent on human rights in school as the specific curricula development is the responsibility of the states. States outline the curricula for schools and subjects, including the approximate time spent for certain subjects. However, the actual number of hours depends on the teachers' discretion. They might react to the specific needs and interests of pupils.

A specific guideline for children's rights does not exist on national level. However, children's rights are part of curricula in most states, starting at the primary school level.²²⁹ Children's rights organizations funded by the federal government, such as National Coalition Deutschland and Deutsche Kinderhilfswerk (DKHW), also publish special materials aimed at children, for example the "Pixie Books" on children's rights issues (DKHW).²³⁰ Educational material on children's rights is, for example, provided by the Bundeszentrale für Politische Bildung.²³¹

6.1.2. Please provide an overview of the most important national and/or sub-national implemented programmes and activities aiming at educating children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors were those commissioned, funded, and implemented?

Several states²³² and charity organizations²³³ have published materials for children's education in schools and daycare centers about children's rights. As far as we know, there is no comprehensive list of published materials and no study of how widely different materials are disseminated or used. Since 2010, there is an Independent Commissioner for Child Sexual Abuse Issues (Unabhängige Beauftragte des Bundestages in Fragen des sexuellen Kindesmissbrauchs, UBSKM). The UBSKM provides information for victims (e.g., homepage, leaflets) in different languages (German, easy

²²⁸ <https://www.kmk.org/themen/allgemeinbildende-schulen/weitere-unterrichtsinhalte-und-themen/menschenrechtsbildung.html>

²²⁹ For example in Mecklenburg-Vorpommern: <https://www.bildung-mv.de/schueler/schule-und-unterricht/faecher-und-rahmenplaene/rahmenplaene-an-allgemeinbildenden-schulen/>

²³⁰ <https://www.dkhw.de/schwerpunkte/demokratiebildung-von-anfang-an/pixi-buchreihe/>

²³¹ <https://www.bpb.de/lernen/angebote/vorbild/506843/unterrichtseinheit-4-2-2-vertiefung-kinderrechte-kinderrechte-raten/>

²³² https://kinderrechte.rlp.de/fileadmin/kinderrechte/Materialien/Kinderrechte-allgemein/Broschu__re_Kinderrechte_machen_Schule_1_RLP.pdf

²³³ E.g. <https://www.unicef.de/informieren/schulen/kinderrechteschulen>

German, German sign language, English, French, Polish, Turkish, Ukrainian)²³⁴ but not in child-friendly language and also acts on behalf of victims of sexual abuse in the political process. Moreover, there have been awareness-raising campaigns in relation to child sexual abuse (“Schieb den Gedanken nicht weg!”²³⁵; “Kein Raum für Missbrauch!”²³⁶). Since 2020, there is also an awareness-raising campaign on abuse, particularly during the Covid-19 pandemic (“Kein Kind alleine lassen”²³⁷). The campaigns of the UBSKM usually contain homepages, leaflets, social media, and advertisements and are available in different languages (some materials are available in different languages, but not all; we did not come across material specifically labeled as child-friendly). The UBSKM also initiates research monitoring the protection of children from child sexual abuse.²³⁸

The Aktionsplan „Queer leben“ – Agenda für eine Politik des Respekts und der Anerkennung von Vielfalt of the BMFSFJ aims to improve the situation for LGBTQ+ persons and may also benefit LGBTQ+ children and adolescents.²³⁹ The same applies to the work of the Commissioner against Antigypsyism (Antiziganismusbeauftragten) to fight prejudice against Roma and Sinti and facilitate the inclusion of Roma and Sinti.²⁴⁰

6.2. Promotion and awareness raising

6.2.1. Please provide information on awareness raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.

The aim of the Federal Government is to enshrine children's rights in the Basic Law. After the failed attempt by the previous government, the governing parties want to make a new attempt. But so far there have been no recent governmental activities on awareness raising or promotion campaigns for child rights or the EU Charter of fundamental rights.

²³⁴ <https://www.hilfe-portal-missbrauch.de/gebaerdensprache>

²³⁵ <https://nicht-wegschieben.hilfe-portal-missbrauch.de/>

²³⁶ <https://www.kein-raum-fuer-missbrauch.de/>

²³⁷ <https://www.deine-playlist-2022.de/keinkindalleinlassen>

²³⁸ <https://beauftragte-missbrauch.de/>

²³⁹ <https://www.bmfsfj.de/bmfsfj/aktuelles/presse/pressemitteilungen/aktionsplan-queer-leben-agenda-fuer-eine-politik-des-respekts-und-der-erkennung-von-vielfalt-205140>

²⁴⁰ <https://www.bmfsfj.de/bmfsfj/ministerium/behoerden-beauftragte-beiraete-gremien/antiziganismusbeauftragter-der-bundesregierung>

There are some campaigns on a local level (e.g., city of Frankfurt)²⁴¹ and by non-governmental organizations²⁴² using media (e.g., TV) or other media, events, and workshops. The initiative “Kinderrechte ins Grundgesetz” (more than 100 participating organizations,²⁴³ different channels, general public, and policymakers as target groups, no information on funding) is widely advocating for children’s rights.²⁴⁴ The Bundesarbeitsgemeinschaft “Kinderinteressenvertretungen“ and the Deutsches Institut für Menschenrechte have noted the importance of more awareness raising for children’s rights in Germany.²⁴⁵ In order to make children's rights better known, especially among children and young people, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth together with the National Coalition Germany published a new children's rights brochure in 2022 (only in German).²⁴⁶

6.2.2. Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure²⁴⁷? Please briefly describe.

Ombudspersons are established at the state level (§ 9a SGB VIII). The extent of advertising and child-friendliness varies between states.

On a national level, a child hotline (Nummer gegen Kummer) is funded by the BMFSFJ and charitable organizations. This hotline provides help for children via telephone or chat. It is widely advertised. This advertisement includes specific information packages also for children with disabilities.²⁴⁸

In most schools, there is information available on possibilities to complain and receive support. However, this is regulated on state or municipal level and it might also depend on teachers how child-friendly they advertise this information.

6.2.3. Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

The Initiative Digitale Bildung (initiative Digital Education) is an initiative of the Federal Ministry of Education and Research (Bundesministerium für Bildung und Forschung). The aim is to enhance digital literacy and foster digitalization in the education system. It does not address online safety for children.

The Federal Agency for Child and Youth Protection in the Media (Bundeszentrale für Kinder- und Jugendmedienschutz, BzKJ) practices a dialogue format called „Die ZUKUNFTSWERKSTATT – Kinder- und Jugendmedienschutz vom Kind aus gedacht!“ They raise awareness in this field and also develop

²⁴¹ <https://kinderbuero-frankfurt.de/index.php/469-kinderrechtskampagne-stadt-der-kinder-2021-ist-gestartet>

²⁴² E.g. <https://www.dkhw.de/aktionen/aktion-30-jahre-kinderrechte/>

²⁴³ https://kinderrechte-ins-grundgesetz.de/wp-content/uploads/2021/04/Appell_Kinderrechte-ins-Grundgesetz-aber-richtig_final_22-04-21-1.pdf

²⁴⁴ <https://kinderrechte-ins-grundgesetz.de/>

²⁴⁵ <https://www.institut-fuer-menschenrechte.de/aktuelles/detail/rechte-von-kindern-bekanntermachen>

²⁴⁶ <https://netzwerk-kinderrechte.de/publikation/eure-kinderrechte/>

²⁴⁷ URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications> [12/12/2022]

²⁴⁸ <https://www.nummergegenkummer.de/aktuelles/materialien/>

materials on children's online safety.²⁴⁹ One of their projects is the "Gefährdungsatlas. (risk atlas) The publication offers an up-to-date, scientifically based framework for the challenges and threats that need to be considered when establishing intelligent opportunity and risk management in protecting children and young people in the media. At the same time, the risk atlas serves as an overview of orientation and reference work on possible risks, but also in some cases opportunities for the development of children and young people when using digital media).²⁵⁰ It is for pedagogical personal and parents and not available in minority languages or child-friendly language.

6.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measure targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Activities in civil society are encouraging. Some campaigns (e.g., Kinderhilfswerk Fn. 188) seem to be well conceptualized and designed to raise the awareness on children's rights. Particularly, in relation to child sexual abuse, awareness raising is done by a state entity namely the Independent Commissioner into Issues of Child Sexual Abuse. However, for child's rights in general, awareness raising is mostly done by private (also sometimes state supported) initiatives. Moreover, information is not always available in different languages and in a child-friendly manner.

Due to the federalism, it is difficult to assess the extent to which child's rights are part of general education and it also depends on teacher's discretion to decide on the extent of information provided to children about child's rights.

There is no comparative research and research on outreach and its effects of the individual initiatives. Such research or at least a compilation of best-practice examples would help organizations that want to contribute.

²⁴⁹ <https://www.bzkg.de/bzkg/zukunftswerkstatt>

²⁵⁰ <https://www.bzkg.de/bzkg/service/publikationen/gebraeudungsatlas-digitales-aufwachsen-vom-kind-aus-denken-zukunftssicher-handeln-aktualisierte-und-erweiterte-2-auflage--197812>

7. Child participation and community engagement

7.1. Complaint procedures

Question	YES	NO	Comments
7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles ²⁵¹ in place, with an ability to hear, review and enforce individual complaints from children?		X	<p>Since June 2021, all German states have to organize ombuds institutions (§ 9a SGB VIII)²⁵², which function as independent complaint and counseling institutions for children, young people, and their families in cases of conflict with the local child and youth welfare authorities or other child and youth welfare services. All state level ombuds institutions are linked via a network.²⁵³</p> <p>State law regulates child and youth welfare ombuds institutions' specific structures, responsibilities, and possibilities. A recent paper on the federal network of ombuds institutions indicates huge differences between states in resources.²⁵⁴ Therefore, some institutions had to decline new requests for services in 2021.²⁵⁵ Moreover, there are still two German states without ombuds institutions according to § 9a SGB VIII.²⁵⁶ Ombuds institutions generally lack the power to initiate inquiries and investigations and gather the necessary evidence and documents. Therefore, there is <u>no</u> full compliance with Paris Principles.</p> <p>For child and youth welfare institutions with direct contact with children, children's participation and complaint procedures are required by law to obtain a licence (§ 45 (2) SGB</p>

²⁵¹ URL: [https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20\(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness](https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness) [12/12/2022]

²⁵² https://www.gesetze-im-internet.de/sgb_8/__9a.html

²⁵³ <https://ombudschaft-jugendhilfe.de/>

²⁵⁴ https://ombudschaft-jugendhilfe.de/wp-content/uploads/2022_10_Informationen_zu_ombudschaftlichen_Strukturen_barrierefrei_neu.pdf

²⁵⁵ Len, A., Manzel, M. & Urban-Stahl, U. (2023). Ombudschaftliche Beratung im Spiegel der Statistik. Das Jugendamt, 02/2023, 46-52

²⁵⁶ https://ombudschaft-jugendhilfe.de/wp-content/uploads/2022_10_Informationen_zu_ombudschaftlichen_Strukturen_barrierefrei_neu.pdf

			VIII). The local child and youth welfare authorities should ensure this quality standard is met via the inspection of concepts. However, the law does not require them to collect information by collecting information from the children if they are allowed to participate.
7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact with the law and for children to access justice and seek redress and remedies for violations of the child protection rights?		x	<p>As long as children have not come of age (until their 18th birthday), parents, legal guardians, or guardians ad litem represent them and their interests in court. If there may be a conflict of interests between children and parents, there must be a court-appointed guardian ad litem for minors. Children under 14 years cannot bring a complaint to court independently from their legal guardians. In case of criminal charges, police and the criminal court may bring charges forward ex officio following children's reports. Moreover, in family court proceedings, a judge can also initiate proceedings ex officio based on children's wishes, but the decision lies within the judge's discretion.</p> <p>Child-friendly hearing rooms have been established in some courts and might be used especially in criminal court proceedings and in family court proceedings. There have been no studies in Germany on whether such rooms affect children's well-being in a court proceeding.</p>

7.2. Feedback mechanisms

Question	YES	NO	Comments
7.2.1. Are there government support fora such as children's groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from children and children's groups who have received child protection services?		x	<p>There is no overall national agenda to support children's groups in relation to general participation in child protection.</p> <p>In the educational system, children's participation is supported through the election of the students' council (Schülermitverwaltungen), which are also organized in state-level networks. The organization and rights of students' councils vary due to the federal structure of Germany. There is no monitoring on a national level.</p> <p>On state level, some states, e.g., Bavaria, have a Landesheimrat consisting of adolescents in</p>

			<p>residential care. Its aim is to promote children's rights and advice on issues in relation to residential care.²⁵⁷ They can make suggestions that are not binding to any state authority. For residential care facilities, some form of children's participation is required by law (§ 45 SGB VIII).</p> <p>In addition, some municipalities and states have established children's parliaments which can make non-binding suggestions.²⁵⁸</p> <p>As far as we know, there has been no kind of monitoring of what happens to advice and suggestions made by children.</p>
7.2.2. Are community-based mechanisms functional across the country where necessary and per applicability and per protocols and procedures? Is their effectiveness monitored by independent accountability mechanisms?		x	None

7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

With the Kinder- und Jugendhilfestärkungsgesetz from 3 June 2021, § 9a was introduced in the Social Code Book VIII, which obliges each state to establish a child and youth welfare ombuds institution. Children, young persons, and their families can report conflicts in relation to local child and youth welfare authorities as well as other child and youth welfare services. State law regulates child and youth welfare ombuds institutions' specific structures, responsibilities, and possibilities.

Due to the federal structure, complaint and feedback procedures for children might vary between different regions and institutions. This might hinder children's participation as the complaint and feedback mechanisms are not clear and transparent.

²⁵⁷ <https://www.landesheimrat.bayern.de/wir/was/index.php>

²⁵⁸ <https://www.erkrath.de/kinderparlament>