



FACTSHEET – GERMANY

Lanzarote Committee Implementation Report on:

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)”

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I. Introduction

Protecting children from sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) is a common challenge faced by all States. The often transnational nature of these offences makes international cooperation of the utmost importance especially to identify and protect victims as well as to identify and prosecute perpetrators.

The Council of Europe [Convention on the Protection of Children against sexual exploitation and sexual abuse](#) (“Lanzarote Convention”) is a comprehensive instrument that sets out the applicable standards necessary to:

- Prevent child sexual exploitation and abuse, including where this is facilitated by ICTs;
- Protect victims;
- Prosecute perpetrators; and
- Promote national and international co-operation to strengthen these actions.

The [Committee of the Parties to the Lanzarote Convention](#) (“the Lanzarote Committee”) monitors the implementation of the Convention in thematic monitoring rounds. This allows for all Parties to be monitored simultaneously on the same theme.

Particularly concerned by the exponential increase in offences committed using child self-generated sexual images and/or videos (CSGSIV), the Lanzarote Committee decided to dedicate its second monitoring round to this topic. The 43 States that were Party to the Convention at the time the monitoring round was launched took part, including Germany.

The [implementation report](#) adopted by the Lanzarote Committee in the context of this monitoring round is based on information provided by [State Parties](#) and [other stakeholders](#) in response to a questionnaire. The implementation report also contains information received from 306 [children](#) in 10 Parties who chose to participate.

The Lanzarote Committee’s recommendations to improve or reinforce the protection of children against sexual exploitation and sexual abuse can be found in boxes in each of the 10 thematic chapters. The key messages resulting from the children’s participation are also reflected throughout the whole report. Each chapter also includes examples of promising practices.

The Lanzarote Committee indicates the different levels of urgency applicable to the recommendations made by using the following terms:

- **“Require”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by its Explanatory report;
- **“Request”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by documents adopted by the Committee (e.g. previous monitoring round findings, opinions, other)¹;
- **“Invite”**: when the steps recommended correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Lanzarote Convention.

This factsheet is based on the implementation report and has been prepared by the Lanzarote Committee Secretariat as a practical tool to be used by Germany to clearly identify the relevant recommendations and actions addressed by the Lanzarote Committee to it. Therefore, it does not include updated information on measures implemented by the Parties since the adoption of the report

¹ See Rule 30 (General comments, proposals and opinions) of the Lanzarote Committee’s Rules of Procedure.

in March 2022. Parties are encouraged to inform the secretariat of any relevant measures implemented after that date, which may have an impact on the Committee's analysis and recommendations by completing this [online form](#) or by email to lanzarote.committee@coe.int.

Key findings of the implementation report as to all Parties

The Committee raised particular concerns that in the vast majority of State Parties, children are at risk of criminal liability in relation to their own self-generated materials, and that many Parties do not provide for the specific offence where a child is a victim of extortion involving the use of its CSGSIV.

Strengthening international cooperation was identified as of particular importance in this context, given that these offences often contain a transnational element. The Lanzarote Committee also called on Parties to establish jurisdiction where any constituent element of an offence takes place within their territory.

Many Parties were found to provide mechanisms to facilitate reporting of these crimes but without providing specific services to support and assist children who have been victims of online sexual abuse to recover. Lack of public awareness and education, including among children, about the specific risks associated with ICT facilitated sexual abuse and self-generated content was also identified as a common challenge.

II. Legal frameworks

Interpreting the Convention, in conjunction with its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

Observations and recommendations of the Committee on the legal framework specific to Germany

General remarks

The Committee notes that the legal framework of Germany refers explicitly to CSGSIV.²

Reservations allowed by Article 20(3) as regards own sexual images consensually produced and possessed by children for private use

The Committee highlights that Article 20(3) second indent foresees exemption from liability for the production and possession of one's sexually explicit images only where the children in question are above the age of sexual consent and where the material is produced/possessed with their consent for their own private use. Germany made such a reservation:³ "juveniles", i.e. persons between the ages of fourteen and under eighteen years, may produce and possess own pornographic materials, without this necessarily constituting a threat to any legally protected interests, if both persons consent.⁴

Article 8(3) of EU Directive 2011/93 on combating the sexual abuse and sexual exploitation of children and child pornography similarly establishes that: "*It shall be within the discretion of Member States to decide whether Article 5(2) and (6)*⁵ *apply to the production, acquisition or possession of material involving children who have reached the age of sexual consent where that material is produced and possessed with the consent of those children and only for the private*

use of the persons involved, in so far as the acts did not involve any abuse."⁶ The Committee notes from the Commission's report (COM(2016) 871 final) to the European Parliament assessing the extent to which the Member States have taken the necessary measures to comply with EU Directive 2011/93 that Germany chose to apply the above-mentioned Article 8(3).⁷

The interplay of the age of criminal responsibility and the age of sexual consent

The Committee notes that the majority of Parties do not prosecute the production of sexually explicit images by children themselves, and the possession of such images by children as they may subject the criminalisation under other conditions (e.g. the context of the possession, the legal age for sexual activities, etc). On this, Germany pointed at the age of criminal responsibility, which is 14 years old, below which children cannot be held criminally liable for the production and possession of CSGSIV.⁸

Germany also noted that production and possession of self-generated material were not criminalised when the child(ren) in question have reached the legal age for sexual activities. However, the Committee underlines that relying on the age of sexual consent alone to exclude criminal responsibility for the scenarios listed in

² Para. 43.

³ Para. 55.

⁴ Para. 56.

⁵ Article 5 (offences concerning "child pornography" of the EU Directive 2011/92 reads:

1. *Member States shall take the necessary measures to ensure that the intentional conduct, when committed without right, referred to in paragraphs 2 to 6 is punishable.*

2. *Acquisition or possession of child pornography shall be punishable by a maximum term of imprisonment of at (...)*

6. *Production of child pornography shall be punishable by a maximum term of imprisonment of at least 3 years.*

⁶ Para. 59.

⁷ Para. 60.

⁸ Para. 71.

paragraphs 3-6 of the 2019 Opinion, is insufficient as, in such a case, younger children may not be covered by the exemption from criminal responsibility.⁹

- Therefore, the Committee **requests** that Germany ensures that a child will not be prosecuted when he/she possesses:
 - their own self-generated sexually suggestive or explicit images and/or videos;
 - self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
 - the self-generated sexually suggestive or explicit images and/or videos of another child as a result of receiving them passively without actively asking for them.¹⁰

Sharing own self-generated material and other children's self-generated material

The Committee observes that children are potentially criminally liable for the distribution or transmission of their own CSGSIV in Germany.¹¹ Furthermore, Germany has rules that lead to the criminalisation of the distribution by children of CSGSIV of other children.¹²

The Committee **requests** that Germany ensures that:

- a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary, consensual, and intended solely for their own private use.¹³
- the distribution or transmission by children of self-generated sexually explicit images and/or videos of *other* children is prosecuted as a last resort when such images and/or videos qualify as "child pornography" in accordance with Article 20(2) of the Convention.¹⁴

On the "sexual extortion of children"

The Committee observes that Germany could not provide data or details about cases of sexual extortion of children involving CSGSIV.¹⁵

In cases where the sexual extortion is intended to procure additional sexual images or videos, the Committee observes that Germany prosecutes for offences related to "child pornography", in concurrence with offences where threat is a core element, such as extortion or coercion.¹⁶ Germany also referred to further offences, such as corruption of children, which may be established in recognition of the constituent elements of coercion/extortion.¹⁷

When sexual extortion is intended to procure other sexual favours from the child depicted in the images/videos or from other children, Germany reported that it would prosecute for sexual abuse of a child in accordance with Article 18 of the Convention, for offences related to child prostitution, participation in pornographic performances and corruption of children.¹⁸ In addition, Germany also prosecutes conduct relating to the possession of the initial child sexual image or video as an offence related to "child pornography" under Article 20.¹⁹ Germany would prosecute for sexual assault by use of force or threats. It also reported the possible prosecution for coercion and aggravated coercion.²⁰

In the case where it is intended to procure a financial gain or other property from the child, Germany indicated that the conduct would be qualified as extortion or aggravated extortion. It identifies the situation as offences related to child pornography or as child prostitution.²¹

When dealing with sexual extortion cases involving children, the Committee **invites** Germany:

- take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional self-generated sexual images and/or videos, other sexual favours, a

⁹ Para. 73.

¹⁰ Recommendation II-6.

¹¹ Para. 78.

¹² Para. 82.

¹³ Recommendation II-8.

¹⁴ Recommendation II-9.

¹⁵ Para. 95.

¹⁶ Para. 98.

¹⁷ Para. 100.

¹⁸ Para. 102.

¹⁹ Para. 103.

²⁰ Para. 104.

²¹ Para. 106.

financial gain or other gain to the offenders by:

- either creating a specific incrimination to address this situation,
- or prosecuting both the initial detention of CSGSIV and the act of extortion.²²

- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.²³

Generic recommendations of the Committee on legal frameworks

The Committee **invites** all Parties, including Germany:

- to introduce a definition of “child sexual abuse material” (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child, following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)^{24, 25}
- to introduce explicit references in its respective legal frameworks to conduct concerning CSGSIV, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.²⁶
- to rather use the term “child sexual abuse material” for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)²⁷ in the development of future national, regional and international legal instruments and policies

addressing the prevention of and protection from sexual exploitation and sexual abuse of children, as the Committee acknowledges that using the term "child pornography" can undermine the gravity of the crimes it refers to.²⁸

- to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Convention.²⁹
- to adopt legislative or other measures which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos.³⁰
- to consider criminalising the offence of "grooming" (solicitation of children for sexual purposes), even when it does not lead to a face-to-face meeting or producing child sexual abuse material.³¹

²² Recommendation II-11.

²³ Recommendation II-12.

²⁴ The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular.](#)

²⁵ Recommendation II-3.

²⁶ Recommendation II-2.

²⁷ The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular.](#)

²⁸ Recommendation II-1.

²⁹ Recommendation II-4.

³⁰ Recommendation II-7.

³¹ Recommendation II-10.

III. Investigations and prosecution

In its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies](#) (ICTs) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

Observations and recommendations of the Committee on investigations and prosecution specific to Germany

The Committee observes that Germany's investigation and prosecution services are already in line with some of its recommendations as Germany has:

- specialised units dealing with ICT facilitated offences against children within law enforcement,³² and sections/departments dedicated exclusively to cyber or sexual crimes against children.³³
- training modules provided by State authorities for law enforcement agents related to aspects of child sexual exploitation and sexual abuse.³⁴ The Committee notes that training is available both in the Federal Criminal Police Office and in the individual Länder.³⁵
- training provided by State authorities for prosecutors on aspects of child sexual exploitation and sexual abuse.³⁶ The Committee notes that national judicial academies organise trainings.³⁷ The Committee also notes that participation in specialised seminars tends to be voluntary in Germany.³⁸ It observes that trainings include topics such as sexual violence against children, online child sexual abuse and sexual exploitation, CSAM specifically, interdisciplinary approaches, and international collaboration.³⁹ Germany indicated that the Federal Ministry of Justice and Consumer Protection was planning to offer a seminar at the German Judicial Academy in 2022, which would cover, among

other things, the use of investigative authority to combat child pornography. This advanced training measure will be directed both at judges and public prosecutors.⁴⁰

- training provided by State authorities for judges on aspects of child sexual exploitation and sexual abuse. The Committee notes that judges and prosecutors are trained together and/or have the same training options available to them.⁴¹
- victim identification functions located within police and investigation services.⁴²

Additionally, the Committee observes that Germany makes an active contribution to the INTERPOL's international child sexual exploitation (ICSE) database through its investigative and police offices. Germany also has ICSE users within its National Central Bureaus for the International Criminal Police Organisation.⁴³

The Committee observes that in Germany, the Central agency combatting sexual offences against children and adolescents operates at the national level, working in cooperation with regional Länder police.⁴⁴

The Committee also notes that cases concerning sexual abuse or exploitation of children facilitated by ICTs are managed by prosecution offices dedicated to juvenile justice.⁴⁵

The Committee observes that in Germany, cases

³² Para. 115.

³³ Para. 116.

³⁴ Paras. 145, 146.

³⁵ Para. 151.

³⁶ Paras. 156, 157.

³⁷ Para. 159.

³⁸ Para. 163.

³⁹ Para. 164.

⁴⁰ Para. 165.

⁴¹ Para. 167.

⁴² Para. 180.

⁴³ Para. 186.

⁴⁴ Para. 119.

⁴⁵ Para. 125.

concerning ICT facilitated sexual offences against children are heard by specialised sections of the court system dealing with child-related cases as the public prosecutor's office is obliged to file criminal charges in matters concerning the protection of children before youth courts, if this best protects their interests. Criminal proceedings brought for ICT facilitated sexual offences against children are prosecuted before the youth courts and youth court judges of the local courts (Amtsgerichte) and before youth divisions of the regional courts (Landgerichte).⁴⁶

Regarding challenges encountered during investigation and prosecution, Germany mentioned the following:

- the speed of development of modern technologies and the internet is a challenge with respect to training;⁴⁷
- the assessment of (potential) victims' ages is a challenging and time-consuming task.⁴⁸
- perpetrators who have sexually abused children, produced, or disseminated CSAM are often difficult to trace and identify, when child abuse material has been shared multiple times.⁴⁹
- perpetrators also often seek to hide their identity online, for example using fake names, open servers, or software which hides their identity. Germany points out that anonymisation services can make it impossible to locate the IP address of a sender or user and refers to the use of the Darknet and virtual private networks, making it more difficult to detect offences and their perpetrators.⁵⁰
- a key challenge for a successful prosecution phase is to obtain electronic evidence that can be validly used before courts. There is also a high risk that evidence will be erased, either by the perpetrator of the criminal offence, or the victim himself/herself, out of shame or fear.⁵¹
- where evidence is obtained, searching, isolating, and analysing the data of devices require a considerable amount of time, resources and work. Where there are complex proceedings, analysis may take between 1.5 to 2 years or even longer; this may also lead to reduced sentences for the perpetrator due to excessively long duration of proceedings.⁵²
- authorities are increasingly faced with encrypted data. This is the case, for example, of the WhatsApp messaging service, which has end-to-end encryption. The exploitation of encrypted information can be particularly time-consuming, and it may even happen that the encryption is so effective that the law enforcement specialists cannot decode the entirety of the data entered.⁵³
- To improve the effective implementation of the Convention, the Committee **requests** Germany to take the necessary legislative or other measures, in conformity with the fundamental principles of its internal law, to ensure an effective investigation and prosecution of ICT facilitated sexual offences against children, allowing, where appropriate, for the possibility of covert operations.⁵⁴

⁴⁶ Para. 129.

⁴⁷ Para. 173.

⁴⁸ Para. 182.

⁴⁹ Paras. 193, 194.

⁵⁰ Para. 195.

⁵¹ Paras. 203, 204.

⁵² Para. 207.

⁵³ Para. 208.

⁵⁴ Recommendation III-28.

Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities:

- Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Committee **requests** those Parties that are not already doing so to ensure that law enforcement and prosecution units, services or persons specialised in ICT-facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.⁵⁵

The Committee **invites** all Parties, including Germany:

- to ensure that the capacities of any investigative unit specialised in ICT facilitated sexual offences against children take into account evolving technologies and online behaviours and reflect current practices used by perpetrators.⁵⁶
- to ensure that units, services, or persons within courts responsible for ICT facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge and in offences involving CSGSIV.⁵⁷
- to provide specific training⁵⁸ on ICT facilitated sexual offences against children, including when such offences involve CSGSIV, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.⁵⁹
- to ensure that training on the challenges raised by CSGSIV and ICT facilitated coercion or extortion of children is available to

prosecutors and to judges.⁶⁰

- to ensure that training on ICT facilitated sexual offences against children for law-enforcement, prosecutors and judges contains a practical element, involving simulated or real cases.⁶¹

On measures to ensure the effective investigation and prosecution:

- The Committee **requires** all Parties to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay.⁶²

It also **invites** all Parties, including Germany:

- to ensure that measures, services, and technology available to those in charge of identifying child victims of ICT facilitated sexual offences are up to date, reflect current practices across Parties, including establishing and using national child abuse material databases, and that resources are sufficiently allocated.⁶³
- to take the necessary legislative or other measures to ensure that preservation of specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved.⁶⁴
- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.⁶⁵

⁵⁵ Recommendations III-3 and III-7.

⁵⁶ Recommendation III-4.

⁵⁷ Recommendations III-9, III-10.

⁵⁸ Such trainings can also be part of broader training programmes.

⁵⁹ Recommendation III-14.

⁶⁰ Recommendations III-17 and III-19.

⁶¹ Recommendation III-21.

⁶² Recommendation III-30.

⁶³ Recommendation III-24.

⁶⁴ Recommendation III-31.

⁶⁵ Recommendation III-32.

Promising practices

In Hesse, Germany, the *Polizeiakademie* offers a course on child pornography and juvenile pornography in Germany on the internet, with a target age range of 14-18. The week-long, non-obligatory course covers the production, possession, procurement, and further dissemination of data or material constituting pornography, including the criteria defining a criminal offence as set out in the Criminal Code. The course covers both legal issues and technical terms.

In 2014, experts from Denmark, France, Germany, Netherlands, Spain, Sweden and the United Kingdom (as well as Australia, the USA, EUROPOL and INTERPOL) engaged in a Victim Identification Taskforce (VIDTF) to harness international cooperation in victim identification.⁶⁶ This initiative has been continued, including its 10th edition in October-November 2021.⁶⁷

⁶⁶ See:

<https://www.europol.europa.eu/activities-services/europol-in-action/operations/victim-identification-taskforce>.

⁶⁷ <https://www.europol.europa.eu/newsroom/news/global-europol-taskforce-identifies-18-child-victims-of-sexual-abuse>

IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

Observations and recommendations of the Committee on jurisdiction rules specific to Germany

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1) (a-c))

Germany has established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle. Accordingly, pursuant to section 9(1) of the German Criminal Code, the place of the offence is both the place where an action was taken and the place where the intended objectives were achieved. The place where the action was taken is wherever the perpetrator pursues, during the stage at which the action is being committed, activities directed at realising the constituent elements of the offence. The place at which the intended objectives were achieved is the place where the result occurs or should have occurred according to the intention of the offender, when the result is a part of the constituent elements of the offence. This rule allows for the prosecution of offences whereby either the perpetrator or the victim is in Germany, although the other party is in another State.⁶⁸

Jurisdiction based on nationality and residency (Article 25(1)(d), (e))

The Convention provides that Parties should take the necessary legislative and other measures to establish jurisdiction over offences committed by persons who have their habitual residence in their territory (Article 25(1)(e)). Germany has made a reservation to this provision in accordance with Article 25(3). German criminal law does not contain any provision that implements Article 25(1)(e) in its entirety, i.e. there is no provision pursuant to which offences committed abroad by foreigners or stateless

persons who have their habitual residence in Germany are subjected to German criminal law. The kinds of cases relevant in practice are covered by section 7(2) no.2 of the Criminal Code, whereby German criminal law is applicable to offences committed abroad if the offender was a foreigner or stateless at the time of the offence and is discovered in Germany and, although the Extradition Act would permit extradition for such an offence, is not extradited. However, it is conceivable that exceptional cases may arise where such prerequisites are not met.⁶⁹

- Therefore, the Committee **invites** Germany to consider removing this reservation and establish jurisdiction for offences under the Convention when such offences are committed abroad by persons having their habitual residence in its territory.⁷⁰

Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed (Article 25(6))

The Committee observes that Germany did not provide information as to whether it subordinates its jurisdiction to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed.

- To improve the effective implementation of the Convention, the Committee **requires** Germany to remove the requirement that prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed for offences of sexual abuse

⁶⁸ Para. 214.

⁶⁹ Para. 216.

⁷⁰ Recommendation IV-3.

(Article 18), offences concerning child prostitution (Article 19), the production of “child pornography” (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21), when committed by one of its nationals or by a person who has his or her habitual residence in its territory.⁷¹

Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed (Article 25(4)): the dual criminality principle

Germany reported that the principle of dual criminality is not a requirement for offences of child sexual abuse committed by nationals.⁷²

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the

passive personality principle (Art. 25(2))

Germany applies the passive personality principle in respect of offences committed against a national in Germany, only for offences punishable by imprisonment of at least 6 years.⁷³ The Committee further observes that in order to apply the passive personality principle, the German Criminal Code requires dual criminality, except when the child is a habitual resident.⁷⁴

The Committee **requests** Parties that are not already doing so, including Germany, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with the Lanzarote Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.⁷⁵

Generic recommendations of the Committee on the jurisdiction rules

- The Committee **invites** Parties, including Germany, to remove the requirement for dual criminality when committed by one of their nationals, for offences of:
 - possessing, offering, distributing, transmitting, procuring child pornography, and the fact of knowingly gaining access to child pornography through ICTs, when CSGSIV are involved when committed by one of their nationals,⁷⁶
 - solicitation of children for sexual purposes (Article 23) when committed by one of their nationals.⁷⁷

Promising practice

Germany can prosecute persons who are neither nationals nor persons who have their habitual residence in its territory for sexual abuse or exploitation of children committed abroad, including children who are not its nationals, when the offender is present on its territory as it applies a principle of universal jurisdiction in relation to, among other offences, the dissemination of “child pornography” and “juvenile pornography” pursuant to sections 184b and 184c of the Criminal Code.

⁷¹ Recommendation IV-5.

⁷² Para. 223.

⁷³ Para. 231.

⁷⁴ Para. 232.

⁷⁵ Recommendation IV-9.

⁷⁶ Recommendation IV-7.

⁷⁷ Recommendation IV-8.

V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

Observations of the Committee on international cooperation specific to Germany

The Committee observes that INHOPE,⁷⁸ the PROMISE Barnahus Network,⁷⁹ WeProtect Global Alliance,⁸⁰ INSAFE and Safer Internet Centres,⁸¹ ECPAT,⁸² and EMPACT (European Multidisciplinary Platform Against Criminal Threats) cybercrime CSE/CSA⁸³ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Germany.⁸⁴

Furthermore, the Committee notes that European law enforcement representatives from Germany attend the Europol's central training course "Combatting the Sexual Exploitation of Children on the Internet" (COSEC) and the

Europol-Interpol-Cepol co-organised training course on victim identification (VID training course).⁸⁵

Lastly, the Committee observes that Germany does not have the limitation introduced in the Directive 2012/29 of the European Parliament and the Council of 25 October 2012, establishing minimum standards on the rights, support, and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA,⁸⁶ on the requirements for victims to report to another country of the European Union if the offense was committed in that country.⁸⁷

Generic recommendations of the Committee on international cooperation

- On international cooperation, the Committee **requests** all Parties, including Germany to extend their international cooperation with other Parties to improve the effective implementation of the Convention.⁸⁸

The Committee **invites** all Parties, including Germany:

- to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to

- to expand international cooperation with countries which are not Parties to the Convention to disseminate the standards of the Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Convention, in matters related to CSGSIV.⁸⁹
- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁹¹

⁷⁸ www.inhope.org/

⁷⁹ <https://www.barnahus.eu/en/>

⁸⁰ <https://www.weprotect.org/>

⁸¹ <https://www.betterinternetforkids.eu/>

⁸² <https://ecpat.org/>

⁸³ <https://www.europol.europa.eu/empact>

⁸⁴ Para. 255.

⁸⁵ Para. 259.

⁸⁶ See, Article 17§2: "Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to

the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so."?

⁸⁷ Para. 271.

⁸⁸ Recommendation V-3.

⁸⁹ Recommendations V-6, V-11.

⁹⁰ Recommendations V-4, V-7, V-12, V-15.

⁹¹ Recommendation V-5.

- to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.⁹²
- to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁹³
- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁹⁴
- to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Convention, in investigation and proceedings concerning the offences established in accordance with the Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to CSGSIV.⁹⁵
- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to CSGSIV, in assistance programmes for development provided for the benefit of third States.⁹⁶

Promising practices

Germany works with a media centre in Belgium (German-speaking community) for the production of information materials in German.

In particularly urgent cases, the liaison officers of foreign agencies with the Federal Criminal Police Office (BKA) are involved. This occurs regularly, for example, in connection with combating child abuse committed abroad by German perpetrators who are travelling. Conversely, findings reported by foreign police stations, German diplomatic or consular missions or non-governmental organisations abroad regarding perpetrators or relevant circumstances in Germany are transmitted to the competent *Land* Criminal Police Offices (LKA) for the initiation of further prosecution measures.

⁹² Recommendations V-8, V-13.

⁹³ Recommendation V-9.

⁹⁴ Recommendation V-10.

⁹⁵ Recommendations V-14, V-16.

⁹⁶ Recommendation V-19.

VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

Observations of the Committee on assistance to victims specific to Germany

The Committee observes that Germany collaborates with different bodies, including ministries and NGOs. This can be very effective for victims who benefit from this synergy and broader services.⁹⁷

The Committee observes that Germany has legislation containing adequate provisions to assist child victims which focuses on assistance to child victims of sexual violence.⁹⁸

In addition, the Committee notes that Germany has carried out advertising campaigns to raise awareness on violence facilitated by ICTs, informing all children about the possibility of calling for help when encountering sexual abuse and violence.⁹⁹ Germany also indicated that the

"*Hilfetelefon Sexueller Missbrauch*", the hotline for sexual abuse, provides advice to children affected by the situations covered by this report, as well as to "persons in the social environment of children", "specialised staff" and all other interested parties.¹⁰⁰

The Committee also observes that in Germany, different local authorities have different services available. A standard and congruent service across the country may make it easier for children to access and receive help when they need it.¹⁰¹

However, Germany acknowledged that it had no specific data on any dimension of the proportion of child victims in the context of CSGSIV.¹⁰²

Generic recommendations of the Committee on assistance to victims

The Committee **invites** all Parties, including Germany:

- to promote awareness raising or specialised training for professionals who advise children through telephone or internet helplines on ICT facilitated sexual exploitation and abuse of children – including the risks associated with CSGSIV – and how to provide appropriate support to victims and to those who wish to help them.¹⁰³
- to assist child victims of sexual exploitation and abuse facilitated by ICTs, including of offences due to the production, possession, distribution or transmission of CSGSIV in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.¹⁰⁴

⁹⁷ Para. 277.

⁹⁸ Paras. 286, 287.

⁹⁹ Para. 279.

¹⁰⁰ Para. 281.

¹⁰¹ Para. 300.

¹⁰² Para. 296.

¹⁰³ Recommendation VI-2.

¹⁰⁴ Recommendation VI-4.

VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

Observations and recommendations of the Committee on civil society involvement and cooperation specific to Germany

The Committee notes that Germany encourages the implementation of prevention projects and programs carried out by civil society not only at the federal level but also at the regional level.¹⁰⁵ The Committee observes that in Germany, NGOs are the most involved counterparts in this field, along with the media. Schools and other educational institutions, academia and businesses are also frequent actors.¹⁰⁶

Germany emphasised that its support for the development of prevention activities by civil society takes the form of financial support and grants.¹⁰⁷ Germany also indicated that the State is called upon to give its expertise on specific subjects to civil society actors.¹⁰⁸

The Committee recognises Germany's efforts to develop and support different activities aimed at raising the awareness of not only children but also adults, such as parents, educators, doctors and social workers, about the existing risks and dangers of ICTs for children.¹⁰⁹ Germany indicated that the interaction with civil society includes preventive and awareness-raising

activities to minimise the risk of abuse that children face online,¹¹⁰ and there are some projects specifically aimed at educating and raising awareness of children on the issue of CSGSIV.¹¹¹ The Committee notes that Germany has further ensured that resources are made available to all by translating them into other languages, mainly English.¹¹²

Germany is among the few Parties that mentioned programmes meant to assist victims of offences related to CSGSIV in its reply to the Committee.¹¹³ For instance, helplines exist and concern broad issues such as children's rights in general and violence against children, including sexual violence. Reporting illegal material online or offences through these helplines is also possible.¹¹⁴ The Committee notes that beyond reporting mechanisms, in Germany, NGOs offer free psychological support to children, and the assistance of civil society organisations is provided during legal proceedings, through legal advice and physical assistance throughout the proceedings.¹¹⁵

¹⁰⁵ Para. 307.

¹⁰⁶ Para. 308.

¹⁰⁷ Para. 310.

¹⁰⁸ Para. 313.

¹⁰⁹ Para. 315.

¹¹⁰ Para. 320.

¹¹¹ Para. 321.

¹¹² Para. 325.

¹¹³ Para. 327.

¹¹⁴ Para. 328.

¹¹⁵ Para. 329.

Generic recommendations of the Committee on civil society involvement and cooperation

The Committee **invites** all Parties, including Germany:

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of CSGSIV.¹¹⁶
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable nature.¹¹⁷
- to support civil society to carry out projects and programmes that include the issue of CSGSIV.¹¹⁸
- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives¹¹⁹ and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards CSGSIV.¹²⁰

Promising practice

In Germany, the Ministry for Family Affairs, senior citizens, women and youth launched a network to combat "grey-zone type presentations", defined as depictions of children that would not be regarded as being liable to punishment under criminal law in every state, but that are disseminated online for sexual purposes.

¹¹⁶ Recommendation VII-3.

¹¹⁷ Recommendation VII-4.

¹¹⁸ Recommendation VII-5.

¹¹⁹ Parties are also invited to provide example(s) of how children's views are taken into account in the context of the participation of children.

¹²⁰ Recommendations VII-6, VII-7.

VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

Observations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves specific to Germany

In terms of awareness-raising tools, Germany indicated that in 2015, Baden-Württemberg developed the “Starke Kisten” (strong boxes) scheme (a “red box” for primary schools and a “blue box” for secondary schools). These boxes provide work materials for the prevention of sexual violence. They also include material on the dangers of new media for sexual self-determination.¹²¹

The Committee highlights an example of good practice related to the peer-to-peer method of awareness-raising coming from Germany: the Schüler-Medienmentoren-Programm (SMEP, media mentoring programme for pupils) provides twenty hours of training for pupils to become media mentors so that they can then pass on their knowledge and skills to their peers through projects and/or working groups. Topics cover sexting, cyber grooming, and online pornography as well as sexual violence in the media. Similarly, the Webhelm.de project teaches teenagers about their rights and responsibilities online and

how to protect their own boundaries whilst also respecting the personal rights of others.¹²²

In terms of awareness-raising by other professionals, the Committee notes that the police of the Land Brandenburg offers prevention activities for pupils in the 6th and 7th grades. At these events, children are made aware of the responsible use of “new media” and the dangers and legal aspects associated with it. This form of preventive activity is carried out in police precincts.¹²³

The Committee also observes that in Germany, parents and persons having regular contact with children have access, on request, to training sessions on sexual violence in general and sexual images self-generated by children in particular, that are run by the departments responsible for occupational training (which come under the Ministries of Education and Cultural Affairs in the different Länder).¹²⁴

Generic recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Committee **invites** all Parties, including Germany:

- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and

that it is “adapted to their evolving capacity” or, in other words, their age and degree of maturity.¹²⁵

- to use unchanged, wherever possible, the awareness-raising tools, materials and activities mentioned in this report or else to adapt them to their national contexts and

¹²¹ Para. 350.

¹²² Para. 361.

¹²³ Para. 365.

¹²⁴ Para. 370.

¹²⁵ Recommendation VIII-2.

their own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media.¹²⁶

- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.¹²⁷
- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by

children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹²⁸

- to take the necessary measures to ensure co-ordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.¹²⁹

Promising practices

ECPAT's "make-IT-safe" project is a peer expert training project in which children and adolescents have been taught how to use the internet and smartphones safely and how to use social media, such as Facebook, Myspace, Netlog and WhatsApp in a responsible way. The 2-year project started at the beginning of 2013 and is based on the peer-to-peer principle, which allows adolescents (peer experts) to learn how to use new technologies and the media, as well as prevention of online violence, in a safe way and to pass the information and the knowledge to people of the same age. The project was supported by specially trained teachers and youth leaders, the so-called "coaches". The particularity of the project is the fact that the project was conducted by ECPAT groups in five countries, including Germany. The information is available in seven languages.¹³⁰

In Germany, extensive amendments were made to the Youth Protection Act (*Jugendschutzgesetz, JuSchG*), in May 2021. Special attention was paid to children and youth media protection from risks such as cyber grooming or planning and setting up sexual abuse. Pursuant to the new section 24a *JuSchG*, providers such as social media services or game and film platforms are required to take preventive measures. These include simple reporting and complaint possibilities, reliable age checks, chat moderation, or tools for parents to monitor the media use of their children. Also appropriate in this context may be making available information on potential risks of sexual exploitation and planning and setting up abuse, as well as on behaviour destructive to oneself or others – for example by posting photos and videos – including corresponding aid and support services. The National Centre for Child and Youth Media Protection (*Bundeszentrale für Kinder- und Jugendmedienschutz*), which was established with the reform of the *JuSchG*, reviews the implementation, design and appropriateness of the measures taken by service providers and supports the orientation of children and adolescents, parents and professionals, as well as of providers.

¹²⁶ Recommendation VIII-3.

¹²⁷ Recommendation VIII-4.

¹²⁸ Recommendation VIII-8.

¹²⁹ Recommendation VIII-9.

¹³⁰ <http://www.make-it-safe.net/>

IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

Observations of the Committee on education for children specific to Germany

The Committee observes that Germany is one of the few Parties that explicitly address the challenges raised by CSGSIV as part of the information on the prevention of sexual exploitation and sexual abuse of children in its national curriculum,¹³¹ in the context of sexuality education courses.¹³² Germany indicated that in the region of Baden-Württemberg, sex education is integrated into various academic subjects on the basis of pedagogical guiding perspectives such as 'Education for Tolerance and Acceptance of Diversity' (*Bildung für Toleranz und Akzeptanz von Vielfalt*), 'Media Training' (*Medienbildung*), and 'Prevention and Health Promotion' (*Prävention und Gesundheitsförderung*).¹³³ Moreover, both national curricula and non-formal educational activities address the challenges raised by CSGSIV.¹³⁴ The Committee further highlights that Germany is one of the few

Parties that provides such information in an age-appropriate manner, whether as part of national curriculum or other non-formal educational settings.¹³⁵

In terms of involvement of the parents in the provision of information to children, the Committee notes that in the region of Baden-Württemberg, the persons legally responsible for the children's education are invited to a meeting of all legal guardians and teachers of a class (*Klassenpflegschaftssitzung*), where they receive timely and comprehensive information on the objectives, subject matter, form, and timing of the sex education offered as part of the school's programme for family life education and sex education, as well as on the learning materials and aids that will be used.¹³⁶

Generic recommendations of the Committee on education for children

- The Committee **requires** all Parties, including Germany, to ensure that all children at primary and secondary education level receive information about the risks of child sexual exploitation and sexual abuse facilitated by ICTs. Organising lectures and/or activities on this topic should not be left to the discretion of schools or teachers.¹³⁷

The Committee **invites** all Parties, including Germany:

- to ensure that information on the risks of

child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV, is provided to children during both primary and secondary education (whether as part of the national curricula or in the context of non-formal education for children at these levels).¹³⁸

- to consistently involve children in the development of internet safety awareness programmes.¹³⁹
- to ensure that there is a standing national internet safety resource, with an ongoing

¹³¹ Para. 383.

¹³² Para. 397.

¹³³ Para. 400.

¹³⁴ Para. 385.

¹³⁵ Para. 391.

¹³⁶ Para. 403.

¹³⁷ Recommendation IX-3.

¹³⁸ Recommendation IX-2.

¹³⁹ Recommendation IX-4.

- programme of activities.¹⁴⁰
- to provide information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including CSGSIV, within a more general context of sexuality education.¹⁴¹

Promising practices

In Germany, the issue of “sexting” is included in the curriculum of some of the 16 regions (Federal Länder), including Hessen, Baden-Württemberg and Rhineland-Palatinate, responsible for the education curricula of all public schools. Moreover, in 2016, all 16 regions, together with the Federal Government’s Independent Commissioner for Child Sex Abuse Issues have launched the initiative „Schools against sexual violence”. More than 30,000 schools in Germany are to be provided with technical support and are encouraged to develop concepts to protect children against sexual violence and to integrate these into everyday school life. The aim is to break down insecurities of headmasters, teachers, social workers as well as other supporting staff to address the issue of child sex abuse and, by means of prevention and intervention measures, to better children and offer them rapid assistance. Prevention concepts include safeguarding principles dealing with risks of online exploitation as well as sexual education and programmes to empower children and adolescents. A monitoring report issued by the Independent Commissioner in 2018 stated that 6% of schools had carried out a risk analysis for their institution and implemented comprehensive prevention concepts. At present, an increasing number of Länder are in the process of enforcing the implementation of prevention concepts by imposing regional legislation to that end.

In the region of Baden-Württemberg, topics related to sexuality and sexualised violence in a digital context will be addressed in age-appropriate discussions at all scholastic levels, e.g. in connection with questions of personal identity, different sexual orientations, sexual diversity, personality growth or role models, as well as in the context of teaching modules on media usage, social media applications, consumer protection, data privacy, and personal rights. The basic Media Education course taught in fifth grade offers a particularly wide range of tie-in points in this regard.

In the region of Hessen, there is education in the area of media, particularly on the topic of sexting, and parental involvement. Before sex education topics are discussed with the students, the persons legally responsible for their education are invited to a parent-teacher conference where they are briefed in a timely and comprehensive manner on the objectives, subject matter, and learning materials/aids that will be used for teaching. This gives the legal guardians the opportunity to talk to their children in advance about the topics to be covered and about the values given within their family.¹⁴² In addition, the Federal Ministry for Family Affairs is funding the information portal SCHAU HIN! (LOOK AT IT!),¹⁴³ the initiative office “Gutes Aufwachsen mit Medien (“Grow Up Well with Media”),¹⁴⁴ which provides assistance to parents and educational professionals with their educational mandate in the digital age.

¹⁴⁰ Recommendation IX-5.

¹⁴¹ Recommendation IX-7.

¹⁴² In [Lehrplan Sexualerziehung. Für allgemeinbildende und berufliche Schulen in Hessen](#). 2016. Page 5.

¹⁴³ See www.schau-hin.info

¹⁴⁴ www.gutes-aufwachsen-mit-medien.de

X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

Observations and recommendations of the Committee on higher education curriculum and continuous training specific to Germany

The Committee observes that part of the professionals who will or already work with children receive training and/or education on the protection of children against sexual exploitation and sexual abuse in Germany (such information is provided to future professionals as part of their curriculum during their education), which focus specifically on the risks of child sexual exploitation and abuse facilitated by ICTs.¹⁴⁵ More precisely, the Committee observes that persons working in contact with children receive information on the risks associated with CSGSIV¹⁴⁶ during their professional education.¹⁴⁷ This includes students in social education and social sciences, and in applied sciences at the University of Potsdam in the Land of Brandenburg.¹⁴⁸

The Committee however notes that that the people most likely to receive education and/or training on child sexual exploitation and abuse are mostly those working in educational institutions, such as teachers.¹⁴⁹ The health sector is the second sector most likely to benefit from this education and/or training, and Germany indicated that psychology students focusing on “psychology of children and adolescents” at the University of Applied

Sciences of Potsdam (Fachhochschule) in the Land of Brandenburg receive information on sexual exploitation and sexual abuse of children.¹⁵⁰ Germany further mentioned that students in Media Sciences, Communication Sciences and Social Sciences have courses on the protection of children against sexual exploitation and sexual abuse as an inter-disciplinary topic.¹⁵¹

- To improve the effective implementation of the Convention, the Committee **requires** Germany to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional.¹⁵²

The Committee notes that in Germany some of the professionals working in contact with children have been trained and/or received education on how to identify potential situations where a child is a victim of sexual exploitation or sexual abuse.¹⁵³ Similarly, only some of the professionals working in contact with children seem to have been trained on the possibility to report situations where they have reasonable

¹⁴⁵ Para. 416.

¹⁴⁶ Para. 410.

¹⁴⁷ Para. 412.

¹⁴⁸ Para. 415.

¹⁴⁹ Para. 420.

¹⁵⁰ Para. 421.

¹⁵¹ Para. 423.

¹⁵² Recommendation X-4.

¹⁵³ Para. 428.

grounds for believing that a child is a victim of sexual exploitation or sexual abuse.¹⁵⁴

- Therefore, the Committee **requires** Germany to encourage awareness of the protection

and rights of children among persons who have regular contact with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture, and leisure activities.¹⁵⁵

Generic recommendations of the Committee on higher education curriculum and continuous training

The Committee also **invites** all Parties, including Germany:

- to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of the risks associated with CSGSIV, for example through education or continuous training.¹⁵⁶

- to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with CSGSIV.¹⁵⁷

Promising practice

Regular events which include sessions on how to deal with self-generated, sexually explicit images or videos are organised at the Faculty of Social and Educational Sciences of the University of Applied Sciences of Potsdam (Fachhochschule) in the Land of Brandenburg.

¹⁵⁴ Para. 429.

¹⁵⁵ Recommendation X-7.

¹⁵⁶ Recommendation X-2.

¹⁵⁷ Recommendation X-3.

XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

Observations of the Committee on research specific to Germany

Germany has provided information on research undertaken on the issues raised by CSGSIV.¹⁵⁸ The Committee observes that research on CSGSIV was conducted within a wider framework, as part of broader research projects covering online risks,¹⁵⁹ sexual boundaries and violence using the media,¹⁶⁰ cyber-grooming,¹⁶¹ and cyber-criminology^{162, 163}.

The Committee notes that courses at the Institute for Police Science of Brandenburg Police University deal with the psychological effects arising when a child's self-generated sexual image and/or video is unwantedly disseminated.¹⁶⁴ Such psychological effects have also been addressed in a scientific study, which deals with research results up to 2014. The study

notes the lack of and need for further empirical evidence on the "effects of sexting"^{165, 166}

Germany indicated that State authorities collaborate with universities and academia for the purpose of undertaking research projects addressing the issues raised by CSGSIV, and for some of these collaborations, Germany supported research financially.^{167, 168}

Moreover, the Committee notes that in the context of the EU Kids Online surveys, according to EU Kids Online 2020 Report,¹⁶⁹ the German national authorities supported the research and enabled the surveys to be carried out.¹⁷⁰

¹⁵⁸ Para. 437.

¹⁵⁹ See the project "ACT ON! – Aufwachsen zwischen Selbstbestimmung und Schutzbedarf" (Growing up somewhere between self-determination and the need for protection):

<https://act-on.jff.de/die-monitoring-studie/#sr>.

¹⁶⁰ Study on "Sexuelle Grenzverletzungen und Gewalt mittels digitaler Medien" (Transgression of sexual boundaries and violence using digital media):

http://docs.dpaq.de/11763-2a_expertise_sexuelle_gewalt_an_kindern_mittels_digitaler_medien.pdf.

¹⁶¹ Study on cyber-grooming:

https://www.fhpolbb.de/sites/default/files/field/dokumente/Ruediger/oranienburger_schriften_sonderausgabe_2013.pdf

¹⁶² Research by Dr. iur. Thomas-Gabriel Rüdiger, MA:

<https://www.hpobb.de/dr-iur-thomas-gabriel-r%C3%BCdiger-ma>

¹⁶³ Para. 438.

¹⁶⁴ See publications by Dr. Thomas-Gabriel Rüdiger:

<https://www.hpobb.de/dr-iur-thomas-gabriel-r%C3%BCdiger-ma>.

¹⁶⁵ Study on "Sexuelle Grenzverletzungen und Gewalt mittels digitaler Medien" (Transgression of sexual boundaries and violence using digital media):

http://docs.dpaq.de/11763-2a_expertise_sexuelle_gewalt_an_kindern_mittels_digitaler_medien.pdf.

¹⁶⁶ Para. 441.

¹⁶⁷ The Federal Ministry for Education and Research funds a junior professorship in Sexual Sciences and Preventive Internet Research and the Independent Commissioner for Matters of Sexual Abuse of Children commissioned a study conducted by the University Medical Centre Hamburg-Eppendorf:

http://docs.dpaq.de/11763-2a_expertise_sexuelle_gewalt_an_kindern_mittels_digitaler_medien.pdf.

¹⁶⁸ Para. 448.

¹⁶⁹ See EU Kids Online Report 2020:

<https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf>.

¹⁷⁰ Para. 454.

Generic recommendations of the Committee on research

The Committee **invites** all Parties, including Germany:

- to ensure that data on the phenomenon of CSGSIV and the risks associated with it is regularly collected and research on the issue is regularly undertaken.¹⁷¹
- to take the necessary legislative or other measures to set up or designate mechanisms

for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from CSGSIV, with due respect for the requirements of personal data protection.¹⁷²

Promising practices

In Germany, review programmes have been put in place at the Federal Ministry for Education and Research. These programmes control the success of research. This allows the Ministry to become aware of research results and to use these results in practice.

¹⁷¹ Recommendation XI-2.

¹⁷² Recommendation XI-4.