

**Group of Experts on Action against Violence
against Women and Domestic Violence
(GREVIO)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Report submitted by Germany
pursuant to Article 68, paragraph 1
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

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I. Introduction

Combating violence against women and domestic violence as violations of human rights and ensuring that those affected enjoy enhanced protection and rights, particularly in the implementation of the constitutional principle of equality between women and men as defined in Article 3 (2) of the German Basic Law (*Grundgesetz – GG*), is a goal to which the Federal Government and the German Länder (states) have been committed for many years. The Council of Europe Convention on the Prevention and Combating of Violence against Women and Domestic Violence (Istanbul Convention) entered into force in Germany on 1 February 2018. This was contingent on Germany already fulfilling the Convention's requirements in national law at the time of its entry into force.¹ Through numerous legislative steps and other measures, progress has been made in recent years in combating both violence against women and domestic violence and in strengthening victims' rights. Cornerstones and milestones of systematic policy to protect women from violence – such as the Act on Protection against Violence (*Gewaltschutzgesetz – GewSchG*), the Federal Government's first action plan to combat violence against women and the criminalisation of marital rape – were introduced around the turn of the millennium. Measures which further improve gender equality in general, for example by reducing gender stereotyping and thus making it easier to reconcile work and family life, or by otherwise improving the conditions for equal participation in the labour market and for equal financial security for women and men, also make an important contribution to preventing and combating violence against women and also domestic violence.

This State Report on implementation of the Istanbul Convention in Germany was prepared under the leadership of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and with the involvement of the Federal Ministry of Justice and Consumer Protection (BMJV), the Federal Ministry of the Interior, Building and Community (BMI), the Federal Ministry of Labour and Social Affairs (BMAS), the Federal Ministry of Health (BMG), the Federal Ministry for Economic Cooperation and Development (BMZ), the Federal Government Commissioner for Culture and the Media (BKM) and the Federal Ministry of Defence (BMVg).

In line with Germany's federal system, responsibility for implementing the Istanbul Convention also lies to a large extent with the 16 German Länder and more than 11,000 municipalities. This includes in particular the provision, expansion and financing of help and support facilities for women victims of violence. The sixteen Länder, whose extensive contributions have been incorporated into the main part of the report, were thus also involved in preparing the report. Individual measures taken at Länder level are presented in the main report as examples; these represent the breadth of implementation in practice at Länder level or demonstrate best-practice approaches in the various Länder. To do justice to the scope of the measures implemented at Länder level, Annex 3 also contains detailed reports from the individual Länder on implementation of the Istanbul Convention in those Länder.

The upcoming reporting process to GREVIO has been the subject of multiple consultations within the framework of the Federal-Länder Working Group on Domestic Violence; those consultations will continue as the GREVIO process progresses. In addition to representatives of the federal ministries and the Länder, the Federal-Länder Working Group also includes the support system's networking organisations at federal level and other civil society representatives (see II. C). In addition, ongoing exchange takes place in the Federal-Länder Working Group on

¹ <https://www.bmfsfj.de/blob/122280/cea0b6854c9a024c3b357dfb401f8e05/gesetz-zu-dem-uebereinkommen-zur-bekaempfung-von-gewalt-gegen-frauen-istanbul-konvention-data.pdf>

all relevant developments as well as on legislative and other measures taken within the scope of the Istanbul Convention.

This report also includes information from the regular cooperation talks held between BMFSFJ, the nationwide offices of the Association of Women's Shelters (Frauenhauskoordination e.V.) and the association of specialised counselling centres (Bundesverband der Frauenberatungsstellen und Frauennotrufe – bff e.V.) funded by BMFSFJ.

II. Integrated policies and data collection

A. Strategies and action plans

Federal and Länder action plans – a strategic framework for combating violence against women since 1999

To effectively combat violence against women, the Federal Government, under the leadership of BMFSFJ, launched two action plans to combat violence against women as early as 1999 and 2007 in order to clarify at what level measures are needed to combat violence. The Länder have also created a strategic framework for combating both violence against women and domestic violence by means of their own action plans and master plans, and have also implemented a wide range of measures.

A central project of the First Action Plan involved the establishment in 2000 of the Federal-Länder Working Group on Domestic Violence, which enables interdisciplinary, specialist exchange and supports both management and coordination of measures within Germany's federal system. In these expert talks, non-governmental organisations (NGOs) also contribute their knowledge and expertise to the Working Group, providing important input on practical problems and possible solutions.²

With the Second Action Plan of the Federal Government to Combat Violence against Women published in 2007, a package of 135 measures was implemented in the areas of prevention, federal-level legislation, a support system to help and provide counselling for women victims of violence, national networks within the support system, cooperation between state institutions and non-state support programmes, work with perpetrators, training, awareness-building and research, as well as European and other international-level cooperation and support for women in foreign countries. As a central measure under the Second Action Plan, the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) established the nationwide Violence Against Women support helpline for women victims of violence (see IV. E). Other policy instruments introduced as part of the first and second action plans form part of Germany's overall strategy to combat violence against women.

Various action plans, strategies and similar instruments are also in place at Länder level, some of which cover the entire range of issues relating to violence against women and domestic violence, while others address specific aspects within the scope of the Istanbul Convention. These are addressed in more detail in Annex 3.1.

² Further information is available at: <https://www.bmfsfj.de/bmfsfj/themen/gleichstellung/frauen-vor-gewalt-schuetzen/haeusliche-gewalt/bund-laender-arbeitsgruppe-haeusliche-gewalt>

Current action programme to support women victims of violence

To implement the requirements of the Istanbul Convention, the Coalition Agreement of the CDU, CSU and SPD for the 19th legislative period of the German Bundestag provides for the establishment of an action programme for the prevention of violence against women and children, the provision of support for women and children affected by violence, and the improvement of related support structures.

In implementation of the Coalition Agreement, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has set up such an action programme and begun implementing central components of it. Important components of the action programme include the Round Table of Federal, Länder and Local Authorities established by Federal Minister Dr. Giffey and a nationwide investment and innovation programme which takes the form of a federal funding programme “Gemeinsam gegen Gewalt an Frauen” (Together against Violence towards Women).

Round Table “Together against Violence towards Women”

The Federal, Länder and Local Authorities Round Table “Together against Violence towards Women” began its work on 18 September 2018. Here, the Federal Government, the Länder and local authorities work together under joint and shared responsibility, but each within their own jurisdiction, to find ways to promote the needs-based expansion and financial security of the work performed by women’s shelters, safe housing and non-residential support and care facilities. In line with Germany’s federal system, the Länder are primarily responsible for providing and financing a needs-based support system.

The primary goal of the roundtable talks is to obtain voluntary commitments by the Federal Government, the Länder and local authorities to further develop support services for women victims of violence and their children. Other important topics addressed by the Round Table include the federal funding programme “Together against Violence towards Women” launched in 2019 and, starting in 2020, examining more far-reaching federal-level legislative solutions for a uniform approach – such as assuming the costs of accommodation in women’s shelters or enshrining in federal law a legal right to protection and counselling for victims of violence.

Federal funding programme “Together against Violence towards Women”

As part of the federal funding programme “Together against Violence towards Women”, a federal investment programme was launched on 18 February 2020. Up to €120 million in funding has been allocated for the period 2020 to 2023. Funding is provided for the expansion, conversion, new construction, refurbishment and acquisition of support facilities as part of innovative projects. These are to primarily serve to further improve the accessibility and usability of protection and counselling facilities for women affected by violence. The main beneficiaries are intended to be women victims of violence for whom there are not yet sufficient capacities or a sufficient number of specialised support services nationwide, for example for women with disabilities who are reliant on accessible forms of support.

The second pillar of the federal funding programme “Together against Violence towards Women” takes the form of an innovation programme. Up to €21 million in funding is to be allocated for the period 2019 to 2022. When the innovation programme was launched in 2019, the first five measures were initiated as innovative and model projects at national level. The projects have relevance for the overall support and counselling system. A funding guideline on broader-based funding under the programme entered into force on 20 April 2020.

The third pillar of the action programme involves the nationwide initiative “#Stärker als Gewalt” (Stronger than Violence) (<https://staerker-als-gewalt.de/>) launched on 25 November 2019. The aim of the initiative is to raise public awareness to the extent of violence against women and to encourage each and every individual to take a pro-active stance against it (see III. A).

Protecting women and girls with disabilities

As set out in the Coalition Agreement, the Federal Government wants to promote the education and empowerment of people with disabilities and also models for protection against violence in institutions. As part of a working process, the Federal Ministry of Labour and Social Affairs (BMAS) is thus assessing – also in implementing Articles 6 and 16 of the UN Convention on the Rights of Persons with Disabilities (UN-BRK) – the further steps needed in the protection of persons with disabilities, especially women and girls with disabilities, in institutions and intends to commission a study on existing violence protection structures for people with disabilities.

Protection, prevention and intervention in cases of sexualised violence in childhood and adolescence

In December 2018, the Federal Government adopted a plan for long-term strengthening of the structures for protection, prevention and intervention in cases of sexualised violence in childhood and adolescence. In doing so, it established the office of an Independent Commissioner for Child Sexual Abuse Issues and, within the Commissioner’s remit, the valuable work performed by the Council of Victims and Survivors. In addition, the duration of the Independent Inquiry into Child Sexual Abuse set up by the Commissioner was extended to the end of 2023. The Commissioner will continue to provide information on the extent, causes and consequences of sexualised violence against minors, hear those affected, show ways of recognising injustice, identify research deficits and make recommendations on child protection, including ways of dealing with sexualised violence in an institutional context.

In December 2019, Federal Minister Dr. Franziska Giffey and the Independent Commissioner for Child Sexual Abuse Issues Johannes-Wilhelm Rörig established the National Council on Combating Sexual Violence Against Children and Young People. The National Council is the forum for long-term interdisciplinary dialogue at federal, Länder and local level for the long-term combat of sexual violence against children and young people and its consequences. In addition to representatives from policymaking, science, civil society and professional practice, the Council also includes victims among its members. By summer 2021, the Council is to draft an agreement on concrete goals and implementation steps to noticeably improve prevention, intervention and support for affected children and adolescents, and to further advance research.

Brandenburg

Since 2001, the Brandenburg state government has been working closely with the police, local authorities, women’s support organisations and other NGOs on the basis of the State Action Plan to Combat Violence against Women and Their Children (LAP). A LAP monitoring committee meets regularly to share experience, discuss problems and where possible find solutions. The State of Brandenburg Ministry for Social Affairs, Health, Integration and Consumer Protection (MSGIV) is responsible for LAP implementation.

Domestic violence is the focal point of the LAP. It also includes, among other things, offers of help in cases of sexualised violence against women (girls are not included in the LAP), violence against refugee women, awareness-building and prevention of various forms of violence, with initial and further training for relevant professions.

B. Funding for strategies and action plans

For the implementation of action plans and strategies, the Federal Government and the Länder provide the funds required for the individual measures and support programmes from their respective budgets. In some cases, the funding allocation for the various measures mentioned in this report is indicated below the measures concerned. A summary table of the measures financed from the BMFSFJ budget is provided in Annex 1. The Länder in particular dedicate considerable resources to the implementation of the measures provided for in their respective action plans and also to the long-term financing of women's shelters and counselling centres. The Länder-level contributions listed in Annex I provide information on the Länder-level measures covered by the Istanbul Convention. A full summary presentation is neither meaningful nor possible due to the lack of comparable systems.

C. Integration of the work of NGOs and other civil society actors

Coordination and networking centres

Within the scope of its remit, the Federal Government supports the work of the women's support system by funding nationwide cooperation and networking centres:

- The Association of Women's Shelters (Frauenhauskoordinierung e.V./FHK) <https://www.frauenhauskoordinierung.de/>
- The Federal Association of Rape Crisis Centres and Women's Counselling Centres in Germany (bff e.V.) <https://www.frauen-gegen-gewalt.de/de/>

These promote exchange, close cooperation and networking between institutions and projects at local level. This ensures both the maintenance and further development of professional, specialist support and counselling services for women victims of violence.

The coordination and networking centres combine the institutions' expertise and specialist skills in supporting women affected by violence in Germany and bring them into the political debate, the public eye and the legislative arena.

At federal level, they support their members in their professional and social objectives and provide assistance in legal matters. In addition, the networking centres contribute to the creation of structures to aid sustainable and cost-efficient activities in local-level support institutions. Through public relations work and further training on the topic of violence against women and girls, the coordination and networking centres provide information about the services offered by their members and sensitise both the general public and various relevant professions to this important topic. As part of the Federal-Länder Working Group on Domestic Violence, these nationwide centres have developed into central partners of the Federal Government.

The Federal, Länder and Local Authority Round Table "Together against Violence towards Women" is informed by means of expert-level workshops. In addition to the members of the Round Table, representatives of the nationwide coordination and networking centres belonging to the Association of Women's Shelters, the specialised counselling centres, the interest groups representing women with disabilities as well as experts from science and practice all participate

in the expert workshops as guests in order to contribute their views and expertise in relation to the thematic focus of the workshops they attend.

In the work performed by the Federal-Länder Working Group on Domestic Violence, regular exchange also takes place with all relevant civil society actors (see II. A).

National Council of German Women's Organizations

BMFSFJ supports the National Council of German Women's Organizations (Deutscher Frauenrat), the umbrella organisation of women's organisations in Germany. The funding provided is institutional funding, meaning it is both permanent and reliable. The National Council of German Women's Organizations works to combat violence against women in many and varied ways.

Umbrella Federation of Organisations for Migrant Women – DaMigra

BMFSFJ also provides repeated funding for the Umbrella Federation of Organisations for Migrant Women – DaMigra, most recently for the project “Frauen zwischen Mehrfachdiskriminierung und Selbstbestimmungsrecht” (Women between Multiple Discrimination and the Right to Self-determination) (2019 to 2022 – cofinanced by the Federal Office for Migration and Refugees (BAMF)). In its work, DaMigra also focuses on violence against migrant and refugee women.

International cooperation

Twice a year the Federal Ministry for Economic Cooperation and Development (BMZ) issues invitations to a “**Gender-Themen Team**” (Gender Issues Team) event. The event brings together women's policy-focused organisations from the field of international cooperation with BMZ and with Gesellschaft für Internationale Zusammenarbeit (GIZ) and Kreditanstalt für Wiederaufbau (KfW), the two major implementing organisations, to discuss current gender policy issues, including violence against women.

Non-governmental organisations (NGOs) are an expression of civic engagement in both the partner and the donor countries involved in development cooperation. In financing their development policy work, NGOs are also supported by government agencies; upon application, BMZ – among others – provides funds for the work of partner-country organisations that work with German NGOs. Among the NGOs funded in this way are also ones that specifically work to combat violence against women, such as medica mondiale e.V. In 2018, BMZ provided €1,417,917 to private organisations for measures to combat violence against women; in 2019 the amount was €3,502,956. BMZ also funds Church organisations in projects aimed at combating violence against women in developing countries. For example, in 2018 the Protestant Central Office for Development Aid (EZE) received BMZ funding amounting to €867,000 for its work on this issue; it received €2,132,000 in 2019.

BMZ implements various measures and strategies to ensure effective cooperation. In addition to the above-mentioned Gender Issues Team at national level, the Second BMZ Development Policy Action Plan on Gender Equality (Gender Action Plan – GAP II), for example, names **strengthening multi-stakeholder alliances** as a strategic goal in preventing and combating violence against women in its partner countries. **Multi-stakeholder partnerships** are designed to intensify cooperation between different stakeholders such as government agencies, NGOs, the media, universities, private companies and traditional and religious authorities in partner countries with the aim of preventing gender-based violence. In the period 2018-2019, for example, this approach was adopted in the regional project Combating Violence against Women

in Latin America and in the regional programme Preventing Violence against Women and Girls in Southern Africa.

Female genital mutilation

In 2016, in preparing the first empirical study on female genital mutilation in Germany, the Federal Government funded Integra, a nationwide network of NGOs working to combat female genital mutilation. From October 2017 to December 2018, the Federal Government provided funding for the project “Aktiv gegen weibliche Genitalverstümmelung in Flüchtlings-einrichtungen” (Active against Female Genital Mutilation in Refugee Facilities) operated by the NGO PLAN International Deutschland e.V.

Led by BMFSFJ, the Federal Government-Länder-NGO Working Group to Eliminate Female Genital Mutilation in Germany meets once a year. The annual meetings are also attended by representatives from Integra, six federal ministries, the Länder, the German Medical Association, the Federal Office for Migration and Refugees, the Commissioner for Integration and the Commissioner for Migration, Refugees and Integration. Exchange also takes place with NGOs from across the EU.

Men in transition

Funding is provided for the project “Männer im Wandel” (Men in Transition) run by “Bundesforum Männer e.V. – Interessenverband für Jungen, Männer & Väter” with the aims of overcoming role stereotypes, promoting gender-equitable sensitisation for life planning, career orientation, reconciliation of work and family life, supporting self-care and health care for men (www.maennerberatungsnetz.de) and promoting awareness to and reduction of male exposure to violence (victims and perpetrators).

The following measures have been implemented:

- Cooperation and networking at national and international level
- Special events and public relations work (including informational and work materials)
- Position papers/statements on and evaluation of proposed legislation and government measures

Involvement of partners in the “Stärker als Gewalt” initiative

The nationwide initiative “Stärker als Gewalt” (Stronger than Violence – see also IV. E) has been joined by 13 partners who work to combat violence against women and men and also provide support. These are: The Violence against Women support helpline, the Association of Women’s Shelters, the Federal Association of Rape Crisis Centres and Women’s Counselling Centres, the Zentrale Informationsstelle Autonomer Frauenhäuser (Central Information Office of Autonomous Women’s Shelters), Weibernetz (Nationwide Network of Women, Lesbians and Girls with Disabilities), the Federal Forum for Men, Landesfachstelle Männerarbeit Sachsen (Saxony State Office for Work with Men), Sozialdienst Katholischer Männer (Social Service of Catholic Men), the Federal Anti-Discrimination Agency, the German NGO network and coordination office against trafficking in human beings (KOK), DaMigra (the Umbrella Federation of Organisations for Migrant Women), Bundesarbeitsgemeinschaft Täterarbeit Häusliche Gewalt (Federal Working Group for Work with Male Perpetrators of Domestic Violence) and the Federal Working Group of Municipal Women's Offices and Equality (BAG).

Healthcare intervention in cases of domestic and sexualised violence

In 2015, the association “S.I.G.N.A.L. e.V. – Intervention im Gesundheitsbereich gegen häusliche und sexualisierte Gewalt” (healthcare intervention in cases of domestic and sexualised violence) published the German version of the WHO Clinical Handbook: Health care for women

subjected to intimate partner violence or sexual violence. Translation and printing were licensed by the WHO and funded by the Federal Ministry of Health (BMG).

The handbook is aimed at healthcare workers and is intended to help provide appropriate care for women victims of violence. It describes the steps to be taken when providing first-line support and subsequent care and support: These include actively asking about experiences of violence in the partnership, conducting interviews, providing care after a rape and documenting findings, as well as safety planning and psychosocial support. The handbook contains working material for use in practice, such as flowcharts, checklists and useful statements and questions to aid enquiry and conversation.

Protection of children and adolescents

In line with the Federal Government's Child and Youth Plan, BMFSFJ promotes the activities and measures of federal associations and specialist organisations for the protection of children and adolescents against sexual violence and exploitation. These include Bundesarbeitsgemeinschaft der Kinderschutz-Zentren e.V. (Federation of Child Protection Centres), the child and parent helpline "Nummer gegen Kummer e.V.", Deutsche Gesellschaft für Prävention und Intervention bei Kindesmisshandlung und -vernachlässigung e.V. (DGfPI – German Association for the Prevention of Child Abuse and Neglect) and ECPAT Deutschland e.V. – The Working Group on the Protection of Children from Sexual Exploitation.

A wide range of NGOs and civil society organisations working to protect children and young people from sexualised violence and exploitation are also members of the National Council against sexual violence against children and adolescents and are closely involved in its work process (see II. A).

Cooperation with non-governmental organisations, which in Germany are also responsible for most professional support services for women victims of violence and their children, also plays a decisive role at Länder and local authority level. In many cases, round tables and similar cooperation formats between governmental and non-governmental actors exist at regional or Länder level. The Länder and local authorities devote considerable funds to promoting the work of NGOs as providers of support services, and also to supporting prevention, public relations and networking (see Annex 3.1).

Brandenburg

Under the Brandenburg State Action Plan (LAP), the Brandenburg state government, municipalities and NGOs work together to combat violence against women and their children. The joint monitoring committee for the further development and implementation of the LAP advises on individual measures such as prevention and public relations (including for children and adolescents), the maintenance, development and networking of shelter and counselling services, measures against trafficking in women and measures against sexualised violence. Regular professional exchange takes place with associations and societies (especially Frauenpolitischer Rat e.V. and Netzwerk Frauenhäuser e.V.). Both the Brandenburg state government and civil society participate in specialist events at federal and Länder level and also in the regions. Training courses are provided for schoolchildren, teachers, medical staff and employees of women's protection institutions on how to recognise domestic violence, deal with it, prevent it and protect those affected by it.

North Rhine-Westphalia

In 2018 and 2019, a wide range of improvements were implemented in the support system for women affected by violence:

- *Increased funding for women's shelters and for women's and specialised counselling centres*
- *At the end of 2018, a target agreement on securing the future of women's shelters in North Rhine-Westphalia (Zukunftssicherung der Frauenhäuser in Nordrhein-Westfalen) was signed between women's shelters and the NRW state government – the first such agreement in Germany. An additional 38 shelter places for women in women's shelters (2017: 571, 31.12.2019: 609 places for women) were provided as a result of increases in funding and the target agreement on securing the future of women's shelters.*
- *Funding programme for the construction of new women's shelter infrastructure: Opening up of public housing subsidies as part of an experimental housing construction scheme: around €5.2 million provided so far for new replacement buildings. Further increase in places to be expected through planned new construction and conversion measures.*

Saxony

Since October 2019, the Landesfrauenrat (State Women's Council), as the project management agency, has been providing model funding for a specialised unit of the Landesarbeitsgemeinschaft (LAG – State Working Group) on women's and child protection institutions and intervention and coordination centres. The aim of the specialised unit is to pool interests across institutions, improve networking, coordinate communication with other actors and thus cooperate more effectively with national and regional partners.

D. Coordination bodies under Article 10

To date, Germany has no dedicated federal-level coordination body specifically created to implement Article 10. The tasks assigned at federal level referred to in Article 10 are performed jointly by the competent federal ministries (primarily BMFSFJ, BMI, BMJV, BMAS and BMG).

This applies both to the tasks of coordinating and implementing the measures referred to in D.1. and to the tasks referred to in D.2. of monitoring and evaluating the policies and measures to prevent and combat all forms of violence covered by this Convention.

BMFSFJ assumes a coordinating function within the Federal Government with regard, for example, to cooperation with the Council of Europe on implementing the Istanbul Convention. To carry out the tasks under Article 10, the federal ministries make use of various federal-Länder working groups such as the Federal-Länder Working Group on Domestic Violence, the Federal-Länder-NGO Working Group on Eliminating Female Genital Mutilation in Germany, the Federal-Länder Working Group on Implementation of the Victim Protection Directive (2012/29/EU) and the Federal-Länder Working Group on the Protection of Children and Adolescents against Sexual Violence and Exploitation.

Protection of women against violence and intervention in and prevention of violence are tasks that involve all levels of government and many non-governmental organisations, which is why

the **Federal-Länder Working Group on Domestic Violence** has provided the framework for cooperation in this area since spring 2000 (see II. A).

The main tasks of the Federal-Länder Working Group on Domestic Violence are:

- Continuous exchange of information on the wide range of activities at federal, Länder and local level, both by non-governmental organisations and in national and international bodies
- Analysis of the specific problems in combating violence against women
- Developing recommendations for use in combating domestic violence
- Proposals for the further development and evaluation of anti-violence policy measures

The Federal-Länder working group deals with specific priority topics in which experts and other ministries can also be involved. The Federal-Länder committee has produced and published a series of work results and tools that have been helpful in the implementation and concrete application of legislation. These include:

- Recommendations for necessary conditions for the implementation of the Act on Protection against Violence (*Gewaltschutzgesetz – GewSchG*)
- Model descriptions for the processing of applications under Book II of the Social Code (SGB II) for women victims of domestic violence
- Recommendations for the prevention of domestic violence in schools
- Guidance on the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit – FamFG*) in cases of domestic violence

The Federal Government is currently examining the structures that are to be created at federal level in order to better implement the requirements of Articles 10 and 11 in future. This involves both the creation of a specially established coordination body within the Federal Government as addressed in D.1. and the establishment of a separate evaluating or monitoring unit for observation as addressed in D.2.

Monitoring body for violence against women, human trafficking and domestic violence

In this connection, BMFSFJ is currently funding a German Institute for Human Rights (DIMR) project for the development of a proposal to create a “Stelle gegen geschlechtsspezifische Gewalt und Menschenhandel” (special rapporteur on gender-specific violence and human trafficking).

The aim is to look at possible options and the design of a uniform, independent monitoring unit for violence against women, domestic violence and human trafficking on the basis of two mutually independent mandates (human trafficking and Istanbul Convention). The design phase began on 1 January 2020 and ends on 30 November 2020. In addition to the scope of the actual mandate, the project also takes in issues regarding the performance of tasks (including research, data collection, monitoring and reporting) and the necessary involvement of relevant actors.

At Länder level, various solutions are being pursued to implement the tasks arising from Article 10, especially the coordination function; in some cases this is done in a similar way to the federal level with different departments assuming joint responsibility for coordination, while in others separate structures are provided for these tasks.

Saxony

In the Coalition Agreement “Gemeinsam für Sachsen” (Together for Saxony) (2019-2024) the parties agreed to create a state coordination office for anti-violence responsibilities and tasks (see the Coalition Agreement, p. 105). Under the New Start

Rescue Programme “Start 2020”, this project has been allocated funding in the amount of €200,000 as project 10.8 “Etablierung einer Landeskoordinierung zur Umsetzung, Beobachtung und Bewertung der Maßnahmen zur Bekämpfung von geschlechtsbezogener Gewalt” (establishment of a state coordination unit for the implementation, monitoring and evaluation of measures to combat gender-based violence). The coordination unit will be set up in the third quarter of 2020.

E. Data collection and publication under Article 11

Police Crime Statistics

In Germany, the Police Crime Statistics (PKS) are one of the most important sources of data for use in describing and analysing crime situations. As “a compilation of all criminal circumstances that have come to police notice limited to the essential recordable case details”, they provide an important source of knowledge concerning myriad criminological and criminal policy-related matters. The Police Crime Statistics solely depict cases reported to the police and are thus strongly influenced by the reporting behaviour of the German population.

Crime statistics analysis reports on intimate partner violence published annually since 2011 analyse victim-suspect relationships in the Police Crime Statistics with regard to types of relationships and spatial-social context.³

Since 2016, that is since the 2015 reporting year, a report in this form has been prepared annually in close coordination between the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), the Federal Ministry of the Interior (BMI) and the Federal Criminal Police Office (BKA) .

Data on victims and suspects of selected crimes in the categories listed below was identified as relevant for and used in this crime category-specific analysis:

- Murder and manslaughter
- Grievous bodily injury
- Serious bodily injury
- Grievous bodily injury resulting in death
- Intentional/malicious bodily injury
- Sexual attack, sexual coercion, rape
- Threatening behaviour, stalking, harassment (psychological violence)
- Unlawful detention
- Pimping
- Forced prostitution

Data on victims is collected in particular for offences against life, limb, freedom and sexual self-determination. In the Police Crime Statistics 2019, which can be accessed on the Federal Criminal Police Office (BKA) website, offences with victim data are marked by a preceding “O” (for ‘Opfer’, meaning victim) (see PKS 2019 – Straftatenkatalog aktuell).⁴

³https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/Partnerschaftsgewalt/partnerschaftsgewalt_node.html

⁴https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/PolizeilicheKriminalstatistik/2019/Interpretation/01_div_Dok/Straftatenkatalog.pdf?__blob=publicationFile&v=4

A wide range of statistics are available on the BKA website, including on victims according to age, gender and victim-suspect relationships (formal, spatial and social).

In addition, data was examined for criminal offences as defined in Section 4 of the Act on Protection against Violence (*Gewaltschutzgesetz* – GewSchG) and on violation of the obligation to pay maintenance as defined in Section 170 of the Criminal Code (*Strafgesetzbuch* – StGB) (economic violence), for which no victim records are collated in police crime statistics. For this reason, analyses of criminal statistics on intimate partner violence must be limited to suspects only.

In addition to gender, age, nationality and the influence of alcohol, drugs or medication, the characteristics of disability (physical/mental) and frailty/age/illness/injury have also been analysed as victim characteristics since 2017. With the additional characteristic of victim-suspect relationship, intimate partnerships are separated into:

- Married couples
- Registered life partnerships
- Unmarried cohabiting couples
- Former partnerships

Suspects' characteristics also include gender, age, relationship to the victim, the influence of alcohol and whether already known to the police.

Criminal prosecution statistics

The Federal Statistical Office publishes the “Strafverfolgungsstatistik” (Criminal Prosecution Statistics) (Fachserie 10 Reihe 3) annually for the judicial sector. Based on a national list of criminal offences – “Ausführliches Straftatenverzeichnis für die Statistiken der Strafrechtspflege” (detailed list of offences for use in criminal justice statistics) – it provides details of convictions and sentences. In addition, the Public Prosecution Service Statistics (StA Statistics, Fachserie 10 Reihe 2.6), also published annually by the Federal Statistical Office, list the concluded proceedings conducted by the public prosecutors' offices according to individual categories (in this case, offences against sexual self-determination and malicious bodily injury).

Data from the various Länder-specific results on F-statistics for family court proceedings, which also include the violence protection procedure, is collated annually by the Federal Statistical Office, segregated by Länder, and published in the Fachserie 10 Reihe 2.2 “Rechtspflege Familiengerichte” (Administration of Justice – Family Courts).

Criminal prosecution statistics are segregated according to perpetrator gender and age. For the categories of violent crime, see II. E – data segregated by Länder. For more on the Public Prosecution Service Statistics, see the comments under II E. The data is also segregated by Länder.⁵

Healthcare reporting

As part of the federal healthcare reporting system, the Robert Koch Institute (RKI) was commissioned by BMG to prepare a report on the “Gesundheitliche Lage der Frauen in Deutschland” (Health situation of women in Germany). This women's health report dedicates a stand-alone chapter to the topic of the impacts of violence on women's health. For the purposes of the report, various data is collated on violence against women and domestic violence, such as

⁵ Criminal prosecution statistics, public prosecution statistics and the statistics on the administration of justice – family courts are available for download free of charge at: www.destatis.de

data held by the RKI, the WHO and BMFSFJ. The women's health report is to be published in autumn 2020. It takes the form of a scientific report published by the RKI and is not an official Federal Government report.

Data on support system take-up

Statistics and surveys on existing support services, their take-up and users are collected at Länder level on the basis of different indicators and in different contexts (e.g. funding audits) (see the Länder-specific examples below and also Annex 3.1). A survey and synopsis of the statistical instruments used by the Länder has been carried out by means of scientific monitoring of the federal model project "Bedarfsanalyse und -planung zur Weiterentwicklung des Hilfesystems zum Schutz vor Gewalt gegen Frauen und häuslicher Gewalt" (Needs analysis and planning for the further development of the support system in combating violence against women and domestic violence) (see II. F); the final report will be available in autumn 2020.

A nationwide overview of this data is not yet available at federal level. However, the issue of nationwide presentation of data on the support system is also to be further explored in the German Institute for Human Rights' proposal for the development of a monitoring unit on violence against women, domestic violence and human trafficking (see above).

The situation in women's shelters

Since 1999, the Association of Women's Shelters (Frauenhauskoordinierung e.V.) has compiled statistical overviews of the situation in women's shelters throughout Germany, including the number and age of residents and their children as well as their country of origin, nationality, education and income. Special analyses provide additional information on annually changing topics. Participation in the statistical report is voluntary; recently 180 women's shelters and safe houses for women submitted data for inclusion in the report.⁶

Violence against Women helpline

As part of its process documentation, the telephone helpline operator statistically evaluates the number and type of contacts on the basis of information provided by callers in anonymised form and presents an annual report on use of the helpline and the services it provides. The status report also serves in aligning the helpline services to users' needs.

Free Hanseatic City of Bremen

In accordance with legal requirements, the risk reports prepared under Section 8a of Book VIII of the Social Code (SGB VIII) are collected in the child welfare services of the State of Bremen in line with the survey characteristics specified in Section 99 SGB VIII and are published annually by the Bremen State Statistical Office.

In 2019, a new project conducted by familiennetz Bremen and Bremische Zentralstelle für die Verwirklichung der Gleichberechtigung der Frau (ZGF) aimed to consolidate all services relating to domestic violence and establish a pool of experts.

Saxony

In 2018 and 2019 Saxony carried out an independent project Bedarfsanalyse und -planung zur Weiterentwicklung des Hilfesystems zur Bekämpfung häuslicher Gewalt in Sachsen (Needs analysis and planning for the further development of the support system to combat domestic violence in Saxony) as part of the above-mentioned federal-level

⁶ <https://www.frauenhauskoordinierung.de/arbeitsfelder/fhk-bewohnerinnenstatistik/>

model project. Essentially, a monitoring handbook was developed to create a coordinated planning process between the State of Saxony, administrative districts, towns and cities and the institutions of the protection and support system to combat domestic violence.

F. Research activities under Article 11 (1b)

BMFSFJ is currently funding scientific monitoring of the federal model project “Bedarfsanalyse und -planung zur Weiterentwicklung des Hilfesystems zum Schutz vor Gewalt gegen Frauen und häuslicher Gewalt” (Needs analysis and planning for the further development of the support system in combating violence against women and domestic violence).

In close cooperation with the Länder, three key questions were defined:

- Question 1: Do all women victims of violence receive timely protection and help in cases of violence?
- Question 2: What services do women need in light of their differing situations? Do needs differ in rural areas, small towns and large cities?
- Question 3: How can the (needs-focused) support system be (re)designed to actually meet those needs? How can reliable cooperation with institutions of the support system be established to form an integrated supply chain?

In response to these questions, five Länder have developed and implemented modules which are especially suited to producing answers and are of particular interest to other Länder. In 2020, the scientific monitoring will examine these building blocks with regard to their transferability, make recommendations for action and present a final report with additional recommendations.

Worthy of mention in this regard is the current project to develop a model for a monitoring unit to monitor violence against women, domestic violence and human trafficking (see II. E).

BMFSFJ commissioned the evaluation study of the Violence against Women telephone helpline starting in May 2018 which, under the Act to Establish and Operate a National Violence against Women Telephone Hotline (*Hilfetelefongesetz*), is to be carried out five years from the date of activation. The study contains the results of the empirical surveys and analyses conducted on the topics of helpline implementation, awareness, take-up, impact and effects. The final report is currently being finalised and will be published in summer 2020.

G. Representative studies on the topic of violence against women in accordance with Article 11 (2)

Detailed survey from 2004 and future planning

With the survey “Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland” (Health, Wellbeing and Personal Safety of Women in Germany), BMFSFJ published the first representative prevalence study on violence against women in 2004;⁷⁸ the first pilot study “Gewalt gegen Männer” (Violence against Men) on men’s experiences of interpersonal violence

⁷ <https://www.bmfsfj.de/blob/84314/22ebfad38db4a45eaf9a2d359588e7cf/kurzfassung-gewalt-frauen-englisch-data.pdf>

⁸Building on this: Secondary Evaluation on Intimate Partner Violence against Women
<https://www.bmfsfj.de/bmfsfj/service/publikationen/gewalt-gegen-frauen-in-paarbeziehungen/80614>

was also published in 2004.⁹ The study “Lebenssituation und Belastungen von Frauen mit Beeinträchtigungen und Behinderungen in Deutschland”¹⁰ (Life situations of and pressures on women with disabilities) followed in 2012.

A new representative prevalence study on gender-specific and domestic violence is planned for 2021 (start); this study will focus on the prevalence of violence experienced by women and men.

Dealing with sexual harassment in the workplace

In autumn 2019, the Federal Anti-Discrimination Agency presented the study Dealing with Sexual Harassment at the Workplace – Solution Strategies and Measures for Intervention by Dr. Monika Schröttle, Ksenia Meshkova and Clara Lehmann. The study took the form of a nationwide, representative telephone survey of 1,531 people who had been employed in the past three years (including trainees, interns and self-employed persons).

With a total of nine percent of respondents, about one in eleven employed persons had been affected by sexual harassment in the workplace in the past three years. With a share of 13 percent, women are clearly more often affected than men (five percent). Sexual harassment in the workplace is mostly perpetrated by men. Some 82 percent of all persons affected stated that the perpetrators were exclusively or predominantly male. Most persons affected (53 percent) experienced sexual harassment in the workplace from clients, customers and patients, which women reported more often (57 percent) than men (40 percent). Some 43 percent of the perpetrators were co-workers, while 19 percent of harassment cases were initiated by superiors and 10 percent by persons in lower positions. Verbal harassment, such as sexual comments (62 percent) or other types of harassment such as suggestive eye contact and gestures (44 percent), is the most frequent form. More than one quarter of the affected persons (26 percent) reported unwanted touching or approaches. Other relevant types of sexual harassment include unwanted showing of sexual pictures and videos (14 percent), unwanted requests for sexual acts (11 percent), suggestive messages (9 percent) or unwanted exhibitionism (five percent). The study shows that even though affected persons frequently fight harassment verbally, the majority, however, still do not seek support or file complaints. Only 39 percent of the affected persons contacted a third party in specific situations and only 23 percent filed an official complaint. Only four percent of the affected persons sought out professional help, counselling centres or therapeutic facilities. Only one percent of those surveyed took legal action.¹¹

⁹ <https://www.bmfsfj.de/blob/84318/694d6a6f21d282035c6a9cfa9b57e9fd/kurzfassung-gewalt-maenner-englisch-data.pdf>

¹⁰ <https://www.bmfsfj.de/bmfsfj/service/publikationen/lebenssituation-und-belastungen-von-frauen-mit-beeintraechtigungen-und-behinderungen-in-deutschland/80576>

¹¹ The study was published online at:

https://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Factsheets/factsheet_engl_Umgang_mit_sex_Belaestig_am_ArbPlatz_Schroettle_20191025.pdf?__blob=publicationFile&v=2

North Rhine-Westphalia

To be able to accurately illustrate the phenomenon of violence against women, girls, boys and men and to gain insights into unreported offences of violent crime, the Ministry of the Interior of the State of North Rhine-Westphalia, the Ministry of Homeland, Municipal Affairs, Construction and Equality of the State of North Rhine-Westphalia and the State Office of Criminal Investigation of North Rhine-Westphalia are jointly conducting a state-wide, written postal survey on “Sicherheit und Gewalt in Nordrhein-Westfalen” (Safety and Violence in North Rhine-Westphalia).

Using the knowledge gained, preventive measures and psychosocial support services for women and men affected by violence are to be further developed in a targeted way. As part of that process, some 60,000 citizens from 81 municipalities have been surveyed on their sense of safety, the frequency of experience of physical, psychological and sexual violence, reporting behaviour and level of satisfaction with available support services. The results are expected in 2020 and will then be published online.

III. Prevention

A. Campaigns and programmes on awareness building under Article 13 (1)

#Stärker als Gewalt initiative

The “Stärker als Gewalt” (Stronger than Violence) initiative was launched in November 2019. It is part of the Federal Government’s action programme “Gemeinsam gegen Gewalt an Frauen” (Together against Violence towards Women) and aims to ensure that more women and men find the courage to defend themselves when they experience physical, sexual or psychological violence, and that more people in the vicinity of those affected pay attention and help.

The website www.staerker-als-gewalt.de is the first portal to consolidate access to a large number of nationwide support and counselling services. It also informs about different forms of violence and explains how to recognise them, how everyone can fight against them and where to find advice and help. In addition, the initiative brings together partner organisations, social actors, companies and private individuals for publicity campaigns to raise awareness, inform and educate.

Federal innovation programme “Together against Violence towards Women”

In line with the funding guidelines for the innovative part of the federal funding programme “Together against Violence towards Women” described earlier under II. A., funding is available for projects aimed at violence prevention.

Coordination and networking centres

The coordination and networking centres funded by the Federal Government (see II. C) serve as the central provider of information, especially by means of a constantly updated website, a Facebook page, a digital newsletter for the interested specialist public, numerous press activities and the processing of individual enquiries. They also initiate campaigns on key issues and

current topics.¹² The tasks of the coordination and networking centres also include collecting, consolidating and summarising relevant information and developments (current legislation and case law, current research results, best practice examples, etc.).

Campaigns are also conducted via other projects (co-)financed by BMFSFJ. Examples include:

- The project “Aktiv gegen Digitale Gewalt” (Action Against Online Violence) run by the Federal Association of Rape Crisis Centres and Women’s Counselling Centres in Germany (bff) <https://www.aktiv-gegen-digitale-gewalt.de/de/>
- The Violence Against Women support helpline, with the “Schweigen brechen” (Break the silence) and “Aber jetzt rede ich” (My turn to talk) publicity campaigns
- The German Olympic Sports Confederation campaign “Starke Netze gegen Gewalt” (Strong networks against violence), which provides information about the causes of violence against women, draws attention to necessary assistance and prevention measures and builds a strong alliance against violence.

“Make it work!”

With the four-year BMFSFJ-financed project “Make it work!”, bff has been working to combat sexism in the workplace since the beginning of 2019. As a professional association which unites more than 180 specialised counselling centres for women and girls affected by violence under a single roof, in its “make it work!” project bff will use the impetus of #MeToo and #aufschrei (speak out!) to strengthen the rights of victims of sexual discrimination, harassment and violence in the workplace in a lasting way.

With the help of nationwide alliances against violence in the workplace, employers and managers are to be held accountable and also encouraged to take a stand. At the same time, the project aims to support managers by means of training courses to embed prevention measures in their companies and organisations that will effect lasting change. To initiate these processes, “make it work!” aims to win nationwide network partners from all fields of work and expertise who want to help shape the path towards a working culture that is free from discrimination.

#DarüberReden – “Sprich über Diskriminierung”

The Federal Anti-discrimination Agency ran the #DarüberReden (Talk about it) campaign in autumn 2018.¹³ Over the course of two months, an editorial team addressed experience with discrimination on Facebook, Instagram and Twitter, and talked to young people aged 16 to 26 about their own experiences. The calls for participation were disseminated in media for young target groups, on job and housing search portals and on public transport. #DarüberReden sensitised young people to discrimination through dialogue and informed them about how to defend themselves against discrimination. The campaign was accompanied by live events with well-known guests. Using the campaign results, teaching materials were produced for schools on the topic of talking about discrimination.¹⁴

International awareness-building and informational campaigns

¹² <https://www.frauen-gegen-gewalt.de/de/aktionen-themen.html> and <https://www.frauenhauskoordinierung.de/aktuelles/>

¹³ <https://www.darueberreden.de/>

¹⁴ Materials are available at:

https://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Leitfaeden/Sprich_ueber_Diskriminierung_darueberreden.html

In the 2018-2019 reporting period, several awareness and informational campaigns were conducted in BMZ partner countries on the topic of preventing and combating violence against women and girls. These included:

- In the course of technical development cooperation activities, the regional project Combating Violence against Women in Latin America (Com-VoMujer)¹⁵ was implemented in Bolivia, Ecuador, Paraguay and Peru. Especially successful measures included a quality label for non-violent and non-discriminatory companies, the campaign “Cartas de Mujeres” (letters from women) and the campaign “Dreh der Gewalt an Frauen den Hahn zu!” (Turn off the tap on violence against women).
- In Ecuador, the high rate of violence against women (6 out of 10 women are victims of gender-specific violence) is addressed by the bilateral project Preventing of Violence against Women¹⁶ (PreViMujer) launched in 2018. The awareness and education campaign “Mujeres Sin Violencia: ¡Así Gana Ecuador!” – “Women free from violence: Ecuador wins!” launched at the end of 2018 involves different groups of actors, such as sportsmen and sportswomen, parliamentary groups, the media, the private sector and women’s rights organisations, with the aim of changing discriminatory and violence-promoting structures.

The following programmes received funding in the reporting period 2018-2019:

- The regional project Combating Violence against Women in Latin America (Com-VoMujer)¹⁷ (GG2; two phases with a combined project lifecycle of 2009 – 2018; combined contract value €12.8 million; implemented in Bolivia, Paraguay, Peru and Ecuador).
- The regional project “Prävention von Gewalt gegen Frauen im südlichen Afrika”¹⁸ (GG2: project lifecycle December 2017 – November 2021; contract value €10 million; implemented in South Africa, Zambia and Lesotho, and from 2020 in Zimbabwe).
- The project “PRO Infant – Kinderrecht”¹⁹ (Pro Child – Children’s Rights) (GG2: project lifecycle January 2019 – December 2021; contract value €4 million; implemented in Burkina Faso) focusing, among other things, on measures to prevent child and forced marriage in the action area of gender-based violence against children.
- The project “Reproduktive und Familiengesundheit in Guinea”²⁰ (Reproductive and Family Health in Guinea) (GG2: two phases with a combined project lifecycle: September 2014 – December 2022; combined contract value €23.6 million; implemented in Guinea, targets among other things prevention of female genital mutilation (FGM).

Germany also participates in the EU Spotlight Initiative, which allocates €500 million in funding to combat violence against women.

The General Equal Treatment Act

Germany’s General Equal Treatment Act (*Bundesgleichstellungsgesetz – BGleiG*) and also the Act on Equal Opportunities for Female and Male Military Personnel (*Soldatinnen- und Soldatengleichstellungsgesetz – SGleiG*) should also be mentioned in this regard, since they both include measures aimed at achieving equality between women and men. Both aim to achieve

¹⁵ See <https://www.giz.de/de/weltweit/12205.html> and also <https://www.giz.de/en/worldwide/12205.html>

¹⁶ See <https://www.giz.de/de/weltweit/73665.html> and also <https://www.giz.de/en/worldwide/73665.html>

¹⁷ See <https://www.giz.de/de/weltweit/12205.html> and also <https://www.giz.de/en/worldwide/12205.html>

¹⁸ See <https://www.giz.de/de/weltweit/79490.html> and also <https://www.giz.de/en/worldwide/79490.html>

¹⁹ See <https://www.giz.de/de/weltweit/37351.html> and also <https://www.giz.de/en/worldwide/37351.html>

²⁰ See <https://www.giz.de/de/weltweit/29202.html> and also <https://www.giz.de/en/worldwide/29202.html>

equality between women and men and to eliminate existing and prevent future gender-based discrimination. Within the remit of the Federal Ministry of Defence (BMVg), the application of the legal provisions of the equality laws and constant sensitisation of employees to the concerns of equality between women and men are consistently pursued, including where professional supervision is concerned. Equality for women and girls with disabilities is governed by Article 6 (2) of the UN Convention on the Rights of Persons with Disabilities (CRPD).

“Kein Raum für Missbrauch” initiative

The Independent Commissioner for Child Sexual Abuse Issues (UBSKM) has been implementing the provisions of the “Kein Raum for Missbrauch” (No room for abuse) initiative since 2013. Since 2015, the initiative has focused on addressing professionals to whom girls and boys are entrusted in institutions and organisations. The aim is to educate professionals about abuse and to make schools, sports clubs, youth camps, daycare centres, etc. places where children and adolescents are protected against sexual violence and where they can find help if they experience sexual violence, for example in a family setting.

Institutional protection strategies refer to coordinated sets of measures developed in institutions or organisations under management leadership and involving the staff/team, children, young people and parents. Based on an analysis of risks and resources, they involve structural changes, agreements and arrangements, as well as organisational attitude and culture, so that children and young people are safe from sexual assault and can also find competent contact persons if they have experienced sexual violence – regardless of where it occurs.

With its protection strategies to combat sexual violence against children and adolescents, Germany has adopted an approach in which it shines the spotlight on the responsibilities of adults, management and institutions themselves.

With the aim of achieving broad-based implementation of protection strategies, the USBKM has entered into numerous partnerships in recent years, including with Germany’s 26 umbrella organisations representing civil society. As part of these cooperation activities, a range of measures have been implemented, such as congresses, press relations work and providing public relations material.²¹

Given that schooling is compulsory in Germany, since the end of 2016 the campaign has focused in particular on the school sector as a place where all girls and boys can be reached. In Germany, education is the responsibility of the 16 Länder. The USBKM thus works closely with the Länder education authorities via the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder (KMK) in order to reach all of the approximately 30,000 schools country-wide. The programmes developed by the USBKM, KMK and the education authorities as part of the initiative “Schule gegen sexuelle Gewalt” (Schools against sexual violence) are key instruments in this regard.²²

Between 2015 and 2018, the German Youth Institute conducted a monitoring project on behalf of the USBKM on the status regarding prevention of sexualised violence against children and adolescents. During that period, a large number of case studies and group discussions as well as broad-based quantitative surveys were conducted in the three areas of education/childcare (schools, daycare centres, residential homes and assisted living, boarding schools), leisure and recreation (religious life and child and youth work) and health (hospitals and medical practices). The findings show how institutions and organisations provide protection and assistance in cases

²¹ <https://www.kein-raum-fuer-missbrauch.de/>

²² <https://www.schule-gegen-sexuelle-gewalt.de/home/>

of sexual violence. The comprehensive final monitoring report provides an overview of the factors that inhibit or promote the development of a protection strategy and how and to what extent protection strategies are in place for children and adolescents in all areas of institutionalised life. The findings also show in detail how institutions and organisations provide protection and assistance in cases of sexual violence against children and adolescents.²³

Preventing sexualised violence in sport

In view of the fact that sport is a central component of social life and that sport serves recreation and promotes both healthy lifestyles and a sense of community, the Federal Government supports top-level sport on the condition that sports associations have done everything necessary to ensure that sport is free from doping, manipulation, corruption and violence.

With regard to sexualised violence, victims of which can be girls, women, boys and men, the Federal Ministry of the Interior (BMI) together with the German Olympic Sports Confederation and the German Sports Confederation (DSB) addressed a letter to the sports associations and institutions supported by BMI as early as March 2017, calling for the continuation and further development of measures to prevent and combat sexualised violence in sport.

Since the end of 2018, as a prerequisite for the approval of federal funding, recipients of financial support from BMI have been expected to issue a binding self-declaration concerning the prevention and combating of sexualised violence. All associations have submitted that self-declaration as a condition for eligibility.

As a result, financial support for top-level sport by BMI is subject to the condition that the respective umbrella organisation takes appropriate measures against all forms of sexual violence.

Bavaria

On the website www.bayern-gegen-gewalt.de, adults, children and adolescents affected by domestic and/or sexualised violence can find important information and contacts on the topic of domestic and sexualised violence. The website will gradually be enhanced to include information on different forms of violence and will also be adapted to accommodate the special need for advice during the corona pandemic. Anyone who becomes aware of violence in their neighbourhood or suspects it in their family or circle of friends will also find contact points that offer advice and support.

Saarland

The ongoing information campaign “NEIN zu Zwangsheirat” (NO to forced marriage) aims to break the taboo on the subject of forced marriage, offer help to those affected, raise awareness and address both the general public and various professionals (e.g. youth welfare officers, teachers, etc.).

²³ <https://beauftragter-missbrauch.de/praevention/schutzkonzepte/instrumente/monitoring>

B. Measures to introduce teaching material under Article 14 (1)

Promoting the Klischeefrei initiative with Girls’Day and Boys’Day

To combat gender stereotypes, especially in the choice of occupation, the Federal Government (BMFSFJ, BMBF) promotes the Klischeefrei initiative (www.klischee-frei.de) with the Girls’Day (www.girls-day.de) and Boys’Day (www.boys-day.de) events. It addresses role models and provides handouts and methodological tools for teachers and nursery school teachers, and also parents and career guidance staff. Many of the programmes provide for accessible forms of participation.

Partner organisations from business, research and education are actively recruited to support the initiative.

See also Annex 3.2. for Länder-specific activities, especially regarding school education.

Baden-Württemberg

In Baden-Württemberg, textbooks must “comply with the objectives, competencies and content of the respective educational standard and level or curriculum” (School Book Approval Ordinance – SBZVO Section 5 (1). Accordingly, it is not the teaching materials, but the respective prevailing education plan that provides the basis in deciding the inclusion of the above mentioned topics. The 2016 Bildungsplan (Education Plan) addresses the topic on several occasions. It is particularly evident in the following guiding perspectives.

The guiding perspective Prävention und Gesundheitsförderung (Prevention and Health Promotion (PG)) describes the ability to communicate and act with respect as a central learning and action field. Constructive and non-violent handling of conflict is thus contained in almost all subjects by means of spiral-curricula integration of the guiding perspectives at all class levels. Violence prevention strategies are addressed in primary schools.

It is also a central concern of the guiding perspective “Bildung für Toleranz und Akzeptanz von Vielfalt” (Education for Tolerance and Acceptance of Diversity (BTV)) to promote both general respect and mutual respect and appreciation of diversity – including the different gender identities. The underlying values are human dignity, the Christian view of humanity and German constitutional law with its special provisions on the protection of marriage and family. The fields of action include conflict management and reconciliation of interests.

C. Initial and further education and training under Article 15

As responsibility for many of the training courses held within the scope of the Istanbul Convention lies with the Länder, they are presented separately and addressed in detail in Annex 3.2.

Initial and further education and training at federal level includes:

Legal training

For the listed professions comprising judges and public prosecutors, it can be reported that courses in criminology are offered as part of legal studies at university, covering the topics of crime prevention and victimology. In addition, there are dedicated chairs for anti-discrimination and equality law at various law faculties (e.g. at the Humboldt University Berlin) or legal gender studies (e.g. at Germany's state distance-learning university, Fernuniversität Hagen).

Training of military personnel

The issue of gender equality is taught to military personnel in basic training or in comparable training courses at the beginning of their training in the German Armed Forces, focusing on the general topic of equality in the military, equal treatment of military personnel and dealing with sexuality. The aim is for military personnel to be familiar with the legal status and tasks of the Military Equal Opportunities Commissioner, the Act on Equal Opportunities for Female and Male Military Personnel of the Bundeswehr (*Soldatinnen- and Soldatengleichstellungsgesetz – SGleiG*) and the Act on the Equal Treatment of Female and Male Military Personnel (*Soldatinnen- und Soldaten-Gleichbehandlungsgesetz – SoldGG*). This includes issues such as reconciling work and family life, protection against harassment and sexual harassment in the workplace, and protection against bullying.

Healthcare sector

The medical licensing ordinances, the training and examination ordinances and the study and examination ordinance, which regulate requirements for training in medical and other healthcare professions, provide the framework which is then used by the Länder, schools (including higher education institutions) and training institutions to provide detailed specifications for training content in the respective curricula. Existing legal requirements make it more than possible for the curricula to address the issue of the need for adequate and sensitive care when dealing with domestic and sexual violence.

The National Competency-based Catalogue of Learning Objectives for Undergraduate Medical Education (NKLM), which describes the graduate profile of physicians in terms of a core curriculum for medical studies, addresses, for example, the topic of sexual abuse in a variety of ways. Also, in the recently reformed training for federally regulated nursing professions and midwives, the topics of prevention and detection of violence against women, intervention standards, equality, victims' needs and rights, ways to prevent secondary victimisation and also inter-agency cooperation are integrated to the extent required for the training.

BMG will continue to consider these issues in future reforms.

E-learning project on providing protection and help in cases of domestic violence

The project “Schutz und Hilfe bei häuslicher Gewalt – ein interdisziplinärer Online-Kurs” (Protection and help in cases of domestic violence – an interdisciplinary online course) is a joint project funded by BMFSFJ which was launched on 1 May 2019. The aim is to develop an interdisciplinary e-learning curriculum for the (further) training of specialists who come into contact with the topic of domestic violence in their everyday work.

BMZ Ombud for Equal Treatment

In 2019, the Federal Ministry for Economic Cooperation and Development (BMZ) drew up a procedural regulation for dealing with (sexual) harassment and boundary violations in the workplace. An Ombud for Equal Treatment (Beschwerdestelle) is located within BMZ in accordance with the General Act on Equal Treatment. Further education and training on the training and sensitisation of employees and supervisors has already taken place and will be offered again in 2020.

Federal Association of Rape Crisis Centres and Women’s Counselling Centres in Germany (bff)

The federally-funded **Federal Association of Rape Crisis Centres and Women’s Counselling Centres in Germany (bff)** (See II. C) is part of a nationwide movement that works to harmonise and professionalise psychosocial support. bff provides training for psychosocial support counsellors. Two rounds of further training have taken place so far. The training provided by bff is now officially recognised in 15 Länder.²⁴

Bavaria

Equality between women and men, social and intercultural competence of civil servants in training (BiA), protection of victims and the technical and action skills of BiA in dealing with cases of domestic violence are an integral component of the training for the second tier of the German Police Service. These topics are addressed holistically and in a coordinated manner with a large number of lessons in a wide range of subjects so as to adequately address their importance, especially for police officers. Corresponding sensitisation to the above-mentioned topics is maintained in further training in a large number of seminars. In addition, in management seminars, managers of the Bavarian Police Force are sensitised to the topic and shown ways of taking action.

D. In-service training

Further training in the judiciary

Further training on the subject of violence against women is offered by the German Judicial Academy, a supra-regional training institution for judges and public prosecutors from all over Germany which is jointly supported by the Federal Government and the Länder. In addition, the Länder, which are responsible for the further training of their judicial staff, offer a wide range of other Länder-level events for all professions. The European Judicial Academy and the European Judicial Training Network (EJTN) also offer training on this subject.

Further training for military personnel

In terms of further training as part of the joint training system for the armed forces, all military personnel who are scheduled for mandated deployments, deployment-like commitments and

²⁴ <https://www.frauen-gegen-gewalt.de/de/wer-bietet-psycho-soziale-prozessbegleitung-an.html>

missions are trained, among other things, in intercultural understanding, including from a gender perspective. The aim is for military personnel to be aware of cultural and gender differences so as to avoid potential areas of conflict.

Violence in nursing and care

Additional information on focusing on violence in nursing care as part of the Federal Government's Concerted Action for Nursing campaign: According to the German Institute for Applied Nursing Research (Deutsches Institut für angewandte Pflegeforschung e. V.), experiences of aggression and violence are part of everyday working life for many employees in the nursing and care professions. As women make up the larger share of people working in nursing and geriatric care (more than 80 percent), they are more likely than men to be affected by violence in this occupational field. To fill the gaps in coming to terms with experiences of violence and the inadequate provision of information and education, the partners in the Concerted Action for Nursing campaign have set themselves the goal of optimising the prevention of violence in nursing and care.²⁵ This includes professional training for care workers, especially in the care of people with geropsychiatric disorders, dealing with related challenging behaviour and adopting de-escalating approaches. Individual and universal violence prevention measures, counselling and supervision services are also to be expanded.

To achieve these goals, the Federal Ministry of Health (BMG) is funding a pilot project which runs from 2020 to 2022 to provide support services for professional caregivers, care workers and other employees who are exposed to exceptional mental and physical stress. The project will also assess the effectiveness and sustainability of the support services on offer.

Additional measures involve improved provision and increased use of information and training programmes for the prevention of violence which are provided by the employers' liability insurance associations for health and welfare services and by the union ver.di (e.g. framework recommendations for dealing with challenging behaviour of people with dementia in residential geriatric care). As part of the Concerted Action on Nursing campaign, residential care facilities and hospitals have also undertaken to introduce regular de-escalation training for employees in cases where recognisable psychological stress is revealed in a risk assessment.

The measures also include a requirement for residential care facilities and hospitals to document incidents of violence against professional caregivers and other employees in the workplace and to report such incidents to the responsible accident insurance body (Berufsgenossenschaft für Gesundheitsdienst und Wohlfahrtspflege or the accident insurance funds).

E. Programmes for perpetrators of domestic violence

The Federal Government believes that working with perpetrators of domestic violence, especially in the form of inter-institutional cooperation alliances, can be an important factor in preventing renewed violence. Work with perpetrators has gained in importance, among other things due to the Act to Strengthen Perpetrator Responsibility, which came into force on 1 March 2013. The Act contains provisions to improve and expand the possibilities for assigning offenders to qualified offender programmes by means of an order issued by the public

²⁵ See: Die Bundesregierung: Konzertierte Aktion Pflege, Vereinbarungen der Arbeitsgruppen 1 bis 5, Juni 2019, Seite 69 ff.).

prosecutor's office or by the court in the course of investigations or criminal proceedings. Under the Act, perpetrator courses may last for a period of one year.

Bundesarbeitsgemeinschaft Täterarbeit Häusliche Gewalt (Federal Working Group on Work with Perpetrators of Domestic Violence (BAG TäHG)) – an inter-institutional, intercultural umbrella organisation for facilities for perpetrators of domestic violence – is an important stakeholder in work with offenders in Germany. In inter-institutional cooperation alliances to combat domestic violence, these facilities work with the police, public prosecutor's offices, the courts, victim protection institutions, probation services, youth welfare offices and counselling centres. The member organisations have agreed to comply with the BAG's standards for perpetrator work. BAG TäHG is a member of the Federal-Länder Working Group on Domestic Violence.

The Federal Government repeatedly funds and supports BAG TäHG projects with the aim of promoting nationwide harmonisation of quality standards in perpetrator work, for example by developing and implementing a procedure for entry diagnostics, documentation and exit surveys, according to which as many perpetrator work facilities should operate as possible.

Hamburg

In Hamburg, the Beta²⁶ project, which was supported by a grant of around €363,000 in the period 1 October 2018 to 31 December 2019, provides counselling for perpetrators, both female and male. The work of the project is based on the quality standards of Bundesarbeitsgemeinschaft Täterarbeit (BAG-TäHG). The services offered by the perpetrator counselling centre are based on a gender-specific understanding of violent behaviour and include a culturally sensitive counselling approach. For the first time, violent women also belong to the target group of the perpetrator counselling centre, and are counselled in a one-to-one setting. The programmes do not offer a fixed number of places; in BASFI's segment for violent people, 820 people were counselled and given guidance in social training courses from 1 October 2018 to 30 September 2019. Access to recognised training courses takes the form of orders from public prosecutors and the courts. This counselling approach ensures that more perpetrators of reported cases are held responsible for their actions. The programme also includes counselling (if desired) for the (ex-)partner and her children and makes their safety the main focus of the counselling. In seeking help and advice for themselves, women affected by violence turn to a women's counselling centre, which cooperates with the perpetrator counselling centre.

Thuringia

ORANGE is a support and counselling service for behavioural change for men who are abusive in partnerships or who wish to receive support in preventing violence. It sees itself as part of a chain of intervention against domestic violence. By linking the perpetrator counselling service to the justice system and by choosing an association with close links to the justice system, close cooperation is ensured between the perpetrator counselling centres and child and youth welfare institutions. As part of the ORANGE project, the organisation Bewährungs- und Straffälligenhilfe Thüringen e.V. offers counselling for offenders in Erfurt, Gera, Meiningen and Mühlhausen. These counselling

²⁶ <https://www.hamburgergewaltschutzzentrum.de/beta.html>

centres are funded from the budget of the Thuringian Ministry for Migration, Justice and Consumer Protection. They work in accordance with the standards of the Federal Working Group on Offenders of Domestic Violence.

The primary goal of the social training programme is to prevent renewed violence. This is a cognitive behaviour-oriented programme which is both violence-centred and confrontational. It is assumed that the exhibited violent behaviour has been learned and can thus be changed. In personal talks and in a social group programme, offenders address the topic of violence, take responsibility for their actions and learn new conflict resolution strategies.

F. Programmes for perpetrators of sexual violence

“Kein Täter werden” (Don’t become an offender)

One treatment programme that aims to prevent sexual abuse of children involves the prevention project “Kein Täter werden” (Don’t become an offender), which was set up in 2005 at the Charité hospital in Berlin and is now in place at eleven different locations Germany-wide. The aim of the project is to offer men with paedophile and hebephile tendencies therapy to prevent their first offence or repeated offense of sexual abuse of children. The therapy is designed to help those affected and enable them to deal responsibly with their tendency and not to act on it.

In 2016, the legal basis was created for a model project on this topic run by the statutory health insurance funds (Section 65d of Book V of the Social Code (SGB V)). For a period of five years, the health insurance funds will support service providers who treat patients with paedophilic sexual disorders.

Lower Saxony

Within the remit of the public prosecution offices and the courts of Lower Saxony, courses on violence counselling for perpetrators of domestic and sexualised violence have existed for some time, in some cases since 2014. The association “Männerbüro e. V.” in Hanover also offers courses for fathers who become violent towards their children (girls) (so-called Caring Dads courses). Participation in these social training courses, which are mainly offered and implemented by the perpetrator counselling centres in Lower Saxony at eleven model project locations for perpetrator work, is usually offered to the accused/convicted in the course of investigation/criminal proceedings conducted against them, usually by order in the form of a probation order or in the case of a temporary suspension of proceedings pursuant to Section 153a of the Code of Criminal Procedure (Strafprozessordnung – StPO).

G. Private sector participation, communication technology and the media, including social media

In Germany, legal provisions to regulate advertising are complemented by an established system of self-regulation, including the German Advertising Standards Council, the German Press Council, the Organisation for the Voluntary Self-regulation/Film Classification Board of the

German Film Industry (FSK) and the German Association for Voluntary Self-Regulation of Digital Media Service Providers (FSM).

These interact and overlap: A legal system focused on the reality of life and self-regulation of the advertising industry at its own initiative protects society from abuses in commercial communication and from disproportionate state intervention in competitive advertising.

Hesse

In collaboration with the private sector, especially the skilled crafts and trades, the Hesse State Ministry for Social Affairs and Integration supports women's protection and counselling institutions, municipalities and districts in carrying out initiatives lasting several weeks to raise awareness of the problem. This mostly takes the form of the bread roll bag campaign in conjunction with the Bakers' Guild – "Gewalt kommt mir nicht in die Tüte" (Violence is an absolute no-go) – as well as the "Rosenstraße" walk-in exhibition.

Rhineland-Palatinate

With its "LAUT♀STARK" (Speak Out) antisexism campaign, the State Ministry for Family Affairs, Women, Youth, Integration and Consumer Protection invites people from different areas and population groups to act as ambassadors for a world in which women can live freely without encountering sexism and discrimination, and thus enable social change to take place.

H. Self-regulation of the ICT sector and social media

The German Advertising Standards Council

The German Advertising Standards Council is the self-regulation body for 43 advertising organisations, which include media organisations. The Council is responsible for advertisements that appear in the following media formats: TV, print, online, radio, cinemas and social media. Gender-discriminatory advertising is evaluated by the Council and, in case of doubt, objected to by means of a public reprimand. The German Advertising Standards Council rarely needs to issue public reprimands, as most advertising companies generally withdraw their advertisements from the media concerned as soon as the Council intervenes. In its guidelines, the Council explains when an advertisement is gender discriminatory. Advertisements that reduce people to their sexuality or degrade them are classified as gender discriminatory. Stereotypical representations suggesting that one sex is not capable of doing certain jobs are also classified as gender discriminatory.

Themis – Vertrauensstelle gegen sexuelle Belästigung und Gewalt e.V.

The "Themis – Vertrauensstelle gegen sexuelle Belästigung und Gewalt e.V." (Support Centre to Combat Sexual Harassment and Violence) is an independent and non-sectoral institution supported by associations and trade unions in the film and television industry as well as by representations of producers, broadcasters, theatres and orchestras in Germany. It has received and continues to receive funding from the Federal Government Commissioner for Culture and the Media (BKM), with a share of start-up financing of up to €100,000 per year for a period of up to three years (within the reporting period).

North Rhine-Westphalia

In 2019, on the initiative of North Rhine-Westphalia, the 29th Conference of Equality and Women’s Ministers and Senators of the Länder (GMFK) adopted the resolution “Unternehmen haben es in der Hand: Auf Sexismus und Geschlechterklischees in der Werbung verzichten” (Companies have it in their hands: Refrain from sexism and gender stereotypes in advertising). In doing so, the GMFK expressed concern about sexism in advertising and appealed to companies and also to public administrations and institutions not to portray women and men in a sexist manner in advertising. In addition, the GMFK appeals to companies to agree not to construct or reproduce gender stereotypes either with products or their associated marketing and design. It also calls on the German Advertising Standards Council to tighten the wording in its advertising code of conduct so that sexism in advertising can be detected even earlier and pursued as such with greater success.

I. Guidelines and regulations in the workplace

#Betriebsklimaschutz

In October 2019, the Federal Anti-Discrimination Agency launched a nationwide campaign against sexual harassment in the workplace under the hashtag #Betriebsklimaschutz (Workplace climate protection). The aim of the campaign is to initiate prevention and functioning complaint structures in companies. The #betriebsklimaschutz campaign takes up important issues and shows where help and further information is available. Between October and the end of December 2019, the advertising images for the campaign were placed in numerous print media and also published online.²⁷

In 2016, the Federal Anti-Discrimination Agency, which operates under the provisions of the General Equal Treatment Act, published a practical handbook on sexual harassment in the workplace. The handbook has since been ordered in large numbers by private and public employers and is currently available in its 5th edition.²⁸

In 2018/2019, the Federal Ministry of Defence (BMVg) drafted a regulation on dealing with discriminatory behaviour and sexual harassment.

The regulation includes, among other things, information on the relevant legal and statutory bases, measures for prevention and response, measures to be taken by superiors in cases of suspicion, measures for the protection of victims, relevant contact points and corresponding information sheets. This is intended to provide disciplinary superiors and heads of unit as well as affected persons and members of the German Armed Forces with the necessary safety and support in dealing with this issue. The above-mentioned regulation is currently being drafted and combined with the earlier decree on Dealing with Sexuality in the Bundeswehr (currently part of the Central Service Regulations for Military Discipline and Complaints) in a Central Service Regulation. Publication is planned for 2020.

Rhineland-Palatinate

²⁷ https://www.antidiskriminierungsstelle.de/betriebsklimaschutz/betriebsklimaschutz_node.html

²⁸ http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Leitfaeden/Leitfaden_Was_tu_n_bei_sexueller_Belaestigung.pdf?__blob=publicationFile&v=8

The Rhineland-Palatinate Equal Opportunities Act (LGG) contains provisions on sexual harassment in the workplace. It requires that equality issues, including harassment and sexual harassment in the workplace, must be included in training programmes for management and human resources staff. In addition, the LGG regulates the roles and tasks of equal opportunities officers in dealing with sexual harassment in the workplace. This includes:

- *That the Equal Opportunities Officer serves as a complaints body for employees affected by sexual harassment at work.*
- *The right of equal opportunities officers to be involved in social, organisational and personnel measures related to sexual harassment at work.*
- *The right of equal opportunities officers to propose measures to management to protect employees from sexual harassment in the workplace.*

Schleswig-Holstein

The State of Schleswig-Holstein universities are independently developing various activities that help to raise awareness and sensitise people to the topic of sexualised violence. This includes counselling services such as a women's emergency telephone helpline on campus, issuing guidelines for dealing with discrimination and sexualised violence, and publication of information on the universities' websites.

J. Further prevention activities

Gendermagazin meinTestgelände (My Testing Ground gender magazine)²⁹

The portal offers young people the opportunity to address the topic of gender roles in an in-depth way (emergence, effects, ways of combating them). They publish contributions on the website in the form of their own texts, raps, songs, videos, poetry slam texts or comics. A nationwide meeting is held once a year to promote mutual exchange. The project is supervised by social educationalists.

Annual costs: €280,000. meinTestgelände is a cooperation project between BAG Jungenarbeit e.V. and BAG Mädchenpolitik e.V.

Counselling for men

Promotion of a further training project for multipliers with the focus on male-focused counselling by Sozialverband katholischer Männer e.V. (www.skmev.de): Two courses, each comprising 34 days of further training, are offered on topics such as male socialisation and biography work, social and socio-political models for the gender equality debate, male-specific counselling and crises, role requirements and masculinity today. The project aims to:

- Sensitise social and family counselling centres to the need for gender-specific counselling services
- Establish a nationwide programme of counselling and support services for men concerning all areas of life
- Promote violence prevention and crisis prevention
- Foster awareness of male-specific communication needs

²⁹ www.meintestgelaende.de

Counselling provided by the psychosocial network

The counselling services offered by the psychosocial network (including military and workplace psychology services and the Bundeswehr Social Service) are available to all members of the Federal Ministry of Defence (BMVg) portfolio – including in relation to violence against women and domestic violence. The services offered by the Bundeswehr Social Service are also aimed at relatives and surviving dependents.

The contact point Discrimination and Violence in the Bundeswehr was established in BMVg in February 2017 and is available to all active and former members of the Bundeswehr who experience or have experienced bullying, discrimination and physical or mental violence during military service. The contact point also accepts tip-offs and provides comprehensive advice. It coordinates and manages case referral for individual examination, so that the necessary investigation, prosecution, protection or support measures can be initiated by the employer.

Regenbogenportal

The website www.regenbogenportal.de (rainbow portal) offers information, contact points and programmes for specialists concerning issues of violence against lesbians, trans women and intersex women who experience violence. Many lesbians, bisexual women and trans women experience discrimination and homophobic, bi-phobic or transphobic violence associated with misogynistic violence.

This ranges from verbal attacks to bully and jostling, beatings and rape. But a large number of cases remain undetected and thus unpunished. Victims often trivialise the incidents or they lack knowledge about who to turn to for help and support. Such assaults often have a sexist or racist background.

According to an analysis of the case figures reported by the “Kriminalpolizeilichen Meldedienst Politisch motivierte Kriminalität” (Criminal Investigation Reporting Service for Politically Motivated Crime) for 2019, 6.71 percent of all hate crimes in 2019 were committed out of an aversion to sexual or gender minorities. A total of 576 incidents of hate crimes against LGBTI persons were recorded in 2019. Of these, 187 were attributed to perpetrators with right-wing ideology.

BMFSFJ will continue to use the federal programme [Live Democracy!](#) to support projects designed to combat transphobia and homophobia.

Hamburg

Hamburg was the first German state to issue a “Schutzbrief gegen weibliche Genitalverstümmelung” (Statement Opposing Female Genital Mutilation) in a passport format. The statement explains the consequences of FGM in terms of health, criminal and family law. The idea is to raise awareness to the disastrous effects of FGM on girls and women and thus gradually initiate a change in thinking in their countries of origin as well. The statement is available in 13 languages.

<https://www.hamburg.de/opferschutz/12138124/schutzbrief-gegen-genitalverstuemmung>

IV. Protection and support

A. Information on support services and legal measures as required by Article 19

In line with its legal mandate, the **Violence against Women** support helpline (see IV. E) is required to publicise its services and ensure their ongoing visibility. Ongoing public relations work is conducted on different levels and via different channels.

The **coordination and networking centres** funded by the Federal Government (see II. C) serve as the central provider of information, especially by means of a constantly updated website, a Facebook page, a digital newsletter for the interested specialist public, numerous press activities and the processing of individual enquiries.

The tasks of the coordination and networking centres also include collecting, consolidating and summarising relevant information and developments (current legislation and case law, current research results, best practice examples, etc.).

Publicising existing support services is also an objective of the “Stärker als Gewalt” (Stronger than Violence) initiative and the website of the same name (see III. A).

Other BMFSFJ-funded projects provide information, such as “Aktiv gegen Digitale Gewalt” (Action Against Online Violence) run by the Federal Association of Rape Crisis Centres and Women’s Counselling Centres in Germany (bff: <https://www.frauen-gegen-gewalt.de/de/>).

To give those affected at-a-glance information on their **rights and opportunities in cases of sexual harassment in the workplace**, the Federal Anti-Discrimination Agency has published a flyer³⁰ which is also available in sign language³¹ and easy-read³² versions.

In a case of discrimination, those affected can contact the Federal Anti-Discrimination Agency or use the counselling centre database to look for a suitable counselling centre in the area where they live.

The Federal Government and the Länder have developed a joint **victim information sheet** which provides information in easy-to-understand language about the essential informational rights of injured persons (see Sections 406i to k of the Code of Criminal Procedure (*Strafprozessordnung* – StPO) and possibilities for protection. This is available in more than 20 languages and can be accessed via the Federal Ministry of Justice and Consumer Protection (BMJV) website.³³ The sheet is handed out by the police and the public prosecutors’ offices during investigations. BMAS also provides information about victim compensation on its website, including in English. A standard national application form can also be downloaded there.

³⁰www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Flyer/ADS-Flyer-Grenzen-setzen.html

³¹ www.antidiskriminierungsstelle.de/SharedDocs/Videos/DE/Grenzen_setzen.html?nn=6560822

³² https://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Flyer/Grenzen_setzen_Leichte_Sprache_Broschuere_2017.html?nn=6569158

³³ https://www.bmjv.de/DE/Themen/OpferschutzUndGewaltpraevention/OpferhilfeundOpferschutz/Opferhilfe_node.html

Victims of violent crimes can use the BMAS-funded website ODABS.org to find suitable local offers of help from non-governmental organisations. The information is also available in English and Spanish.

BMJV and BMFSFJ jointly publish the brochure **“Mehr Schutz bei häuslicher Gewalt – Informationen zum Gewaltschutzgesetz”** (More Protection against Domestic Violence – Information about the Act on Protection Against Violence), which was last revised in August 2018. The brochure provides information on when protection orders can be issued under the Act on Protection Against Violence (*Gewaltschutzgesetz – GewSchG*) and offers practical advice. It also sets out, among other things, the conditions under which a victim of violence may have a claim to the assignment for their sole use of a dwelling previously shared with the perpetrator. The brochure is also available on the BMJV and BMFSFJ websites, with additional versions in English, Turkish, Arabic and Persian.

The **“Hilfeportal Sexueller Missbrauch”** (Help Portal against Sexual Abuse) and the free and anonymous **“Hilfetelefon Sexueller Missbrauch”** (Telephone Helpline against Sexual Abuse) (Telephone: 0800 2255530) provide victims of sexual abuse of children and adolescents, their relatives and persons from their social sphere as well as specialists with information about concrete prevention, intervention and support programmes in the area where they live. Addresses of victim protection institutions and of lawyers who specialise in victim support can also be found on the portals.³⁴

Information on and contact points for cases of violence against lesbian, trans women and inter women can also be found on the Regenbogenportal (www.regenbogenportal.de) (see III. J). The portal also has a section with information for professionals and extensive references to additional informational material.

Free Hanseatic City of Bremen

A variety of informational material on the topic of violence against women and girls is now available in different languages: Multilingual poster “No woman must accept violence”; flyer “Help Against Violence” in seven languages; fanfold “Is your husband or partner abusive?” in five languages; dossier “When husbands or partners are abusive” for professionals; brochure “Safe Arrival” with information on the topic of violence in six languages; brochure “Help Against Violence” in easy-to-understand language; flyer “Heiraten wen ich will” (Marry whomever I want), especially aimed at schools. The website www.gewaltgegenfrauen.bremen.de provides translations of key information.

Saxony-Anhalt

The Ministry of Justice and Equality has published the brochure “Opferschutz – Opfer schützen! Sachsen-Anhalt” (Victim Protection – Protect Victims! Saxony-Anhalt). The brochure contains extensive information and offers of help in various areas of victim protection, including a leaflet on the rights and obligations of victims and injured parties in criminal proceedings, with a description of the special rights for victims of crimes against sexual self-determination and information on the Act on Protection against Violence.

³⁴ <https://www.hilfeportal-missbrauch.de/startseite.html>

B. General support service under Article 20

The Federal Anti-Discrimination Agency (ADS) provides counselling for victims of discrimination as described in the General Equal Treatment Act (AGG). Sexual harassment in the workplace is one of the forms of discrimination listed in the Act (see V. G). The Federal Anti-Discrimination Agency can give the persons concerned an initial legal assessment of the possibilities under the General Equal Treatment Act and request a statement from the employer concerned to enable an amicable settlement should harassment have occurred (Section 27 AGG). The ADS itself cannot take measures to ensure the safety of the persons affected. In 2018, 227 people contacted the ADS for advice on sexual harassment, in 2019 a total of 250 people.

With the Third Act to Reform the Protection of Victims' Rights, the Victim Protection Directive (2012/29/EU) was implemented and psychosocial support embedded in criminal procedural law. Since 2017, Germany has provided a nationwide option for victims to receive, in certain cases, professional support during criminal proceedings. Psychosocial support is aimed particularly at children and adolescents who have become victims of violent or sexual offences. However, adult victims of serious violent or sexual offences may also need and receive support of this kind if they are unable to adequately protect their own interests or if they enjoy special protection status (such as a victim with a disability or psychological impairment). The aim of psychosocial support is to alleviate fears and provide emotional support for the victim, thus avoiding revictimisation. Psychosocial counsellors also know where victims of crime can receive additional help. This can take the form of a referral to a therapy facility. Psychosocial support is free for victims if ordered by the court.

The healthcare system also plays an important role in the support system for women who have experienced violence and is often their first point of contact. It is thus important that support from the healthcare system is available to those affected.

Statutory health insurance guarantees insured persons universal access to its services. Accordingly, every insured person receives the medical care they need irrespective of age, sex or income. The range of services offered by the statutory health insurance system is diverse and includes care in treating the physical and psychological effects of violence. Also, Section 1 (5) and Section 2 (2) second sentence of Book XI of the Social Code (SGB XI) prescribes that in the provision of nursing care, gender-specific differences or same-sex care wishes must be taken into account. Where statutory health insurance is concerned, Section 2b of Book V of the Social Code (SGB V) stipulates that gender-specific characteristics must be taken into account in the services provided by health insurance funds.

For many women, it is already a courageous step to seek help at all. This is especially the case for girls and women with disabilities. As a group subject to multiple discrimination, they experience disproportionate rejection and disadvantage in life. In many cases, the women affected have no knowledge of the available assistance and support systems. Added to this comes a lack of trust in the existing structures and the fear that people will not believe them because their ability to express themselves is sometimes limited – all of which means that legal action is rarely taken. Many women need assistance in obtaining competent support, including help in deciding whether a crime should be reported. It is thus especially important that these women meet with sensitised, specially trained medical staff. For example, the subject of sexual abuse is included in the National Competence Based Catalogues of Learning Objectives for Undergraduate Medical Education (NKLM). Likewise, the topic of support for women who have experienced violence is enshrined in training for the nursing professions regulated by federal law, midwives and psychotherapists (see III. C). In addition, the practical handbook “Health

Care for Women who Experience Intimate Partner Violence or Sexual Violence”, published by the S.I.G.N.A.L. e. V. coordination office, serves as an aid for healthcare personnel (see II. C).

Section 27 (1) sixth sentence of Book V of the Social Code (SGB V) stipulates that the costs involved in confidential collection of evidence, such as in cases of suspected sexualised violence, are an integral component of medical care to which insured patients are entitled. This is intended to improve the timely collection of evidence in cases of suspected rape or sexual abuse. People who have been raped, for example, can visit a doctor, a hospital or a specialised institution confidentially and have evidence secured before contacting the police. This includes the documentation of injuries and also various laboratory examinations such as testing for knockout drops. Doctors and hospitals can bill these services to the health insurance funds without the health insurance fund being able to identify the person examined. These arrangements became law on 1 March 2020. Under Section 132k SGB V, certain contractual arrangements must be put in place in order for them to be implemented. Information on the status of such arrangements is not available to date.

The Sexual Abuse Help Portal is the central federal portal for people who suffered sexual violence in their childhood or youth and their relatives. The service is primarily aimed at adults. However, children and young people can also find information that is tailored to their needs. The portal also provides information for professionals.

Those affected and their relatives can find counselling centres and therapy services in the area in which they live. They can also find information on their rights: For example, what happens in criminal proceedings and how experts can assist and support them. The help portal also offers professionals comprehensive information and recommendations, such as how to develop and implement protection plans for children.

While the Sexual Abuse Help Portal is a service of the Independent Commissioner for Child Sexual Abuse Issues, the protection of children and young people is a shared responsibility of society as a whole. It is thus important that as many partners as possible support the help portal.

C. Individual and collective complaints under Article 21

Once national legal remedies have been exhausted, including the option of submitting a constitutional complaint, victims of domestic violence may file a complaint with an international human rights body if they believe that the state authorities have failed to provide them adequate protection. The precondition is that Germany participates in proceedings before that body and that the admissibility requirements applicable to the relevant appeal channels are met. The following mechanisms are particularly relevant:

- Individual applications under Article 34 of the European Convention on Human Rights
- An individual complaint under Article 1 of the Optional Protocol to the International Covenant on Civil and Political Rights (Federal Law Gazette 1992 II p. 1247)
- A notification under Article 2 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (BGBl. 2001 II p. 1238)

Information on these and other international mechanisms is generally available in the public domain. For example, the Federal Ministry of Justice and Consumer Protection (BMJV)³⁵ and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMSFJ)³⁶ both provide detailed information on the relevant conventions and complaint procedures on their respective websites. The annex to the Federal Government’s biennial human rights report also describes the complaint procedures.

The German Institute for Human Rights offers a detailed overview of all existing international complaint instruments and provides a free handbook on how the procedures work in practice.³⁷ Germany has not ratified the Additional Protocol to the European Social Charter mentioned in the explanatory report, which allows collective complaints to be brought under the Charter.

D. Provision of specialist support services

Specialist support services to protect women against violence: Overall situation

In Germany, responsibility for help and support facilities, such as women’s shelters, lies with the Länder and the local authorities. All in all, there is a broad and differentiated network of at least 336 women’s shelters in Germany – with varying regional densities – plus about 72 safe houses, some 288 specialised counselling centres and over 261 intervention centres. In addition to these forms of support, which are available nationwide, there are others which are not available everywhere or that are specialised, such as special follow-up care services after a stay in a women’s shelter (known as second stage support).

As a general rule, women’s shelters and specialised counselling centres are open to all women, irrespective of their residence status, disability, family situation, and of any prior criminal charges. In 2012, the Federal Government presented a comprehensive nationwide inventory of all support services in the “Bericht der Bundesregierung zur Situation der Frauenhäuser, Fachberatungsstellen und anderer Unterstützungsangebote für gewaltbetroffene Frauen mit ihren Kindern” (Report of the Federal Government on the situation of women’s shelters, women’s specialised counselling centres and other support institutions for women affected by violence and their children) (Bundestagsdrucksache 17/10500).³⁸ An up-to-date and detailed list can be found in the Länder contributions in Annex 3 and in the overview in Annex 2.

The above-mentioned Federal Government report has shown that women affected by violence – and their children – generally find protection and counselling in specialised institutions. However, with regard to specific target groups, such as women with physical or mental disabilities, and those with specific needs, as well as capacity constraints at regional level, the report has also identified both gaps in the support system and obstacles that hinder access to support. Other challenges have been added in recent years, such as the work brought about, for example, by the growing number of refugees in providing adequate access to protection from violence for persons belonging to that group.

³⁵ www.bmju.de/DE/Themen/Menschenrechte/Menschenrechte_node.html.

³⁶ <http://www.bmfsfj.de/bmfsfj/ministerium/internationales>.

³⁷ http://www.institut-fuer-menschenrechte.de/uploads/tx_commerce/menschenrechtsverletzungen_was_kann_ich_dagegen_tun.pdf

³⁸ <https://www.bmfsfj.de/bmfsfj/service/publikationen/bericht-der-bundesregierung-zur-situation-der-frauenhaeuser--fachberatungsstellen-und-anderer-unterstuetzungsangebote-fuer-gewaltbetroffene-frauen-und-deren-kinder/80630#:~:text=Bericht%20der%20Bundesregierung%20zur%20Situation%20der%20Frauen%C3%A4user%2C%20Fachberatungsstellen%20und%20anderer.gewaltbetroffene%20Frauen%20und%20deren%20Kinder&text=Der%20Bericht%20gibt%20erstmal%20einen.Hilfesystem%20bei%20Gewalt%20gegen%20Frauen.>

Since the report was published, the Federal Government and the Länder have made ongoing efforts to address the known weaknesses in the support system and to both expand and develop it further in line with prevailing needs. Much remains to be done, nonetheless. In view of the particular and disproportionately high incidence of violence against girls and women with disabilities, one focus for action is rapid and above all barrier-free access to a support system that adequately addresses the needs of specific target groups.

In connection with the work of the Federal, Länder and Local Authority Round Table “Together against violence towards women”, starting in 2020 solutions will also be discussed for the needs-based further development of the support system and for reliable long-term funding for women’s shelters and specialised counselling centres. The Round Table will also discuss, among other things, options to introduce a federal-level legal right to protection and assistance for women victims of violence.

In addition, the funds available in the federal support programme “Together against Violence towards Women” (see II. A above) – both those of the innovation programme and those of the investment programme – can be used for innovative projects to establish, expand and support specialised support services.

BMFSFJ is currently funding scientific monitoring of the federal model project “Bedarfsanalyse und -planung zur Weiterentwicklung des Hilfesystems zum Schutz vor Gewalt gegen Frauen und häuslicher Gewalt” (Needs analysis and planning for the further development of the support system in combating violence against women and domestic violence). It is hoped that this will produce further findings on criteria and indicators that can be used to determine the extent to which the support system meets actual needs (see II. F for further details).

At Länder level, a range of initiatives have been launched in recent years to improve the accessibility of adequate support for women in all situations involving violence; see Annex 3.

Specialist support services to protect women against violence: Overview of providers, programme funding and conditions for take-up by women victims of violence

In Germany, women’s shelters, specialised counselling centres and other specialised support services for women and girls affected by violence are largely operated by non-governmental organisations (such as welfare organisations or registered associations) or by local authorities. In specialised counselling centres and women’s shelters, qualified (female) specialists are usually employed on a permanent basis to provide counselling, psychosocial support and other services, such as assistance in dealing with the authorities, sometimes with the assistance of external (paid) staff. In many cases, volunteer supporters are also involved in that work.

Funding for these institutions usually comes from several sources and is heterogeneously structured Germany-wide. In addition to grants from Länder and local authority budgets as well as fees for services provided under the provisions of social security law, the providers’ own funds and donations often contribute to a limited extent to the overall funding of the support services. The funding structure is largely dictated by the regulations in and different approaches taken by the respective Länder. By means of funding guidelines and similar instruments, the Länder also exert great influence on the quality standards and the profile of the services provided under the support programmes.

Specialised counselling centres can offer their services to their target group on the basis of grant funding from the respective state and/or local authority, generally free of charge for the user, without undergoing a prior entitlement assessment. Refuge facilities such as women’s shelters,

which, in addition to providing specialised counselling and psychosocial support, also guarantee safe housing for women victims of violence and their children, are also financed in some Länder by means of fixed-sum contributions from the state and the local authorities; in other Länder there is mixed funding where, in addition to contributions, a significant share is also made up of daily rates which are largely covered by the relevant state service providers on the basis of users' individual entitlements to benefits under Book II of the Social Code, Book XII of the Social Code or the Asylum Seeker Benefits Act (*Asylbewerberleistungsgesetz* – AsylbLG). It is not uncommon, however, for residents of a women's shelter to bear a portion of the costs themselves.³⁹ Obstacles to refinancing a stay in a women's shelter can arise in particular for women whose accommodation costs cannot easily be refinanced under the provisions of Book II or Book XII of the Social Code. According to reports from women's shelter operators, it can happen therefore that women from such groups are turned away or that – where a woman is admitted despite the fact that the bearer of the costs has not been clarified at that point in time – the provider of the women's shelter assumes the costs involved.

The complexity and heterogeneity of the funding structures described above is one reason why the above-mentioned Federal Government, Länder and Local Authority Round Table is currently examining the question of an alternative federal-level legal structure, e.g. by introducing a legal right to protection and counselling in cases of violence.

This is addressed in more detail in the Länder Annex contained in Annex 3.

Cooperation between specialised anti-violence services with services covering substance abuse

The Federal Ministry of Health (BMG) primarily conducts activities to deal with the health-related consequences of violence. This includes the model project GeSA (Gewalt – Sucht – Ausweg) to improve the care of women affected by violence and substance abuse, which BMG funded from 2015 to 2018. Knowledge and skills in the areas of addiction, violence and trauma were passed on to professionals working in anti-violence work and substance abuse care to enable them to help women who have been victims of physical and/or sexual violence.

GeSA serves as a model for cooperation between facilities and institutions in different support systems which are involved in the accompaniment and support of women with substance abuse problems and their children. To aid the nationwide dissemination of the GeSA cooperation model, workshops were held in Thuringia, Saxony-Anhalt, Brandenburg, Rhineland-Palatinate, Lower Saxony and Schleswig-Holstein. During those workshops, the experiences and results from the project were presented and ideas were developed for the possible creation of similar cooperation structures, taking into account the respective regional needs and resources.

Combating violence against children: Overview

On the subject of protecting children from violence, reference is made to the Fifth and Sixth State Report of the Federal Republic of Germany on the United Nations Convention on the Rights of the Child of November 2019.⁴⁰ In that report, Section 5a) Violence against children: Abuse and neglect, the Federal Government lists a wide range of measures to prevent and

³⁹Women's shelter coordination: Women's shelters and their residents; residents' statistics 2018, p.19: 71 percent of the women did not have to make any co-payments; one in ten residents (11.3 percent) bore the costs of the stay in the women's shelter completely on her own, another 13.2 percent covered a portion of the costs of their stay. No information is available on the amount to be paid by the users.

⁴⁰ <https://www.bmfsfj.de/bmfsfj/service/publikationen/fuenfter-und-sechster-staatenbericht-der-bundesrepublik-deutschland-zu-dem-uebereinkommen-der-vereinten-nationen-ueber-die-rechte-des-kindes/141862#:~:text=F%C3%BCnfter%20und%20Sechster%20Staatenbericht%20der%20Bundesrepublik%20Deutschland%20zu%20dem%20C3%9Cbereinkommen.%C3%BCber%20die%20Rechte%20des%20Kindes&text=Dabei%20nimmt%20der%20Bericht%20Bezug,von%20Kindern%20unter%2018%20Jahren.>

combat violence against children. Early childhood intervention is mentioned as a particularly fitting form of help and support. This creates beneficial support structures throughout Germany for (expectant) parents and children up to three years of age, especially those living in difficult circumstances. In early childhood intervention, networking is promoted between different actors from the relevant service systems (child and youth welfare, healthcare, early childhood education, pregnancy counselling, etc.).

Health checks for children and adolescents under Section 26 of Book V of the Social Code (SGB V) are listed as another important form of support. The health checks have been expanded in such a way that the examining doctor has to pay more attention to the individual stresses and risks of the child and advise the parents on how they can promote their child's development and health in a targeted way. If necessary, the doctor should recommend services for behaviour-related prevention and point out further health-related programmes and support in the local area (including regional parent-child support services such as early intervention). Further improvements have been achieved with the BMG-funded medical brochure "Kindesmiss-handlung, -missbrauch, -vernachlässigung" (Child Physical Abuse, Emotional Abuse and Neglect), which was completed at the beginning of 2019 with the involvement of child and youth welfare services.

The Federal Government is committed to improving access to specialised counselling for those affected by sexualised violence in childhood and youth. To this end, the office of Federal Coordination of Specialised Counselling Services against Sexual Violence in Childhood and Youth (BKSF) was established in 2016. Specialised counselling centres provide support and advice for those affected, their relatives and also institutions. The BKSF advocates demand-oriented, long-term funding of specialised counselling centres and for gaps to be closed in their provision. Care that is not in line with needs is currently found, first and foremost, in rural areas and for vulnerable groups – such as people with disabilities or a migration background. The BKSF pools the interests of the specialised counselling centres as a lobby, supports them locally in setting up and expanding their services, and promotes both interlinkage and development of common quality standards.

Hamburg

In Hamburg, women seeking protection have obtained shelter since 2016 by calling the central 24/7 emergency room for Hamburg's women's shelters. There, individual solutions for those affected are worked out in a clearing process that usually takes four days. Only then will the woman be placed in a women's shelter if needed. In Hamburg, a total of 241 safe places are available for women and their children (1 place = 1 bed). As a general rule, every woman seeking protection who claims to be affected by violence is accepted; addiction and/or mental illness play no role in admissions. In 2018, the 24/7 emergency room admitted 507 women and 460 children; in 2019, 512 women and 460 children.

Free Hanseatic City of Bremen

The following obstetrics arrangements are in place: After police intervention in cases of domestic violence in which a pregnant woman is either present or a victim, the labour wards are immediately notified by the police. Cooperation between hospitals, police and child and youth welfare services works extremely well. If a pregnant/just delivered woman reports a case of domestic violence during her stay, there is an agreed special

counselling/discharge management process in the “Links der Weser” obstetrics unit.

The Medical Association Bremen/Healthcare Sector Working Group on Domestic Violence has drawn up a procedural plan for the outpatient and inpatient departments and especially for the emergency rooms in Bremen hospitals and clinics.

E. Telephone helplines under Article 24

Violence against Women helpline

To implement the Istanbul Convention, in 2013 Germany set up a legally-mandated nationwide Violence against Women helpline under the number 08000 116 016 to provide low-threshold, direct support and counselling to women affected by violence. The Violence against Women helpline is a free, round-the-clock, 18-language, anonymous counselling service. As an accessible service, it expressly also targets women and girls with disabilities or impairments. The female counsellors are trained professionals. The helpline is used by women affected by violence, people from their social sphere and also professionals (over 185,000 consultations to date). Women who otherwise find it difficult to access support also use the service, receive competent advice and are empowered to take the next step to escape violence. The counsellors are also specially trained to advise women with disabilities. Counselling sessions can be held in easy-to-understand language or with the support of sign language interpreting if required. The website www.hilfetelefon.de also provides access to information and advice. The helpline provides counselling on all forms of violence. A scientific evaluation was carried out five years from the time the helpline went into operation; publication of the final report is currently underway.

Sexual Abuse Helpline

The nationwide “Hilfetelefon Sexueller Missbrauch” (Sexual Abuse Helpline) (Telephone: 0800 2255530) provides victims of child and adolescent sexual abuse, their relatives and persons from their social sphere as well as professionals with information about prevention, intervention and support programmes in the area where they live. The helpline is currently open Mondays, Wednesdays and Fridays from 9 a.m. to 2 p.m. and Tuesdays and Thursdays from 3 p.m. to 8 p.m.

To maintain anonymity, the caller’s telephone number is not transmitted to the helpline and no personal data is requested.

The women and men who work on the helpline are qualified psychologists and educationalists with many years of professional experience in dealing with sexual violence against girls and boys. They listen, advise, provide information and – if desired – tell callers where they can get help and support in the area where they live.

In 2019, of the 17,335 attempted calls, a total of 7,430 calls were taken. Some 77 percent of callers who were personally affected were women or girls.

berta – Counselling and telephone contact point

The helpline at 0800 3050750 is aimed at victims of organised sexual and ritual violence, as well as at relatives, helpers and professionals. The “berta” helpline offers people relief, counselling and support in exiting organised sexualised and ritual violence structures, and also supports all those who are worried about someone, have a suspicion or are looking for information on the subject.

Nummer gegen Kummer e.V.

“Nummer gegen Kummer e.V.” (NgK) is the umbrella organisation of the largest free telephone counselling service for children, young people and parents in Germany. Since 1980, young people have been finding advice, help, consolation and support on the children and youth telephone helpline by calling 0800 116111 (Mondays to Saturdays from 2 p.m. to 8 p.m.). And since 2001, the parents’ telephone helpline at 0800 1110550 (Mondays – Fridays from 9 a.m. to 11 a.m. and Tuesdays and Thursdays from 5 p.m. to 7 p.m.) has also been available to mothers, fathers, grandparents and other legal guardians as a source of qualified advice. Both these helplines take the form of direct, preventive help and in many cases are the first point of contact in arranging further support within the German psychosocial network. Empathetic and confidential counselling lowers people’s inhibition threshold for seeking further, appropriate counselling for the problem they are facing and helps set the course for children’s positive, healthy development over time. The helpline and e-mail counselling service for children and adolescents as well as the parents’ telephone helpline provided by Nummer gegen Kummer e.V. have been supplementing preventive and supportive psychosocial care of children and adolescents in Germany for years. With the peer project “Jugendliche beraten Jugendliche” (Young people advise young people) conducted via the helpline for children and adolescents, people of the same age as the target group are involved in the work performed by Nummer gegen Kummer. The anonymity and confidentiality of the service appears to make it easier for many people seeking advice to express their interpersonal and intimate worries and problems. The service has no particular thematic focus, so that callers themselves decide which topic/problem they wish to discuss with the qualified volunteer counsellors.

Statistics are available on the Nummer gegen Kummer e.V. website: <https://www.nummergegenkummer.de/presse.html>.

So that Nummer gegen Kummer e.V. (NgK) can better help and understand children and young people who experience or have experienced sexual assaults or sexual abuse, NgK participates in the initiative “Trau dich!” (Speak Out, Get Help). The initiative sees NgK work closely with the Federal Centre for Health Education and the Federal Ministry for Family Affairs. In this joint approach, NgK helps affected children and informs them about sexuality and sexual child abuse.

Programmes within the BMVg remit

The contact point Discrimination and Violence in the Bundeswehr can be reached by telephone, in writing and by e-mail and, with the exception of public holidays, is staffed from Monday to Thursday from 8 a.m. to 6 p.m. and on Fridays from 8 a.m. to 3 p.m. It only collects callers’ personal data with their consent. Consultations are also carried out anonymously. A review of the request by the competent authority will only be carried out after the person concerned, having been informed in advance in writing about their rights, has submitted a declaration of consent under data protection law. Two fully qualified lawyers work in the contact office. There is an option to support the staff of the contact point through advice or supervision. Statistics are not kept on individual incoming calls.

The Bundeswehr has three specialised support services – Social Service, Medical Service and Psychological Service – and also a military chaplaincy. As part of the internal psychosocial network these coordinate the provision of support on a case-by-case basis, offering comprehensive psychosocial support which is regulated in a corresponding Central Service Regulation (A-2662/1 Psychosocial Support). In cases involving violence against women and domestic violence, these counselling and support services are also available to all persons covered by the Federal Ministry of Defence (BMVg) portfolio. The services of the Bundeswehr

Social Service are also aimed at the relatives and surviving dependants of the above-mentioned group.

F. Child witnesses

Since 2017, Germany has provided a nationwide option for victims to receive, in certain cases, professional support during criminal proceedings (known as psychosocial support). Psychosocial support is aimed particularly at children and adolescents who have become victims of violent or sexual crimes. However, adult victims of serious violent or sexual crimes may also need and receive support of this kind (see IV. B).

G. Additional support measures in relation to Articles 27 and 28

Under Section 158 (1) of the Code of Criminal Procedure (*Strafprozessordnung – StPO*), anyone may report an offence to the public prosecutor’s office, the authorities, police officers and the local courts, even if they are neither directly nor indirectly affected by the offence they wish to report. In addition, Section 8 of the Guidelines for Criminal Procedure and Imposition of Fines (*RiStBV*) stipulates that the public prosecutor’s office must also examine whether preliminary proceedings should be initiated in the case of anonymous reports. The law makes no provision for formal requirements for reporting crimes in this way.

The willingness of witnesses to testify is also ensured by accompanying witness protection provisions. Under Section 68 (2) StPO, witnesses may be permitted to omit details of their place of residence only if their legal rights are endangered, or those of other persons, or unfair influence on them or other persons is to be feared. Section 68 (3) StPO provides that a witness may be permitted not to divulge information about themselves or only to give information about a previous identity if there are reasonable grounds for concern that disclosure of their identity or place of residence or domicile will endanger life, limb or freedom of the witness or of another person. This provision applies to all forms of witness examination. Under Section 68 (b) StPO, witnesses may make use of legal assistance in any procedural situation, including when filing a complaint.

Under Section 203 of the Criminal Code (*Strafgesetzbuch – StGB*), it is a criminal offence under certain circumstances for certain professions to disclose private secrets without authorisation.⁴¹ Members of these professions may, in the course of their activities, typically acquire knowledge of a form of violence that falls within the scope of the Convention having been exerted against the person whose secret is deemed of value. If disclosure of the secret to authorities or to other bodies is permitted by the protected person’s declaration of consent, the constituent elements of the offence are lacking from the outset. In certain cases, members of the above-mentioned professions have a legal obligation to disclose information. For example, Section 138 (1) StGB stipulates an “everyman’s duty” to report certain planned or already commenced offences to the

⁴¹ These professions include doctors, pharmacists, members of other healthcare professions, occupational psychologists, lawyers, defence counsels in statutorily regulated proceedings, notaries, marriage, family, educational or youth counsellors and substance abuse counsellors in officially recognised counselling centres, members and representatives of a counselling centre recognised under the Pregnancy Conflict Act, state-recognised social workers and social education workers, members of a private health, accident or life insurance company and a private medical or legal invoicing services, as well as public officials, persons with special obligations in the public sector and publicly appointed experts.

competent authority or the person threatened at a time when the execution or success of the offences can still be averted. Offences that must be reported include murder (Section 211 StGB) and manslaughter (Section 212 StGB), certain offences against personal freedom, such as certain cases of trafficking in human beings (Section 232 (3) second sentence StGB), forced prostitution (Section 232a (3), (4) or (5) StGB), kidnapping and extortion (Section 239a StGB) and hostage taking (Section 239b StGB). Failure to report such an offence may be punishable by imprisonment for up to five years or a fine. Even negligent failure to report such an offence may be punishable by imprisonment for up to one year or a fine.

Clergy (persons designated by state-recognised religious communities as holders of spiritual offices) are exempt from the obligation to report if they become aware of a criminal offence in their capacity as pastoral workers (Section 139 (2) StGB). In addition to persons who would have to report their relatives, lawyers, defence lawyers, doctors and psychotherapists are also exempt from punishment if they omit to report a crime but make serious efforts to prevent the perpetrator from committing the crime or prevent the success of the crime (Section 139 (3) StGB). However, exemption from punishment does not apply when there is a risk of the most serious crimes being committed, such as murder, manslaughter or kidnapping and extortion.

A right to disclosure can, on the other hand, arise from the state of necessity under Section 34 StGB, which excludes as justification a criminal liability under Section 203 StGB. This is particularly relevant in the case of an imminent risk of violence against the person to be protected, such as grievous bodily injury or serious sexual offences.

Under Section 294a (1) first sentence of Book V of the Social Code (SGB V), to examine possible claims made by the health insurance funds against third parties for damages for the treatment costs they have incurred, there is a fundamental obligation on the part of doctors, facilities and hospitals participating in statutory health insurance-accredited medical care to provide the health insurance funds with the necessary data, including information on causes and the possible causer, if there are indications of health damage caused by third parties. A limitation of this duty of notification was introduced in 2017 where there are indications of health damage caused by third parties which could be the consequences of abuse, sexual abuse, sexual assault, sexual coercion or rape of an insured person aged 18 or over. In such cases, the duty of notification only applies if the insured person has expressly consented to the notification being made to the health insurance fund (Section 294a (1) third sentence SGB V). The limitation on the duty to report sexualised or domestic violence serves in particular to protect those affected and their right to self-determination. The new provision was welcomed by a large number of professional associations. There is no duty of notification in cases where there are indications of damage to health caused by third parties which could be the result of maltreatment, sexual abuse, sexual assault, sexual coercion, rape or neglect of children and adolescents (Section 294a (1) second sentence SGB V).

V. Substantive law

A. Legal framework

Protecting women and girls from violence is a matter of great importance. For this reason – and also prompted by the Istanbul Convention – numerous measures have been taken in recent years, ranging from prevention and sanctions for criminal behaviour to the documentation of

committed offences. In Germany, wilfully committed acts of violence against people which lead to the victim's death are punished under the criminal offences of murder (Section 211 of the Criminal Code (*Strafgesetzbuch* – StGB), manslaughter (Section 212 StGB) and bodily injury resulting in death (Sections 227 and 231 StGB) irrespective of the victim's sex. The same applies to offences against physical integrity (Section 223 et seq. StGB). If the killing is intended to express hatred or contempt for women in general on grounds of their sex, the murder characteristic of “base motives” (Section 211 (2) StGB) may apply. This is the case when the motive for killing is contemptible according to general moral opinion and is of the basest possible kind, and must be judged on a case-by-case basis. The offence of female genital mutilation (Section 226a StGB), which came into force in 2013, protects women not only from general bodily injury but also from religious or traditional practices of external genital mutilation. An offence of this kind is punishable by imprisonment from between one and 15 years. Women and girls are also protected against violent assaults by the provisions on offences against sexual self-determination (Section 174 et seq. StGB). The law on sexual offences was fundamentally reformed in 2016. With the introduction of the “No means no” rule, the victim's will was placed at the centre of protection under criminal law. For the offence of sexual assault or rape to have occurred, it is no longer necessary for the perpetrator to have used force or to have threatened the use of force for the sexual act. What counts is that the perpetrator ignores a recognisably opposing will demonstrated by the victim. The introduction of the new criminal offence of sexual harassment (Section 184i StGB) has also further improved the protection of women under criminal law. The same applies to the new criminal offence “criminal offences committed out of groups” (Section 184j StGB).

On 2 July 2020, the German Bundestag passed the Federal Government's draft law on the protection of individual rights in connection with image recordings. This bill introduces a new provision (Section 184 k StGB, violation of the genital area by taking pictures) in order to counteract the phenomenon known as upskirting. Taking photos of others under their skirts without permission, sharing those photos in chat groups or distributing them commercially will be punishable in future. The legislation is yet to be enacted.

Decisions on the right of custody and access (visiting rights) are made by the family courts on the basis of the provisions contained in the Civil Code (*Bürgerliches Gesetzbuch* – BGB). The family courts must always examine the welfare of the child (on custody Section 1671 (1) second sentence, No. 2 BGB, on visitation rights Section 1684 (4) BGB). With regard to the child welfare assessment, it is important whether the child or a close relative (such as the mother) has been the victim of violence. In addition, the family court must take the necessary measures if the welfare of the child is at risk (Section 1666 BGB); these include measures to protect female children from violence.

If spouses live apart from one another or if one wants to live separately from the other, a spouse can demand under Section 1361b (1) BGB that the other spouse relinquish the marital home or part of it to them for their sole use. Allocation of the home must be necessary to avoid undue hardship. Under Section 1361b (2) first sentence BGB, in the case of previous violence on the part of the defendant, the entire home is to be left for the sole use of the aggrieved spouse. In line with subsection (2) second sentence, the claim to sole allocation of the home in the case of previous violence or threats by the defendant is only excluded if no further injuries or unlawful threats are to be feared, unless that is the injured spouse cannot reasonably be expected to continue living with the other due to the seriousness of the offence. The purpose of this provision is to enable the family court to allocate the marital home – immediately if necessary – to an abused spouse or to the children living in the household. The provision thus also serves to improve protection against domestic violence. The intervention threshold (unreasonable

hardship) was deliberately kept low to ensure that in the case of acts of violence between spouses, the marital home must normally be left to the victim if they submit an appropriate application.

Under the Act on Protection against Violence (*Gewaltschutzgesetz* – GewSchG), the victim can apply to the district court for a violence protection order to be issued against the person in cases of wilful and unlawful physical assault, impairment of health or encroachment on personal freedom (Section 1 (1) GewSchG). The same applies in the case of an unlawful threat of such injury, in the case of an unlawful and intentional intrusion into the applicant's home or secured property or if the perpetrator unlawfully and intentionally harasses the applicant unreasonably by repeatedly stalking them against their expressly declared will or by persecuting them by means of remote communication (Section 1 (2) GewSchG). Section 1 GewSchG contains a procedural provision which, in terms of substantive law, presupposes a civil claim of the victim against the perpetrator for an injunction under Section 1004 of the Civil Code in conjunction with Section 823 BGB due to injury to their body, health or freedom or a violation of their general rights as an individual under Section 1 (1) GewSchG.

Under the Act on Protection against Violence, the court must take all necessary measures to prevent further injuries, threats or harassment. In particular, it may prohibit the perpetrator from entering the applicant's home or from staying within a certain radius of that home, from visiting other places to be specified that the applicant frequently visits, from establishing contact with the applicant, including by means of mobile communications, or from meeting the applicant in person (Section 1 (1) GewSchG).

Violation of such a protection order is punishable under Section 4 GewSchG and can be punished with imprisonment of up to one year or with a fine. Since the Act to Improve Protection against Stalking (*Gesetz zur Verbesserung des Schutzes gegen Nachstellungen*) came into force on 10 March 2017, a violation of an agreement reached in a settlement is now also punishable if the settlement was confirmed by a court (Section 214a of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit* – FamFG)). The court confirms a settlement insofar as it could also have ordered the protection measure contained in it as a judicial violence protection order.

On application, the court can also order that the perpetrator relinquish to the victim a jointly used home for their sole use (Section 2 GewSchG).

Under Section 1004 BGB in conjunction with Section 823 et seq. BGB, claims for injunctive relief can be asserted. In addition to the scope of protection under the GewSchG, these include further objects of protection, such as general rights as an individual and other absolute legal interests. The persons concerned can obtain individual protective measures and, in addition, claim injunctive relief under Sections 823 et seq. BGB if the corresponding requirements are met.

With Section 226a StGB, a criminal offence has been created which explicitly protects female persons against mutilation of their external genitals (see above).

B. Support for relevant professionals in the implementation of a legal framework

To provide relevant professionals, such as police and law enforcement officers, with guidelines for the implementation of the above legal framework, a number of measures are being implemented in the various Länder. This includes guidelines for action, training, further training and cooperation with the support sector. The full range of activities is set out in Annex 3 (Länder contributions).

Berlin

The Berlin law enforcement agencies and the Senate administrations responsible for the Interior and Justice were involved from the outset in the “Berliner Interventionsprojekt gegen häusliche Gewalt“ (Berlin Initiative Against Violence Towards Women) (Sponsor: BIG e.V., Berliner Initiative gegen Gewalt an Frauen), which was funded by BMFSFJ as a model project from 1995 to 1999 and represents a turning point in the way the various institutions in the State of Berlin deal with the issue of domestic violence. The topics of violence against women, domestic violence, sexualised violence, stalking and victim protection have been among the focal points of the work performed for many years, and there is a strong network of relevant governmental and non-governmental bodies.

Mecklenburg-Western Pomerania

In joint administrative guidelines issued by the Ministry of Justice and the Ministry of the Interior of the State of Mecklenburg-Western Pomerania, cooperation between the courts, the Führungsaufsichtsstelle (offender supervision unit), probation services, the State Office of Criminal Investigation and the police inspectorates has been standardised and consolidated. As part of this focus programme for optimised control and security (FoKuS – Für optimierte Kontrolle und Sicherheit), information is exchanged quickly and police and legal instruments are supplemented in a purposeful way. FoKuS serves in monitoring perpetrators of sexual and violent crimes who are at particular risk of committing a repeat offence.

C. Civil remedies against perpetrators und state authorities

Germany provides for functioning administration of justice in civil law that enables victims of violence to enforce their civil law claims. In particular, depending on the circumstances of the individual case, there may be a claim for injunctive relief under Section 1004 of the Civil Code (*Bürgerliches Gesetzbuch* – BGB) read in conjunction with Section 823 et seq. BGB and for damages under Section 823 et seq. BGB. Claims under civil law thus cover further objects of protection beyond the scope of the Act on Protection against Violence (*Gewaltschutzgesetz* – GewSchG), such as property, general rights as an individual and other absolute legal interests. This ensures that the affected party has access to further individual legal protection options beyond the measures of the Act.

In addition, before the family courts, the procedure in violence protection cases is that a civil law injunction can be enforced by means of a violence protection order under the Act on Protection against Violence and a claim can be asserted for the allocation of the family home. Also, in the case of spouses living separately from each other, where cases of previous violence are involved the aggrieved spouse is usually entitled to apply in the family court for the defendant to relinquish the entire marital home for their sole use. The prerequisite is the existence of undue hardship, which is usually indicated by the previous incidence of violence.

Under Section 839 (1) BGB in conjunction with Article 34 of the German Basic Law (*Grundgesetz* – GG), a public official who intentionally or negligently violates the official duty incumbent upon them towards a third party is obliged to compensate the third party for the resulting damage. In relation to the third party, however, this liability does not apply to the official personally, but rather to the public law employer. Depending on the circumstances of the individual case, official duties relating to third parties may also include the duties generally laid down in police and regulatory law to protect persons from foreseeable and avoidable damage caused by others. If such duty has been culpably breached, the injured party/parties can usually demand compensation for the damages resulting from that breach of duty. Compensation may be claimed for material damages under Section 249 et seq. BGB. Compensation for pain and suffering is paid under the conditions set out in Section 253 BGB.

In 2018, some 44,804 temporary injunction proceedings and 3,548 main proceedings under the Act to Improve Protection against Stalking (*Gesetz zur Verbesserung des Schutzes gegen Nachstellungen*) were pending before the family courts. Of the temporary injunction proceedings, 36,768 involved the issuance of an emergency protection order (Section 1 GewSchG) and 8,036 the temporary allocation of the family home (Section 2 GewSchG). Of the main proceedings, 3,110 involved the issuance of a protection order (Section 1 GewSchG) and 438 the relinquishment of the family home (Section 2 GewSchG). Statistics for 2019 were not available at the time this report was prepared.

There are no case numbers available on allocation of homes for spouses living separately.

D. Compensation from perpetrators and the state

Victims of crimes as defined in the Convention are entitled as a rule to compensation from the perpetrator. Under Section 823 (1) BGB, a person who wilfully or negligently violates the life, limb, health, freedom, property or other right of another in an unlawful way is required to compensate the other for the resulting damage. Criminal offences, as defined by the Convention, can also violate the so-called general rights as an individual, which are recognised as ‘another’ right under Section 823 (1) BGB, unless one of the specifically mentioned legal interests such as life, limb, health and freedom is affected. The right of the individual to be shown respect for their personal and social identity and to be allowed to develop their individual personality (Federal Court of Justice (BGH) BGHZ 13, 334)) is protected in relation to the individual and to the state.

In addition, claims for damages may arise from Section 823 (2) BGB in conjunction with a criminal offence. The scope of criminal offences involving acts as described by the Convention are usually covered by protective laws as set out in Section 823 (2) BGB. Anyone who culpably violates such a protective law is required to compensate the injured party under Section 823 (2) BGB for the resulting damage. Under Section 249 BGB, the substance of the claim for damages is initially the request for compensation for the material damage incurred by the injured party.

Under the prerequisites of Section 253 BGB, reasonable compensation for pain and suffering may also be payable. The injured party is the party entitled to compensation.

The “Heimerziehung in der DDR in den Jahren 1949 bis 1990” (Residential Care in the GDR from 1949 to 1990) and “Heimerziehung in der Bundesrepublik Deutschland in den Jahren 1949 bis 1975” (Residential Care in the Federal Republic of Germany from 1949 to 1975) funds, the “Sexueller Missbrauch im familiären Bereich” (Sexual Abuse in Families) fund and “Stiftung Anerkennung und Hilfe” (Recognition and Support Foundation) do not provide compensation for victims of violent crimes, but instead provide needs-based benefits in kind or recognition and support services to improve victims’ lives.

Crime Victims Compensation Act (OEG)

Women who are victims of violent crime can claim compensation under the Act on Compensation for Victims of Violent Crimes (*Opferentschädigungsgesetz – OEG*). The OEG contains an obligation on the part of the state to assume responsibility for innocent victims of wilful acts of violence. It provides for separate state compensation, over and above the general social welfare systems and social assistance benefits, for anyone whom the state and its police institutions have been unable to protect from a wilful act of violence. Entitlement to compensation under the OEG is conferred on persons who have sustained a personal injury as a result of a wilful, unlawful physical assault (injured party) and the surviving dependants of persons who have died as a result of such injury.

Under the OEG, the state compensates for the special sacrifice made by those affected. In fulfilment of this claim under social law, the OEG provides for extensive benefits to compensate for the health-related and financial consequences of the damage incurred, but neither comprehensive compensation nor claims for damages for pain and suffering. Compensation is not provided for material damage or financial loss. The catalogue of compensation for loss or damage includes:

- Income-independent monthly basic pensions for injured parties and survivors (widows/widowers/surviving partners, orphans and – in exceptional cases – parents)
- Other income-related monthly pension benefits to compensate for financial and job-related disadvantages incurred by injured parties and surviving dependants (widows/widowers/surviving partners, orphans)
- Funeral and death grants
- Medical and health care
- Welfare services

Given that implementation of the OEG is the sole responsibility of the Länder-level authorities, the Federal Government has no information on the number of applications made under the OEG, nor on how many female victims of violence have received assistance under the OEG. There is no application deadline under the OEG. The amount received is based on the degree of damage caused by the violent act.

As of 1 January 2024, all social compensation will be consolidated in a new Book XIV of the Social Code (SGB XIV). This contains numerous simplifications and improvements for victims of violent crimes, including in particular victims of sexual violence. Under these provisions, which have retroactive effect from 1 July 2018, victims of violent crimes can receive compensation regardless of their nationality. In addition, the right to compensation is no longer limited to physical acts of violence; under the new law, victims of psychological violence can also receive benefits. A new entitlement to rapid assistance benefits was introduced on 1 January

2021. This includes the possibility of being able to claim services from the trauma outpatient clinic quickly and unbureaucratically following an offence.

E. Rights of custody and visitation

Section 1631 (2) of the Civil Code (*Bürgerliches Gesetzbuch* – BGB) expressly specifies that children have a right to a non-violent upbringing and that physical punishment, psychological injuries and other degrading measures are prohibited. The best interests of the child are the decisive criterion in court decisions on custody and visitation rights. In judicial proceedings for the transfer of custody to one parent, the court must thus take into account whether that parent – unlike the other parent – succeeds in bringing up the child without physical punishment, other forms of violence, psychological injury and degrading behaviour or measures.

In access and visitation decisions, the family courts also have various options, depending on the circumstances of the individual case, which allow them to take account of the child’s need for protection against acts of violence. The family court can decide on the scope of visitation rights and regulate their exercise in more detail, including in relation to third parties (Section 1684 (3) BGB). The family court may restrict or exclude visitation rights if deemed necessary for the welfare of the child (Section 1684 (4) BGB). When examining the best interests of the child, it is relevant whether the person demanding contact has used violence against another person (e.g. the mother). To avert a threat to the welfare of the child, a restriction or exclusion of visitation rights is also possible for a longer period or permanently (Section 1684 (4) BGB).

The court can, for example, order that collecting and bringing of the child be arranged in such a way that the mother and the person with visitation rights do not meet and a new address of the mother remains unknown. Also, under Section 1684 (4) BGB, it can also be ordered, among other things, that contact takes place only in the presence of a third party who is willing to be involved; this can be, for example, an employee of the child and youth welfare services or a youth welfare institution. In this way, the family court can also ensure that contact with the child takes place in a neutral place in the presence of a professional.

Under Section 18 (1) of Book VIII of the Social Code (SGB VIII), mothers and fathers who are required to care for a child or a young person alone or who actually care for them alone are entitled to counselling and support from public sector youth welfare organisations. This counselling and support includes, among other things, the exercise of personal care – including the assertion of maintenance claims for the child. In addition, Section 18 (3) third sentence SGB VIII conveys a right to counselling and support in exercising visitation rights. In this respect, the public sector youth welfare organisation mediates, among other things, in establishing contact and in implementing judicial or agreed visitation rules, providing assistance where appropriate.

In the study “Kindeswohl und Umgangsrecht” (Child Welfare and Visitation Rights) financed by the Federal Government, regulations on visitation rights were examined from the perspective of the child. The surveys conducted looked at the situation of families in which domestic violence has played a role. Results are expected by the end of 2020.

F. Criminal sanctions for the various forms of violence

1. Psychological violence under Article 33

Psychological violence can be punished as coercion under Section 240 of the German Criminal Code (*Strafgesetzbuch* – StGB). Under this provision, anyone who unlawfully forces a person to

act, tolerate or refrain from acting, either by force or by threat of a serious offence, is liable to prosecution. Coercion in accordance with Section 241 StGB (threat) also comes into question if a person is threatened with the act of a crime directed against them or a person close to them. The offence of threat (Section 241 StGB) will be expanded by the law on combating right-wing extremism and hate crime, which is expected to come into force in autumn 2020.

A threat also exists if a person is threatened with the commission of an unlawful act directed against them or a person close to them in violation of sexual self-determination, physical integrity, personal freedom or against an object of significant value.

2. Stalking under Article 34⁴²

Stalking is punishable under Section 238 of the Criminal Code (StGB).

3. Physical violence under Article 35⁴³

Offences against life are punishable as murder (Section 211 StGB) and manslaughter (Section 212 StGB). To protect against physical violence, bodily injury in its various forms is made punishable by the provisions of Section 223 StGB (bodily injury), Section 224 StGB (dangerous bodily injury), Section 225 StGB (ill-treatment of persons under protection), Section 226 StGB (serious bodily injury) and Section 227 (bodily injury resulting in death).

4. Sexual violence, including rape as defined in Article 36 (1), having due regard to the definition of consent in Article 36 (2)

With the **50th Act to Amend the Criminal Code to Improve the Protection of Sexual Self-Determination** (*50. Strafrechtsänderungsgesetz – Verbesserung des Schutzes der sexuellen Selbstbestimmung*), which came into force on 10 November 2016 (Federal Law Gazette 2016 I p. 2460), transposing the provisions of Article 36 of this Convention into German law, criminal law relating to sexual offences has undergone fundamental reform. In particular, it ensures that any sexual act against the recognisable will of the victim is covered by criminal law (the “No means no” rule).

Under Section 177 (1) StGB, anyone who, against the recognisable will of another person, performs sexual acts on that person, or allows another person to perform such acts, or designates that person to perform or tolerate sexual acts on or before a third party, is punishable by imprisonment from six months to five years. In addition, Section 177 (2) StGB also criminalises sexual acts carried out on a person who is either unable to express themselves (e.g. because the perpetrator takes advantage of the fact that the person is unable to form or express a conflicting will [No. 1]), or where the consent given is not sustainable due to certain circumstances (e.g. because the victim is threatened [No. 5]), or where they are threatened with serious harm [No. 4]. Finally, under Section 177 (2) 2 StGB, anyone who takes advantage of the fact that the person is substantially restricted in the formation or expression of their will because of their physical or mental condition is punished, unless the offender has assured themselves of that person’s consent. Section 177 (2) 3 StGB covers a sexual act performed in exploiting an element of surprise. The range of penalties in subsection (2) is imprisonment from six months to five years, as in subsection (1). A prison sentence of not less than one year can be imposed if the victim’s inability to form or express a will is due to an illness or disability (Section 177 (4) StGB). The same penalty applies under Section 177 (5) StGB, if the offender:

1. Uses force against the victim
2. Threatens the victim with a present danger to life or limb

⁴² See also the explanatory report, paragraph 182.

⁴³ See also the explanatory report, paragraph 188.

3. Exploits a situation in which the victim is unprotected and at the mercy of the offender's influence

Pursuant to Section 177 (6) second sentence, No. 1 StGB, a particularly serious case exists if the offender has sexual intercourse with the victim or commits similar sexual acts on the victim or has the victim commit such acts on them which are particularly degrading for the victim, especially if they involve penetration of the body (rape). The penalty in such cases is imprisonment for a term of at least two years. Further punishments are provided for in Section 177 (7) and (8) and under the provisions of Section 178 StGB (sexual assault, sexual coercion and rape resulting in death).

In addition to the changes to Section 177 StGB described above, the legislature has taken further measures to improve criminal law protection of sexual self-determination. For example, a criminal offence of sexual harassment and a criminal offence for encouraging offences to be committed in groups were newly included in the StGB.

German criminal law today also meets the demand for undivided protection against sexual assault or sexual coercion in marriage or partnership. In the version of Section 177 StGB valid until 4 July 1997, at first only extramarital sexual intercourse performed by force or by threat of present danger to life or limb was punishable as an offence involving rape. Forced conjugal intercourse was only punished as coercion under Section 240 StGB. In the version in force since 5 July 1997, sexual self-determination in marriage or partnership is now also equally subject to protection under criminal law in that the former constituent component of the offence of extramarital sexual acts, which constituted a criminal offence under Section 177 StGB, no longer applies.

In addition, with regard to protection against domestic violence, which can also affect children and adolescents living in the household, reference should be made to the criminal offences under Section 174 et seq. StGB. Sexual abuse of children (person under 14 years of age) is stipulated on in Section 176 StGB; serious sexual abuse of children is stipulated on in Section 176a StGB. In particular, Section 176 StGB also stipulates on the case in which the perpetrator forces a child to perform sexual acts on a third party or to have them performed on them by a third party. Section 176a of the Criminal Code also stipulates in particular on the case in which the perpetrator has sexual intercourse with the victim or performs similar sexual acts on the victim or has them performed on them which involve penetration of the body (Section 176a (2) 1 of the Criminal Code). Section 176b StGB criminalises sexual abuse of children resulting in death. Without exception, children enjoy absolute protection under German criminal law. It is thus irrelevant whether or not a child agrees to a sexual act. This is because the provisions on sexual abuse of children protect the opportunity for free development of sexual self-determination (Fischer, StGB, 67th edition, Section 176 Recital 2). Finally, Section 174 of the German Criminal Code stipulates on the sexual abuse of protected persons, which covers the sexual abuse of persons under 16 in some cases and in other cases under 18. It covers acts committed to the detriment of physical or legal descendants of the offender, their spouse, their partner or a person with whom they live in a marriage-like or life-partner relationship, as well as to the detriment of persons subject to protection who are in certain other custodial or dependent relationships with the offender.

Section 176 StGB sets the age of consent to sexual relations at 14 years of age. Consequently, sexual acts with persons under the age of 14 are punishable without exception. Sections 180, 182 StGB also contain protective provisions for persons under 18 years of age. These offences make sexual acts with persons under 18 years of age punishable in certain circumstances.

5. Forced marriage under Article 37

Anyone who unlawfully causes a person to enter into marriage by force or by threat of serious harm, or who, in order to commit such an act, by force, threat of serious harm or by trickery or deception, takes a person to an area outside the territorial scope of the Criminal Code or causes a person to go there or prevents a person from returning from there, may be punished in accordance with Section 237 StGB (forced marriage).

6. Female genital mutilation under Article 38

The mutilation of female genitalia is a punishable offence under Section 226a StGB.

A draft Ministry of Justice and Consumer Protection (BMJV) bill on the prohibition of surgery on the genitals of children to change their sex is currently being discussed in the course of inter-ministerial consultations. In the current Coalition Agreement, the Federal Government has agreed that in the case of children such intervention will be prohibited.

7. Forced abortion under Article 39a

Whoever terminates a pregnancy against the will of the pregnant woman can be punished under Section 218 (2) 1 StGB.

8. Forced sterilisation under Article 39b

A bodily injury that results in the injured person losing the ability to procreate is punished as serious bodily injury (Section 226 StGB).

G. Sexual harassment

Under Section 184i (1) StGB, whoever touches another person in a sexual manner, and thereby harasses that person, incurs a penalty of imprisonment for a term not exceeding two years or a fine, unless the offence is subject to a more severe penalty under the provisions of Section 13 of the Special Part of the Criminal Code (offences against sexual self-determination). In addition, under Section 185 StGB, the penalty for insult is imprisonment for a term not exceeding one year or a fine and, if the insult is committed by means of an assault, imprisonment for a term not exceeding two years or a fine. Attacks on sexual self-determination of a verbal and non-verbal nature as well as physical advances without the consent of the person concerned are also covered if in the specific circumstances the behaviour can be seen as a disparaging assessment of the victim. An express intention to insult is not required.

Within the scope of application of the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz* – AGG), Section 3 (4) AGG stipulates on sexual harassment as a frequent case of harassment of a sexual nature in the workplace; it covers all areas of labour law. According to these provisions, sexual harassment is deemed to be discrimination when an unwanted conduct of a sexual nature, including unwanted sexual acts and requests to carry out sexual acts, physical contact of a sexual nature, comments of a sexual nature, as well as the unwanted showing or public exhibition of pornographic images, takes place with the purpose or effect of violating the dignity of the person concerned, in particular where it creates an intimidating, hostile, degrading, humiliating or offensive environment. Where the employer takes no or inadequate measures to stop sexual harassment, the affected employees have the right to refuse to work without loss of pay insofar as it is necessary for their protection (Section 14 AGG). If the employer is held accountable for an incidence of sexual harassment, they must pay damages or compensation to those affected (Section 15 AGG). In addition, employees have the

right to preventive and prohibitive protection measures on the part of the employer (Section 12 (1) – (4) AGG) and the right to file a complaint with the competent authority if they feel they have been sexually harassed at work (Section 13 AGG).

Section 7 AGG in conjunction with Section 3 (4) AGG prohibits undesirable, sexually explicit conduct which has the purpose or effect of violating the dignity of the person concerned. In a case of sexual harassment, those affected can demand compensation from the employer and, where appropriate, damages, as well as protection from further sexual harassment.

Military personnel are protected under Section 7 (2) of the Act on the Equal Treatment of Female and Male Military Personnel (*Soldatinnen- und Soldaten-Gleichbehandlungsgesetz – SoldGG*) under which all forms of harassment, sexual harassment and instructions to act in such a manner constitute a violation of official duties and are expressly prohibited for military personnel. Violations can and will be resolutely pursued by means of the disciplinary measures and provisions in place.

Section 7 of the Act on the Legal Status of Military Personnel (*Soldatengesetz – SG*) requires that military personnel must serve the Federal Republic of Germany faithfully. This also includes behaving loyally towards the legal system.

In addition, Section 17 (2) SG contains the obligation for military personnel to conduct themselves in a manner that does justice to the reputation of the German Armed Forces (Bundeswehr) and to the respect and trust that their service as members of the armed forces requires. When off duty outside official accommodation and facilities, military personnel must behave in such a way that they do not seriously damage the reputation of the Bundeswehr or the respect and trust their official position demands.

Superiors are also subject to the duty of supervision and are responsible for the discipline of their subordinates. Accordingly, superiors must take appropriate action should related breaches of duty on the part of their subordinates come to their attention.

Sexual harassment, if committed by members of the armed forces, can constitute a breach of duty which can be punished under the Military Disciplinary Code (*Wehrdisziplinarordnung*) (simple and judicial disciplinary measures).

H. Aiding and abetting

German law ensures the punishability of aiding and abetting under Sections 26 and 27 of the Criminal Code (StGB) in conjunction with the specifics of the offence.

I. Attempt

Under Section 23 (1) StGB, the attempt to commit a criminal offence is always punishable, whereas the attempt to commit a misdemeanour is only punishable if expressly provided for by law. A more lenient penalty may be imposed for an attempt than for a completed offence (Section 23 (2) StGB in conjunction with Section 49 (1) StGB). Leniency is discretionary.

The punishability of attempted bodily injury and dangerous bodily injury and attempted ill-treatment of protected persons is regulated under Section 223 (2), Section 224 (2) and Section 225 (2) StGB. Since serious bodily injury under Section 226 (1) StGB is punishable by

imprisonment of at least one year and bodily injury resulting in death under Section 227 (1) StGB is punishable by imprisonment of not less than three years, these offences are crimes (Section 12 (1) StGB) whose attempt is always punishable under Section 23 (1) StGB.

For sexual assault under Section 177 (1) StGB, Section 177 (3) StGB provides for attempts to be punishable by law. Attempted sexual abuse of persons and children is punishable under Section 174 (3) and 176 (6) StGB. Serious sexual abuse of children under Section 176a StGB is a crime whose attempt is always punishable under Section 23 (1) StGB.

The attempt of forced marriage as described in Article 37 is punishable under Section 237 (3) of the Criminal Code.

The attempt to mutilate female genitalia is punishable under Section 226a StGB in conjunction with Section 23 (1) StGB.

The attempt to terminate a pregnancy against the will of the pregnant woman is punishable under Section 218 (1) and (2) 1, (4) first sentence StGB.

J. Grounds for justification

This requirement is implemented in German law. The Federal Court of Justice (BGH) emphasises that archaic values, which in extreme cases, for example, consider so-called “honour killings” to be legitimate, cannot in principle preclude the murder characteristic of base motives – which leads to a significantly stricter punishment – and are also otherwise not to be considered as mitigating factors in and of themselves (see decision of the BGH of 9 September 2010; Ref: 1 StR 376/10; BGH, NStZ 2006, 284; BGH, NStZ 2009, 689, in greater depth and with further references Grünewald, NStZ 2010, 1 (3)).

K. Irrelevance of the perpetrator-victim relationship

German criminal law meets these requirements. In particular, offences against women are punished regardless of the nature of the offender’s relationship with the victim.

L. Sanctions and other measures

The punishable offences described in the Convention are defined as bodily injury under the German Criminal Code (Section 223 et seq. StGB), stalking (Section 238 StGB), violation of a protection order under the Act on Protection Against Violence (*Gewaltschutzgesetz* – GewSchG) or of a court-approved settlement of similar substance (Section 4 GewSchG), coercion (Section 240 StGB), threat (Section 241 StGB), insult (Section 185 StGB), sexual assault; sexual coercion; rape (Section 177 StGB), forced marriage (Section 237 StGB), female genital mutilation (Section 226a StGB) and abortion (Section 218 StGB). All of these offences are punishable by penalties which are proportionate to their gravity and act as a sufficiently strong deterrent. The individual penalties are listed in the Annex.

The penalties also provide for sanctions which may, where appropriate, lead to the extradition of an alleged offender for enforcement of the sentence in another, requesting state. Under Article 2 of the European Convention on Extradition (ETS No. 24), such offences give rise to extradition if they are punishable under the laws of both the requesting and the approached contracting

party, either with a custodial sentence or a detention order for a maximum period of at least one year, or a more severe penalty. The threat of such punishment exists for all of the offences mentioned above. Consequently, the offences are extraditable under German law (see Section 1 (3) and Section 3 (2) and (3) of the Act on International Mutual Assistance in Criminal Matters (IRG)).

Finally, in addition to the above-mentioned threatened punishments in cases where the necessary conditions are met, the order of certain measures for improvement and security can also be considered, such as admission to a psychiatric hospital (Section 63 StGB), a detention centre (Section 64 StGB) or preventive detention (Section 66 StGB), confiscation of a driving licence (Section 69 StGB) or disbarment (Section 70 StGB).

Under Sections 1666 and 1666a of the Civil Code (*Bürgerliches Gesetzbuch* – BGB), if a child's physical, mental or psychological well-being is endangered and the parents are unwilling or unable to avert the danger, the family court must take the measures necessary to avert the danger. One possible measure in this regard is the partial or total withdrawal of parental custody. Pursuant to Section 1671 BGB, where parents live separately, one parent may request the transfer of parental custody to themselves if it is to be expected that the withdrawal of joint custody and its transfer to the requesting parent would best serve the needs of the child. When examining the best interests of the child, it is relevant whether the other parent has used violence against the applicant parent (e.g. the mother).

M. Aggravating circumstances

a) Letter a (intimate partnership)

According to case law of the Federal Court of Justice (BGH), this is a circumstance which can be taken into account within the scope of Section 46 (2) StGB (see Federal Court of Justice, decision of 19 December 2006, 3 StR 464/06).

b) Letter b (repeated offence)

Repeating an offence may indicate a greater degree of criminal energy and can thus be assessed as aggravating in accordance with Section 46 (2) StGB (BGH, decision of 18 December 1990, 4 StR 548/90). In addition, Section 176a (1) StGB contains a qualifying offence of serious sexual abuse of children with an increased threat of punishment if the perpetrator of sexual abuse under Section 176 (1) and (2) StGB has been convicted of such an offence within the last five years.

c) Letter c (highly vulnerable individuals who are victims)

This requirement is implemented by Section 46.2 StGB, since the individuality and the specific circumstances of the victim's life must be taken into account (see Fischer, StGB, 67th edition, Section 46 Recital No. 59; OLG Karlsruhe, Die Justiz 1972, 287 f.).

d) Letter d (child victim or child witness to a punishable offence)

See the entry under c) above. In all other cases, Section 46 (2) second sentence StGB expressly provides for the culpable effects of the offence to be taken into account when assessing the penalty. This can include, for example, the fact that children had to see their dead mother lying in a pool of blood (see Federal Court of Justice, decision of 3 June 1992, 3 StR 154/92, 4 StR 602/92; in general, on the consideration of the effects of the act on third parties, see also Federal Court of Justice, decision of 4 July 2002, 3 StR 190/02, as well as Fischer, StGB, 63rd edition, Section 46 Recital 34b).

If, in addition, a child (person under 18 years of age) is tormented or grossly abused or a child's health is damaged due to malicious neglect by a person into whose care and custody the child has been entrusted, to whose household the child belongs, in whose power the person responsible for its care has left the child or to whom the child is subordinated in the context of a service or an employment relationship, this is punishable as ill-treatment of persons subject to protection under Section 225 (1) StGB. As opposed to bodily injury (Section 223 StGB), Section 225 (1) StGB contains an increased penalty of six months to ten years imprisonment. If the offence exposes the victim to the risk of death, serious damage to health or substantial impairment of physical or mental development, the penalty is one year to 15 years imprisonment. Sexual abuse of children and persons under the age of 16 or 18 is punishable under the special criminal provisions of Sections 174 and 176 et seq. StGB.

e) Letter e (offences committed by two or more persons)

Under Section 46 (2) second sentence StGB (“modus operandi”), the participation of several persons in the offence can have a punitive effect (LK-Theune, StGB, 12th edition, Section 46, Recital 141).

In addition, bodily injury committed jointly with another party is punishable as dangerous bodily injury under Section 224 (1) 4 StGB and contains an increased threat of punishment compared to actual bodily injury (Section 223 StGB).

Moreover, sexual assault committed by several persons acting in concert is a particularly serious case of the same under Section 177 (6) 2 StGB, which carries an increased threat of punishment as opposed to sexual assault. Similarly, the sexual abuse of a child committed by several persons acting in concert is regulated as a case of serious sexual abuse of children under Section 176a (2) 2 StGB with an increased threat of punishment.

f) Letter f (an offence committed following or using extreme violence)

This requirement has also been implemented by German law. Section 46 (2) StGB provides for the way in which the offence was committed and thus, for example, the use of extreme violence to be taken into account in order to award a stricter punishment.

In some cases, such violent forms of behaviour are already documented as qualifying criteria. For example, Section 177 (8) 2 a) and Section 176a (5) StGB each contain a qualifying offence with a threat of imprisonment of not less than five years if the perpetrator physically abuses the victim in the sexual assault or the child in the sexual abuse. Section 225 (1) StGB as a qualifying offence as compared with simple bodily injury can be fulfilled in the use of extreme violence against persons in their care or custody in the alternative act of torturing or gross ill-treatment.

g) Letter g (use of weapons)

Section 46 (2) second sentence StGB (“modus operandi”) enables stricter punishment in cases involving the use of and the threat of the use of a weapon or weapons (Fischer, StGB, 67th edition, Section 46, Recital 32).

In addition, Section 224 (1) 2 StGB defines bodily injury by means of a weapon or another dangerous tool as dangerous bodily injury with an increased threat of punishment. Likewise, both Section 177 (7) 1 StGB, for sexual assault with a weapon or another dangerous tool, and Section 177 (8) 1 StGB, for sexual assault with a weapon or another dangerous tool, contain a qualifying offence with an increased threat of punishment.

h) Letter h (serious physical or psychological consequences for the victim)

This is also implemented by German law. Under Section 46 (2) StGB the culpable effects of the offence must be taken into account.

In addition, Section 226 StGB provides for the qualifying offence of serious bodily injury with an increased penalty for bodily injury resulting in the loss of sight in at least one eye, the loss or permanent incapacity to use an important limb, permanent disfigurement in a significant way or lapse into infirmity, paralysis or mental illness or disability. Section 226 (1) StGB covers negligent and (2) the wilful or deliberate causing of the aforementioned serious consequences of bodily injury.

Also, Section 225 (3) StGB and Section 176a (2) 3 StGB each contain a qualifying offence for the case that by committing the act, the offender wilfully endangers the person or child in their charge, among other things, by causing serious damage to their health or considerable damage to their physical or mental development. In addition, Section 177 (7) 3 StGB for sexual assault and Section 238 (2) StGB for stalking each contain a qualifying offence if through the act the perpetrator wilfully puts the victim at risk of serious damage to health. Section 218, (2) 2 StGB also contains a qualifying offence with increased threat of punishment for recklessly causing the danger of serious damage to the health of a pregnant woman by terminating her pregnancy. Since the occurrence of a serious health impairment must have been preceded in each case by the concrete danger of a serious health impairment, the serious health impairment that has occurred or the considerable damage to physical or mental development is therefore also covered by the above-mentioned qualifying offence in Section 225 (3) StGB.

i) Letter i (relevant criminal history)

Section 46 (2) StGB provides for the offender's (especially criminal) prior history and thus also any relevant previous convictions to be taken into account. With regard to the repeated sexual abuse of children, reference is made to Letter b).

N. Prohibition of mandatory alternative dispute resolution procedures

Under Section 155a of the Code of Criminal Procedure (*Strafprozessordnung* – StPO), the court and the public prosecutor's office are to examine at every stage of the proceedings the possibilities of achieving a settlement between the accused and the injured party; in appropriate cases they are to work towards a settlement. However, such settlement may not be accepted against the express will of the injured party. Previous attempts at conciliation are also not required for claims relating to all forms of violence falling within the scope of the Convention. As regards civil proceedings, the general provision in Section 278 of the Code of Civil Procedure (*Zivilprozessordnung* – ZPO) does not lay down an obligation to go into conciliation, but merely encourages the court to seek an amicable settlement at every stage of the proceedings. A corresponding provision is contained in Section 36 (1) second sentence of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit* – FamFG). Matters concerning protection against violence are expressly excluded from that provision, however.

Where the Länder have made use of the authorisation in Section 15a of the Act on the Introduction of the Code of Civil Procedure (*Gesetz betreffend die Einführung der*

Zivilprozessordnung – EGZPO) for a preceding mandatory conciliation procedure, this cannot force victims of violence to go to conciliation. Claims based on acts of violence can only fall within the scope of application of Section 15a (1) 1 EGZPO if the victim's claim against the perpetrator does not exceed €750. This ceiling is usually exceeded in practice. In exceptional cases where the victim does not claim more than €750 in damages and compensation for pain and suffering, they can circumvent the obligation of prior conciliation under Section 15a (2) 5 EGZPO by first asserting the claim in the dunning procedure.

O. Administrative and legal data of cases leading to the death of a woman

In the 2018 reporting year, the Police Crime Statistics (PKS) listed 367 cases leading to the death of a woman and 739 attempted cases. This includes cases of murder (Section 211 StGB), manslaughter (Section 212 StGB), minor cases of manslaughter (Section 213 StGB), killing on demand (Section 216 StGB) and bodily injury resulting in death (Sections 227, 231 StGB). In 204 cases, the PKS showed that the woman was killed by an (ex-)partner (127 cases) or a family member (77 cases). What is not known, however, is the number of cases in which the authorities were aware in advance that the woman was being subjected to violence, the number of perpetrators convicted in connection with those cases and the sanctions and other measures imposed.

In the 2019 reporting year, the PKS listed 276 cases leading to the death of a woman and 547 attempted cases. Thus, the PKS showed that in 187 cases the woman was killed by an (ex-)partner (123 cases) or a family member (64 cases).

The Police Crime Statistics (PKS) are initial statistics that include not the number of reports, but the cases after completion of police investigations. The PKS do not record whether the victim or third parties have submitted a report to the law enforcement authorities.

The PKS also document murdered children and the victim-suspect relationship. Whether the mother was previously a victim of violence is not recorded.

P. Other measures

Between 1 July 2012 and 31 December 2018, the “**Heimerziehung in der DDR in den Jahren 1949 bis 1990**” (**Residential Care in the GDR from 1949 to 1990**) fund voluntarily provided compensation (material benefits and pension replacement benefits) to victims who as children and adolescents in residential care homes in the former GDR were subjected to suffering and injustice and still suffer from the consequential damage today. The volume of funds held by the Fund amounted up to €364 million. The Federal Government provided 50 percent of the funding, the other 50 percent was provided by the eastern German Länder including Berlin.

Between 1 January 2012 and 31 December 2018, the “**Heimerziehung in der Bundesrepublik in den Jahren 1949 bis 1975**” (**Residential Care in the Federal Republic of Germany from 1949 to 1975**) fund voluntarily provided compensation (material benefits and pension replacement benefits) to victims who as children and adolescents in residential care homes in the former GDR were subjected to suffering and injustice and still suffer from the consequential damage today. The volume of funds held by the Fund amounted to approximately €302 million.

The funding was provided in equal parts by the Federal Government, the western German Länder including Berlin and the churches.

The “**Sexueller Missbrauch im familiären Bereich**” (**Sexual Abuse in Families (FSM)**) fund has been in existence since May 2013 as a supplementary support system for victims who as children and adolescents experienced sexualised violence in the family setting. The aim of the FSM is to alleviate the suffering of victims of sexualised violence in childhood and adolescence by means of suitable subsidiary benefits in kind up to a maximum of €10,000 per applicant. The FSM was established by the Federal Government on 1 May 2013 with a funding volume of €50 million. Mecklenburg-Western Pomerania and Bavaria originally contributed €1.03 million and €7.61 million respectively, Hesse €3.65 million (each for applications received up to 30 April 2016). Since the application deadline of 30 April was lifted, the Federal Government has continued to operate the FSM without Länder participation. Further funds totalling €37 million have been earmarked for the financial years 2018-2019 and €45.4 million for the financial year 2020.

Neither the Residential Care Home Funds nor the Sexual Abuse Fund provide compensation for victims of violent crimes, but instead provide needs-based benefits in kind.

On 18 June 2020 the Federal Government adopted a draft law to combat right-wing extremism and hate crime. The law, which is expected to come into force in October 2020, aims to increase the penalty for threats (Section 241 StGB) to up to three years in certain cases (for example, when a crime is threatened via the Internet). In addition, insults made on the Internet are punishable by two years’ imprisonment rather than the existing one year (or a fine). The draft law has been published on the Federal Ministry of Justice and Consumer Protection (BMJV) website.⁴⁴

VI. Investigation, prosecution, procedural law and protective measures

A. Interventions and other measures taken by law enforcement agencies

The protection of victims must be taken into account from the start of criminal proceedings. For particularly vulnerable victims, this was demonstrated in the implementation of the Victim Protection Directive (see comments under Sections 18 and 22) by means of the Third Act to Reform the Protection of Victims’ Rights (Section 48(3) of the Code of Criminal Procedure (*Strafprozessordnung* – StPO)). This created a central entry standard for use in determining a special need for protection and the resulting need for special victim protection measures. The examination of the need for special protection is to be carried out as soon as the law enforcement agencies become involved.

Possible protective measures during investigation and judicial proceedings include that under certain conditions questioning can be conducted separately from the accused under Section 168e and Section 247a StPO. During the main hearing the public may be excluded under the

⁴⁴https://www.bmjb.de/SharedDocs/Gesetzgebungsverfahren/DE/Bekaempfung_Rechtsextremismus_Hasskriminalitaet.html.

provisions of Sections 171b and 172 of the Courts Constitution Act (*Gerichtsverfassungsgesetz – GVG*). Under Section 68a StPO, non-essential questions about the personal circumstances of the witnesses may be waived. Pursuant to Sections 58a (1), 161a (1) second sentence and 163 (3) first sentence StPO, recording of the examination of witnesses in need of special protection is permissible in order to spare them from having to make multiple incriminating statements. Under Section 68 StPO a witness has the option to give only limited information about their personal circumstances for their own protection. Section 68b StPO stipulates that at any stage of the proceedings, witnesses may make use of the services of a lawyer to protect their own rights. Physical examinations of witnesses for the purpose of securing evidence are only admissible if they are necessary to assess the truth (Section 81c StPO). This does not apply, however, if the witness concerned cannot reasonably be expected to allow it given all the circumstances. If a physical examination is to take place and is likely to cause embarrassment or a sense of shame, it must be carried out by a person of the same sex or by a doctor. If there is a legitimate interest, the wish of the person to be examined to have the examination assigned to a person or a doctor of a certain sex must be met (Section 81d StPO).

Corresponding provisions can also be found in Section 220 of the Guidelines for Criminal Procedure and Imposition of Fines (RiStBV). As a general rule, the public prosecutor's office must ensure, in accordance with Section 4c RiStBV, that the burdens arising from the criminal proceedings are kept to an absolute minimum for the victim and that their concerns are taken into account during the criminal proceedings.

Baden-Württemberg

Operational victim protection measures can be applied in exceptional cases of risk where it must be assumed with a high degree of probability that individuals could become victims of serious crime. The aim is to remove potential victims from the offender's sphere of influence in a lasting way by elaborate measures to conceal their identity. The individual measures taken are not recorded for the purpose of statistics.

Saxony-Anhalt

Police victim protection is anchored in the prevention work of the police in Saxony-Anhalt and is aimed at reducing the consequences of the crime for the victim, avoiding repeated victimisation and providing professional help for the victim. Goals, tasks and responsibilities are regulated in the Ministry of the Interior Circular (RdErl.) on "Prävention und Opferschutz als Aufgaben der Polizei in Sachsen-Anhalt" (Saxony-Anhalt Police Competencies in Violence Prevention and Victim Protection) dated 20 May 2020. As a general rule, after a violent crime has been reported to the police, further police support for victims is provided by those responsible for victim protection who work in a part-time capacity in the police stations, immediately contact victims and provide advice on behaviour and/or safety issues. This work is supported by the full-time victim protection officers in the specialist inspectorates.

B. Risk analysis and risk management

All 16 Länder already have special provisions and guidelines in place for action to combat domestic violence and to assess the risk situation. Various instruments are used for the purpose. These are based on the generally applicable police service regulations and also on framework

specifications with detailed questionnaires and checklists. An initial assessment of the risk situation is inevitably made by police officers during the first police intervention. Along with documentation, this forms the basis for police intervention and subsequently for further targeted assistance for the victim. Non-police authorities are involved in all Länder. The following are listed by way of example: The judiciary, children's and youth welfare services, social welfare service, immigration authority, public order office, psychosocial counselling centres, outpatient trauma clinic, weapons authority, child protection agency, probation service, job centre, victim counselling and facilities for working with offenders. Well-functioning cooperation with existing support systems has created an effective approach to protect women and children from further domestic violence.

These measures are supplemented by the requirement for the courts and public prosecutors' offices to inform the competent public authorities, as laid down in Section 35 of the "Anordnungen über Mitteilungen in Strafsachen" (Instructions on Notifications in Criminal Matters (MiStra)), in order to protect minors if facts come to light during criminal proceedings which are needed in order to avert serious danger to minors.

If weapons are considered as evidence or as objects for confiscation or forfeiture in criminal proceedings for domestic violence, they can be seized in accordance with Sections 94 et seq. of the Code of Criminal Procedure (*Strafprozessordnung* – StPO) or Sections 111b et seq. StPO. Notifications to the weapons authority pursuant to Sections 36 and 36a MiStra in the case of offences committed by persons holding a firearms licence and in the case of offences in violation of the Weapons Act permit corresponding measures by the weapons authority, such as the withdrawal of a firearms licence or a ban on the possession of firearms.

Baden-Württemberg

As part of the pilot study on the results of the Working Group on Domestic Violence mentioned in the introduction, the ODARA (Ontario Domestic Assault Risk Assessment) forecasting tool was introduced in the Baden-Württemberg police force to objectify risk assessment of cases of domestic violence to enable an assessment of the risk of renewed incidents of violence. This involves classification into one of three risk groups. Subsequently, further measures can be derived from the risk assessment in individual cases.

Case conferences represent a further, inter-agency approach to risk assessment and are also being tested in the pilot phase. The aim of the case conferences is to agree, by means of coordinated action and clarification of competences and responsibilities, risk prevention and/or criminal procedure measures on the basis of each individual case.

This approach is also used in other Länder.

Saxony

In addition, a framework concept for the management of high-risk cases of domestic violence and stalking is currently being developed under the leadership of the Saxony State Ministry of the Interior with the aim of identifying high-risk cases by consolidating information that may be available across departments and using coordinated measures to drastically minimise the risk of homicides. The framework concept is currently at the final approval phase and will enter into force in the third quarter of 2020.

C. Issuing emergency barring orders

Interim protection against violence

Depending on the circumstances of the case concerned, the civil courts may, upon application, make provisions by way of interim relief which are necessary to avert substantial disadvantages or to prevent imminent violence in urgent cases (Sections 935, 938, 940 StPO).

Police restraining and protection orders as well as barring orders issued under state police laws

In addition to the possibilities described under VI. D. for judicial protection orders under the Act on Protection against Violence (*Gewaltschutzgesetz* – GewSchG), in all Länder the respective state police laws contain powers of authority on the basis of which the police can issue orders such as barring a spouse from the marital home, contact, approaching and proximity bans, etc. with immediate effect but for a short period. These police law measures are an important, effective and frequently applied supplement to court orders to provide protection against violence. Further details can be found in Section 3.5 of the Länder Annex.

Emergency protection orders according to the Act on Protection against Violence

Under Section 2 GewSchG, a victim can apply to the family court for an order that the perpetrator must leave their jointly occupied home. Under Section 1 GewSchG, a woman can also obtain an order prohibiting the offender from entering their place of residence or from attempting to establish contact with them. Pursuant to Sections 49 et seq. and 214 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit* – FamFG), an order under the Act on Protection against Violence can also be issued as a temporary injunction (emergency protection order).

Issuance of an interlocutory order under the Act on Protection against Violence presupposes an urgent need for immediate action by the family court (Sections 49 (1) and 214 (1) first sentence FamFG). If this occurs, in many cases an emergency protection order is issued on the day on which a corresponding application is pending before the family court. Where this is necessary to prevent an acute and serious risk, the court may make an exception, refrain from hearing the defendant in advance and make its decision straight away. In all other cases, a decision on issuing an emergency protection order is usually made within a few days of a deadline being set to provide a statement or after a hearing date scheduled at short notice.

The remarks on the Act on Protection against Violence apply accordingly to the allocation of the residence for spouses living separately, with the exception of the application of Section 214 FamFG.

The duration of an emergency protection order under the Act on Protection against Violence is generally left to the discretion of the court. According to the wording of Section 214 (1) FamFG, a “provisional or preliminary” provision is to be made by means of a temporary injunction so that the main proceedings are not prejudiced.

In practice, this is often limited to six months. A decision on a longer period of protection can then be made in the course of the main proceedings. However, it is also possible to extend an interlocutory order – multiple times if necessary – for example if knowledge of new misconduct on the part of the defendant necessitates a short-term extension of the interlocutory order or if the main proceedings are delayed.

A special time limit applies in emergency proceedings (as in main proceedings) pursuant to Section 2 (2) second sentence GewSchG in cases where the court allocates the jointly used residence to the injured person for sole use and the perpetrator, alone or together with a third party, is entitled to ownership, right of inheritance or use of the property or has rented the dwelling alone or together with a third party. In this case, the allocation of the dwelling is to be limited to a maximum of six months. If within that period, the injured person has not been able to find suitable accommodation on reasonable terms and there are no overriding interests on the part of the offender or of the third party that prevent it, the period may be extended by a further, maximum period of six months.

The temporary injunction issued by the court for the allocation of the marital home ceases to have effect when another provision takes effect or even if an application in the main proceedings is withdrawn or dismissed with final and binding effect, the main proceedings are unanimously declared to be settled or the main proceedings are otherwise settled (Section 56 (1) and (2) FamFG). In addition, under Section 1361b of the Civil Code (*Bürgerliches Gesetzbuch – BGB*), the claim to allocation of the marital home in the case of spouses living separately is only a provisional arrangement for the duration of the separation until the divorce or resumption of marital cohabitation takes legal effect.

Under the Act on Protection Against Violence, the temporary injunction becomes effective and therefore enforceable as soon as the defendant is notified (Sections 40 (1) and 53 (1) FamFG). However, the court may also allow enforcement even before serving the order to the obligated person (Section 53 (2) FamFG). If an application for an emergency protective order is issued without verbal discussion, it is also deemed to be an order for enforcement; at the request of the applicant, the order may not be served before enforcement (Section 214 (2) third sentence FamFG).

Also, in proceedings for the allocation of the marital home of spouses living separately, the interlocutory order becomes effective and therefore enforceable as soon as it is served to the defendant (Sections 40 (1) and 53 (1) FamFG). In case of imminent danger should the order be delayed, the court may order its immediate effectiveness. The court may also allow enforcement even prior to serving the order to the obligated person (Section 53 (2) FamFG).

If the obligated person violates an order pursuant to Section 1 GewSchG, the injured party may, in order to remedy any persistent violation, bring about enforcement by a bailiff directly, i.e. without further order by the court (Section 96 (1) first sentence FamFG). The bailiff may apply this direct order – also with the help of the police – in the event of resistance on the part of the obligated person (Section 96 (1) second sentence FamFG in conjunction with Section 758 (3) of the Code of Civil Procedure (*Zivilprozessordnung – ZPO*). In addition, enforcement is also possible by court order for an administrative fine and administrative detention (Section 96 (1) third sentence FamFG in connection with Section 890 ZPO).

Women who wish to apply for such protection may contact a lawyer. The lawyer can advise on the types of measures that come into question. If the requirements of Section 1 (1) of the Counselling Assistance Act (*Beratungshilfegesetz*) are met, an entitlement to counselling assistance exists under the Counselling Assistance Act. In such cases, women only pay a contribution of 15 euros towards legal advice. Under Section 49a (1) of the Federal Lawyers' Act (*Bundesrechtsanwaltsordnung*), lawyers are obliged to provide counselling assistance in accordance with the Counselling Assistance Act. Even without the use of legal counselling from a lawyer, women who wish to apply for protection under the Act on Protection against Violence may contact the legal aid office of the competent court directly and submit their application there

in writing or to be documented by the administrative office (Section 25 (1) FamFG). The application may also be submitted to any other local court for recording, whereby a court without jurisdiction in the matter will immediately forward the application to the competent court (Section 25 (2) and 25 (3) FamFG).

D. Restraining or protection orders

Court-ordered restraining and protection orders in main court hearings

In substantive law, a claim for injunctive relief under 1004 BGB can be granted in conjunction with Section 823 et seq. BGB, and a restraining and protection order can be issued if the necessary prerequisites for this are met.

Within the scope of application of the Act on Protection against Violence, restraining and protection orders can be applied for at the family courts (Section 111 No. 6 and 210 et seq. FamFG).

As a general rule, decisions in cases of protection against violence which are not issued by way of a temporary injunction take effect when they become final and legally enter into force (Section 216 (1) first sentence FamFG). The court should, however, order immediate effectiveness (Section 216 (1) second sentence FamFG). Accordingly, decisions under the Act on Protection against Violence generally take effect immediately once they are notified to the parties (Section 40 (1) FamFG). By ordering immediate effect, the court may also order the admissibility of enforcement before service on the defendant (Section 216 (2) first sentence FamFG). In such cases, the decision takes effect on the date on which it is delivered to the court registrar for service to the parties; the date is to be indicated in the decision itself (Section 16 (2) second sentence FamFG). The decision can be enforced as of that date (Section 86 (2) FamFG). This enables the decision to be enforced without significant delay.

Restraining and protection orders issued under Section 1 GewSchG must normally be subject to a timescale, which can also be extended (Section 1 (1) second sentence GewSchG). This fundamental requirement for a timescale arises from the principle of proportionality. It is up to the trial judge to determine the timescale, taking into account the circumstances of the case concerned. In exceptional circumstances, an unlimited protection order is also possible.

The following applies as regards the allocation of accommodation under Section 2 GewSchG: If the injured person, alone or together with a third party, is entitled to the accommodation, a time limit on the allocation of the residence cannot be considered (Bundestag Printed Matter 14/5429, p. 20). The length of time the residence is allocated is to be limited, however, if the perpetrator is also entitled to the residence in addition to the injured person (Section 2 (2) first sentence GewSchG). It is up to the trial judge to determine the timescale, taking into account the circumstances of the case concerned.

If the perpetrator, alone or together with a third party, is entitled to the residence, its allocation to the injured person must be limited to a maximum of six months (Section 2 (2) second sentence GewSchG). The injured person should be given sufficient time to obtain adequate replacement housing on reasonable terms (Bundestagsdrucksache 14/5429, p. 31). If they are unable to do so and there are no predominant interests of the perpetrator or the third party to prevent it, the period may be extended by a maximum of six additional months (Section 2 (2) third sentence GewSchG).

Proceedings for issuing orders under the Act on Protection against Violence are available independently of and in addition to other court proceedings.

If a protection order is violated, the victim may, in order to put an end to a persistent offence, have it enforced by a bailiff who, if the offender resists such direct enforcement, may apply it forcefully – including with the help of the police (Section 96 (1) second sentence FamFG). In addition, enforcement is also possible by court order for an administrative fine and administrative detention (Section 96 (1) third sentence FamFG). Violation of such a protection order issued under Section 1 GewSchG is punishable under Section 4 GewSchG and can be punished with imprisonment of up to one year or a fine.

Women who wish to apply for such protection may contact a lawyer. The lawyer can advise on the types of measures that come into question. If the requirements of Section 1 (1) of the Counselling Assistance Act (*Beratungshilfegesetz*) are met, an entitlement to counselling assistance exists under the Counselling Assistance Act. In such cases, women only pay a contribution of 15 euros towards legal advice. Under Section 49a (1) of the Federal Lawyers' Act (*Bundesrechtsanwaltsordnung*), lawyers are obliged to provide counselling assistance in accordance with the Counselling Assistance Act.

Berlin

The Berlin Police have the powers to issue an offender with a restraining and protection order for a period of up to 14 days. See also the answer to V. A.1.

Under Section 2 GewSchG, the family courts can decide on an application for the allocation of the shared home. This is initially possible for up to six months and can be extended by a further six months under certain conditions. The Berlin anti-violence projects mentioned under IV. offer women victims of violence free support in filing appropriate applications.

E. Administrative and judicial data in conjunction with approach bans and protection orders

With regard to the Act on Protection against Violence (GewSchG) and convictions for violations of orders or obligations arising from court-confirmed settlements under the Act, reference is first made to the comments under IV. C. The number of cases under the Act is collated by the family courts in compliance with the provisions of the Länder-specific orders on collecting statistical data in family matters (F-Statistics) and published by the Federal Statistical Office in Tables 1.2, 2.1 and 4.1 of Fachserie 10 Reihe 2.2.⁴⁵ Since 2020, the courts have been recording the gender of both claimant and defendant and whether a measure was issued under the Act. The Federal Statistical Office has not yet published the Fachserie for 2019.

In a special analysis, approximate data was obtained on emergency protection orders issued under the Act in 2018 by inferring the types of orders from decisions on court costs: In 2018, a total of approximately 19,340 emergency protection orders were issued, of which approximately 16,114 related to measures under Section 1 GewSchG (restraining and protection orders, etc.) and approximately 3,226 to the allocation of accommodation under Section 2 GewSchG.

⁴⁵ <https://www.destatis.de/DE/Publikationen/Thematisch/Rechtspflege/GerichtePersonal/Familiengerichte.html>.

No data is available concerning cases of interim measures issued for the allocation of the marital home of spouses living separately.

The criminal prosecution statistics summarise the judicial sanctioning of violations of interlocutory orders and protective orders as well as of obligations arising from a court-approved settlement under the GewSchG in a uniform number of cases. According to these statistics, there were a total of 556 convictions in 2018, including 48 convictions for imprisonment and 508 for fines.⁴⁶ The figures for 2019 were not yet available at the time the report was prepared.

The Länder also maintain statistics on police barring or expulsion orders and other police data.

F. Initiation of legal proceedings ex officio

Under Section 152 (2) of the Code of Criminal Procedure (*Strafprozessordnung* – StPO), public prosecution offices are required to prosecute ex officio any offences of which they become aware. In addition to the initiation of preliminary proceedings and the investigation of the facts of the case if there is sufficient suspicion that an offence has been committed, this also includes the filing of a public complaint pursuant to Section 170 (1) and Section 152 (1) StPO. This applies in all cases except those where statutory provisions (including Section 153 et seq. and Section 376 StPO) exempt the public prosecutor's office from the obligation to prosecute. The relevant provisions are not linked to the injured party's willingness (or lack thereof) to press charges for the offence.

Criminal law distinguishes between offences that are always punishable and offences that are usually prosecuted ex officio and for which no criminal complaint is required as a rule. Such offences are described as official offences. For certain, less serious offences, a criminal complaint by the entitled person may be required for criminal prosecution (so-called application offences). Absolute application offences can only be prosecuted if a formal and timely criminal complaint has been filed by the entitled person. Relative application offences can also be prosecuted ex officio by the public prosecution service in the absence of a criminal complaint if it is considered necessary to intervene due to the special public interest in criminal prosecution of the offence.

Wilful conduct as defined in Article 35 falls under the criminal offences listed in Sections 223 to 227 of the Criminal Code (*Strafgesetzbuch* – StGB). Only (simple) wilful or negligent bodily injury (Sections 223, 229 StGB) are relative application offences. The Guidelines for Criminal Procedure and Imposition of Fines (RiStBV), which are binding for the public prosecution authorities, define when a special public interest in prosecution is deemed to exist. Section 234 RiStBV provides that a special public interest in the prosecution of bodily injury is to be assumed, among other things, if the victim cannot reasonably be expected to file a criminal complaint because of their personal relationship with the offender and prosecution of the offence is a present concern of society as a whole. The public prosecuting authorities may also declare that it is necessary to intervene ex officio even during ongoing criminal proceedings – for example, after the criminal complaint has been withdrawn or if, after a charge has been brought, only a conviction for assault and battery may be considered.

Wilful conduct as defined in Article 36 falls under the criminal offences listed in Section 177 of StGB (sexual assault, sexual harassment, rape). These are official offences. A criminal complaint is not needed; the offences are prosecuted ex officio.

⁴⁶ Statistisches Bundesamt, Statistik Strafverfolgung, Fachserie 10 Reihe 3

Forced marriage as described in Article 37 is governed by Section 237 StGB. This is also an official offence with the consequence that the offence is prosecuted ex officio if the other conditions are met.

As already explained, the mutilation of female genitalia, which is defined in Article 38, always fulfils the criminal offence of Section 226a StGB (mutilation of the female genitalia) and as a rule also that of dangerous bodily injury under Section 224 (1) 2 StGB. Under certain circumstances, the offence of serious bodily injury under Section 226 StGB and the ill-treatment of persons subject to protection under Section 225 StGB can also be fulfilled. These are all official offences.

G. Legal proceedings ex parte

In the case of the above-mentioned official offences and relative application offences (see VI. F), charges can be brought regardless of the existence of a criminal complaint.

H. Support during legal proceedings

Victims have the option to have a person they trust accompany them during questioning, unless that person's presence would endanger the purpose of the investigation (Section 406f (2) StPO).

The provision of psychosocial support to assist victims before, during and after legal proceedings has already been addressed under IV. B. It comprises the provision of information as well as qualified supervision and support throughout the legal proceedings. The psychosocial counsellor has the right to accompany the victim during questioning and in the main hearing (Section 406g (1) second sentence StPO). A psychosocial counsellor not appointed by the court may be prohibited from attending a hearing of the injured person if it could jeopardise the purpose of the investigation (Section 406g (4) StPO).

I. Victim protection under Article 56 (1)

The victim of a crime must be informed upon request if the accused or convicted person has escaped custody and if custodial measures have ended (Section 406d (2) StPO).

Victims have the right at any time during the proceedings to make statements and to submit or name evidence. In particular, they must be given the opportunity to comment on the effects the offence had on them personally (Section 69 (1) second sentence StPO).

In addition to legal counselling and support by a victim's lawyer (Section 406f StPO) or – in the case of a secondary victim claim – by an assigned lawyer as a joint plaintiff or entitled joint plaintiff (Sections 397a and 406h StPO), reference can be made to psychosocial support (see the comments on IV. B).

As long as no rights of presence exist for accused persons, law enforcement authorities generally ensure that perpetrators and victims are questioned separately during the investigation and that unnecessary encounters are avoided.

Where accused persons' rights of presence are to be observed, arrangements can be made so that witnesses can be protected. A judicial examination of witnesses may be carried out in the absence of the other persons entitled to be present, especially the accused, in order to avert an urgent danger of serious prejudice to the welfare of the witness, if the examination is simultaneously transmitted audio-visually in another room to the persons entitled to be present (Section 168e StPO).

In addition, to counteract considerable disadvantages for the witness through an encounter with the accused in the courtroom, during the main hearing there is the possibility of removing the accused from the courtroom during the questioning of a witness (Section 247 StPO) or of audio-visually questioning the witness in a different location (Section 247a StPO).

In the case of victims of sexual and violent crimes listed in the catalogue contained in Section 255a (2) StPO, the audio-visually recorded testimony can be used to substitute for a hearing before an investigating judge in the main hearing (Sections 58a and 255a StPO). Under Section 26 (2) of the Courts Constitution Act (*Gerichtsverfassungsgesetz – GVG*), in matters of the protection of minors, the public prosecutor's office should file charges with the juvenile courts to ensure that the interests meriting protection of minors appearing as witnesses during the proceedings are better safeguarded by the juvenile courts experienced in dealing with young people.

The interrogation of minor witnesses in the main hearing is regularly conducted solely by the presiding judge, which means that parties entitled to ask questions, such as defendants and defence counsel, address their questions to the presiding judge, who then questions the witness (Section 241a StPO).

J. Free legal aid under Article 57

If a victim of violence is not in a position to meet the costs of proceedings before the civil courts, legal aid is granted under certain conditions. The legislature has provided for legal aid in Sections 114 et seq. of the Code of Civil Procedure (*Zivilprozessordnung – ZPO*). These provisions also apply in proceedings before the family courts and in voluntary jurisdiction (legal aid). Under the conditions laid down in Section 121 StPO or Section 78 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit – FamFG*), a lawyer may also be appointed to represent a victim who is granted legal aid. If a lawyer is appointed, the lawyer's fees are paid by the state treasury. Persons living abroad may also receive legal aid or procedural assistance, irrespective of their nationality, if they meet the requirements and the German court appointed has jurisdiction to hear the case. For the exercise of rights outside of legal proceedings, victims in need receive state support under the provisions of the Act on Counselling Assistance (*Beratungshilfegesetz – BerHG*). Under Section 2 (1) BerHG, such support consists of counselling and, where necessary, extrajudicial representation. The precondition for the granting of advisory assistance is that the woman concerned is unable to raise the necessary funds due to her personal and financial circumstances, that there are no other possibilities for assistance available which the person seeking advisory assistance can reasonably be expected to use, and that use of advisory assistance does not appear to be deliberate (Section 1 (1) BerHG). Except for an own contribution of €15, the state treasury covers the costs of assistance.

The Code of Criminal Procedure (StPO) guarantees the right of victims to use or be represented by a lawyer. Joint plaintiffs may use the services of a lawyer or be represented by one (Section 397 (2) StPO). Under Section 406f (1) StPO, that right is also afforded to all other victims of crime. Pursuant to Section 406f (1) second sentence StPO, the presence of a lawyer during questioning is permitted. Witnesses whose interests meriting protection cannot be taken into account in any other way are entitled to be assisted by a lawyer during questioning (Section 68b (2) StPO). Under the provisions of Section 397a StPO, joint plaintiffs and joint victims entitled to a secondary claim for certain serious sexual and violent crimes have a right to the appointment of a lawyer at the expense of the state treasury irrespective of their income or financial circumstances. Outside of legal proceedings, legal advice is also provided in criminal law matters in accordance with the Act on Counselling Assistance (*Beratungshilfegesetz* – BerHG) (Section 2 (2) second sentence BerHG). For example, injured parties can seek advice on whether they should participate in the criminal proceedings as joint plaintiffs. Except for an own contribution of €15, the state treasury covers the costs of assistance.

K. Other investigation, prosecution, procedural law and protective measures

In criminal proceedings, victims have the possibility of asserting an enforceable claim (Section 403 StPO) by way of so-called adhesion proceedings in relation to a pecuniary claim arising from the offence, including compensation for pain and suffering. Section 406e StPO grants victims a right to view files. In 2018, adhesion applications brought before the local courts were decided in 3,467 cases by final judgment, in 285 cases by standard judgment and in 1,823 cases a settlement was reached. In 2018, 434 final judgments and 34 standard judgments in adhesion proceedings were handed down in the first instance by the regional courts and 126 settlements were reached. In 2018, the higher regional courts issued a total of six final judgments on adhesion applications. Statistics on the gender of the applicants for decisions in adhesion procedures have not been collected.⁴⁷

The Code of Criminal Procedure (StPO) provides for various investigative and coercive measures for use in solving crime. Depending on the seriousness of the offence, these include, among others, obtaining official information, searches and seizures, telecommunications surveillance and the collection of traffic and inventory data, physical examination of the accused and the victim, obtaining expert opinions, the possible arrest of the accused and ordering of pre-trial detention. The principle of acceleration, which is set out in more detail in Section 5 of the Guidelines for Criminal Procedure and Imposition of Fines (RiStBV), applies to all investigations.

Irrespective of an application and of other possibilities for protection, such as under the Act on Protection against Violence (*Gewaltschutzgesetz* – GewSchG), the protection of women by the family courts is often achieved by means of judicial child protection measures, for example, when a family perpetrator of violence is prohibited under Section 1666 (1) and 1666 (3) of the Civil Code (*Bürgerliches Gesetzbuch* – BGB) from approaching the child at risk, from entering the family home or otherwise visiting places the child regularly frequents. Such measures can be taken by the family court both as a preliminary emergency decision (interim injunction under Section 49 FamFG) and in the course of the main proceedings. In those proceedings, as well as in proceedings concerning protection against violence or marital home matters, a personal hearing of a woman threatened by violence takes place in the absence of other participants if

⁴⁷ Destatis, Statistisches Bundesamt, Rechtspflege Strafgerichte, Fachserie 10 Reihe 2.3, 2018

considered necessary for her protection or for other reasons (Section 33 (1) second sentence FamFG).

VII. Migration and asylum

A. Residence status

The legal situation in Germany corresponds to the requirement under Article 59, paragraph 1, of the Istanbul Convention: Pursuant to Section 31 (2) second sentence of the Residence Act (*Aufenthaltsgesetz* – *AufenthG*), where further criteria are met, the spouse who is a victim of domestic violence must be granted an independent residence permit irrespective of the otherwise required minimum three-year period of marriage. For as long as the residence permit is valid, the spouse is not threatened with joint deportation with the holder of the right of residence.

Under Section 31 (2) *AufenthG*, no excessive requirements are to be placed on the proof of violence for the acceptance of a hardship case.

On the definition of “hardship case”, Section 31.2.2.2.2 of the General Administrative Regulation on the Residence Act (*AVV*) states that it is unreasonable to expect continued marital cohabitation if, among other things, the spouse concerned or a child living with the married couple has been physically or mentally abused by the foreigner with the right of parentage or the child’s mental or physical development has been significantly endangered, in particular if measures had already been taken under the provisions for protection against violence, e.g. if the spouse concerned had to seek refuge in a support institution (e.g. women’s shelter) due to the mistreatment or if the holder of the right of parentage was barred from the marital home by the police or court.

German law provides in Section 60a (2) second sentence *AufenthG* that victims of criminal offences are granted a temporary suspension of deportation if their temporary presence for the purpose of testifying in an investigation or criminal proceedings concerning a crime is deemed appropriate by the public prosecutor’s office or the criminal court. This provision is usually sufficient to ensure the administration of criminal justice.

The legal situation in Germany meets the requirement under Article 59, paragraph 4, of the Istanbul Convention: Under Section 37 (2a) of the Residence Act, victims of forced marriage who were prevented from returning to Germany and were taken to another country can or, under certain conditions, should be granted a residence permit in Germany (“right to return”).

The Federal Government does not see itself in a position to lift its reservations concerning Article 59, paragraphs 2 and 3, of the Istanbul Convention. The explanatory memorandum, which was voted on during ratification of the Convention and documented in the Federal Law Gazette, Volume 2018, Part II, No. 5, issued in Bonn on April 16, 2018, remains valid.

Number of women who have been granted a residence permit for Germany for one of the above reasons, by type of residence status granted

Statistics on permit holders under Section 31 and Section 37 of the Residence Act (*AufenthG*)

Permits issued per year*	2018	2019
Under Section 37 (1) of the Residence Act (<i>AufenthG</i>) (return)	218	184

Under Section 31 (1), (2), (4) of the Residence Act (AufenthG) (independent spouse residence permit)	11,587	11,396
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Number of persons to whom a permit was issued per year*	2018	2019
Under Section 37 (1) of the Residence Act (AufenthG) (return)	206	180
Under Section 31 (1), (2), (4) of the Residence Act (AufenthG) (independent spouse residence permit)	11,192	11,022

Number of foreign nationals resident in Germany	As of 31.12.2018	As of 31.12.2019
Under Section 37 (1) of the Residence Act (AufenthG) (return)	476	453
Under Section 31 (1), (2), (4) of the Residence Act (AufenthG) (independent spouse residence permit)	21,804	21,746

* Difference between permits issued and the number of individuals results from the fact that an individual can be issued with multiple permits in the course of a given year.

**Source: Central Register of Foreigners,
as of 29 February 2020**

It is not possible to provide a breakdown showing whether a permit was granted under Section 31 (1), (2) or (4) or Section 37 (1) in conjunction with (2) or (2a) AufenthG, i.e. an accurate breakdown of how many women are in Germany solely on the basis of the above-mentioned provisions.

Implementation of residence and asylum law – where it involves accommodating the victim for the duration of the asylum process – is the responsibility of the Länder. These have taken various measures to ensure that the special needs of women and girls are taken into account in matters concerning protection against violence.

B. Asylum applications on grounds of gender

Section 3 of the Asylum Act (*Asylgesetz – AsylG*), Section 4 AsylG and Section 60(5) and (7) AufenthG (national bans on deportations) take account of Article 60, paragraph 1, of the Istanbul Convention. Gender-specific persecution or violence in the country of origin can, in specific cases, lead to a protection status or a ban on deportation if the conditions are met.

The German provision on gender-specific persecution in Section 3b (1) 4 AsylG provides that persecution on the grounds of membership of a particular social group can also exist if it is based solely on gender or gender identity.

The Federal Office for Migration and Refugees (BAMF) has drawn up comprehensive guidelines for use by decision-makers in asylum procedures on gender-specific persecution of women, which are stipulated on in various sections of the Asylum Service Directive (DA-Asyl) and in the country of origin-specific guidelines designated as classified information (so-called HKL guidelines). If there is knowledge of gender-specific persecution, the specially trained Special Representatives for Gender-specific Persecution are also involved in case management in accordance with the provisions set out in the Asylum Service Directive (DA-Asyl).

As the BAMF does not record statistics on the grounds for asylum, it is not possible to make a statement on the number of women who have been victims of violence or are at risk of violence and who have been granted refugee status on one or more of the grounds mentioned in Article 60, paragraph 1, of the Istanbul Convention in relation to the total number of women in their country who have applied for asylum.

C. Gender-sensitive asylum proceedings

a. Gender-sensitive reception procedures and support services for asylum seekers

The Reception Directive (Directive/2013/33/EU) already requires the state institutions responsible for the reception of persons seeking asylum to identify vulnerable persons under Article 21 of the Reception Directive, such as single women, and to ensure that their special needs are taken into account. This also includes that those institutions inform the BAMF if their findings are relevant to the hearing in the asylum procedure.

b. Gender-specific guidelines

The BAMF practices a series of measures for the special protection of women in flight situations. The BAMF's inhouse service instructions contain special procedural and legal provisions and procedural guidelines for dealing with victims of gender-specific violence. Examples include instructions on the use of specially trained female decision-makers, female interpreters, information on hearings or legal assessments of gender-specific human rights violations.

In addition, anti-discrimination and diversity awareness training is offered to employees in all career levels and paths. The Asylum Procedures Directive stipulates that gender issues and gender needs should be taken into account in asylum procedures.

Country of origin-specific training is also offered for various countries of origin. Decision-makers have access to various country reports and classified country of origin guidelines (so-called HKL guidelines) containing statements on gender-specific persecution of women.

c. Gender-sensitive asylum procedures, including refugee status determination and application for international protection, as required by Article 60, paragraph 3, of the Istanbul Convention

In addition to the measures already mentioned, to take the special needs of these asylum seekers into account, the BAMF deploys specially trained decision-makers throughout the country to work with particularly vulnerable groups – such as victims of gender-specific human rights violations. Depending on the needs of female asylum seekers, special representatives are deployed to work with unaccompanied minors, for gender-specific persecution, for victims of torture and trauma or for victims of human trafficking.

These special representatives either conduct the hearings in the relevant cases themselves or are involved in them. In cases where contact has not already been established by the asylum procedure counselling service, they also establish contact with the specialised counselling centres in the various Länder.

Since August 2018, the BAMF has been piloting a voluntary, independent state asylum procedure counselling service (AVB), consisting of a group discussion and individual counselling. Following creation of the legal basis under Section 12a AsylG in 2019, training

measures have since been completed and the necessary technical concepts developed. The AVB is currently being expanded to ensure its provision nationwide. The AVB informs asylum seekers about the asylum procedure and what it entails, and advises and supports them throughout. It thus contributes to early identification of applicants' vulnerabilities.

Protection-seekers receive basic information on vulnerabilities and the resulting claims for special needs as part of the counselling provided before the application is made, and also throughout the entire asylum process. In the course of a confidential one-on-one interview, those affected have the opportunity to provide the counsellors with information on existing vulnerabilities. This information will only be passed on to the asylum procedure department with the consent of the persons concerned. The information is taken into account both at the time of the application and at the hearing or, where necessary, in the subsequent proceedings.

D. Deportation ban

Women who fear being sent back to a country where their lives are endangered or where they could be subjected to mistreatment can also file a subsequent asylum application under Section 71 of the Asylum Act (AsylG) at any stage of the procedure after their asylum application has been withdrawn or rejected without appeal. Also, where this is impossible for legal reasons (Section 60a (2) first sentence AufenthG), deportation must be suspended by the competent immigration authority. In cases where no asylum application has been made, the immigration authority decides on the existence of a deportation ban under Section 60 (5) or (7) of the Residence Act only after prior involvement of the Federal Office for Migration and Refugees (BAMF) (see Section 72 (2) of the Residence Act).

E. Additional measures

In 2016, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and the United Nations Children's Fund (UNICEF), together with other partners such as the Association of Women's Shelters (Frauenhauskoordination e.V.) and the Federal Association of Non-statutory Welfare (BAGFW), launched the initiative "zum Schutz von Frauen und Kindern vor Gewalt in Flüchtlingsunterkünften" (Protection of women and children against violence in refugee accommodation) which has since been renamed "zum Schutz von geflüchteten Menschen in Flüchtlingsunterkünften" (Protection of refugees in refugee accommodation). As part of the initiative, minimum standards for the protection of refugees in refugee accommodation were published for the first time.⁴⁸ The minimum standards serve as a guide in creating and implementing accommodation-related models for protection.

To test how the minimum standards are implemented in practice, from 2016 to 2018 BMFSFJ funded around 100 full-time positions for violence protection coordinators throughout Germany who were entrusted with the task of developing and implementing accommodation-specific protection models. In cooperation with the partners in this federal programme and the violence prevention coordinators, UNICEF developed a set of practical tools, handouts and training manuals.⁴⁹ Since 2019, with its project "Dezentrale Beratungs- und Unterstützungsstrukturen für Gewaltschutz in Flüchtlingsunterkünften" (Decentralised counselling and support structures for protection against violence in refugee shelters), BMFSFJ has supported facilitators of protection

⁴⁸ <https://www.bmfsfj.de/bmfsfj/service/publikationen/mindeststandards-zum-schutz-von-gefluechteten-menschen-in-fluechtlingsunterkuenften/117474>

⁴⁹ <https://www.gewaltschutz-gu.de/>

against violence who support refugee shelters in setting up and implementing structures for protection against violence. The “Servicestelle Gewaltschutz” (Support Centre for Protection against Violence) is also available as a point of contact for providers of refugee accommodation and for Länder authorities and local authorities responsible for refugee accommodation and care. Since 2019, BMFSFJ has also been funding a project to monitor and evaluate protection programmes in refugee accommodation.

With the Second Act to Improve the Enforcement of the Obligation to Leave the Federal Republic of Germany, Section 44 (2a) and Section 53 (3) of the Asylum Act (*Asylgesetz – AsylG*) came into force on 21 August 2019. Under Section 44 (2a) AsylG, the Länder are to “take appropriate measures to ensure the protection of women and persons in need of protection when accommodating asylum seekers in accordance with subsection 1”. Under Section 53 (3) AsylG, this also applies to accommodation in shared accommodation. As set out in the Asylum Act, “persons in need of protection” are “in particular minors, persons with disabilities, elderly persons, pregnant women, lesbian, gay, bisexual, trans sexual or intersexual persons, single parents with under-age children, victims of human trafficking, persons with serious physical illnesses, persons with mental disabilities and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of gender-based violence, female genital mutilation, forced marriage or violence on grounds of sexual, gender-related, racial or religious motives.”

The **networking and coordination centres** funded by the Federal Government (see II. C) are also working intensively on the topic of protection against violence for women with experience of flight.⁵⁰

Baden-Württemberg

Until 2018, violence protection coordinators were commissioned by the Baden-Württemberg state government to draw up internal violence protection plans for initial reception centres in Baden-Württemberg and in temporary accommodation facilities in urban and rural districts. The standards published by UNICEF, BMFSFJ and other partners served as a guide. As part of the implementation process, the initial reception procedure has been and continues to be reviewed and, where necessary, improved with regard to the special needs of women and children. The independent social and procedural counselling services supported by the state government serve as a support service in the initial reception centres. If necessary, reference is made to specialised counselling centres located outside the centres. In addition, the centres are also referring to existing nationwide support services for women, such as the Violence Against Women helpline, the “Schwangere in Not” (Pregnant women in distress) helpline and the BIG hotline for women and children in cases of domestic violence.

Rhineland-Palatinate

The “Konzept zum Gewaltschutz und zur Identifikation von schutzbedürftigen Personen in den Einrichtungen der Erstaufnahme in Rheinland-Pfalz” (Concept for Protection against Violence and Identification of Persons in Need of Protection in Initial Reception Centres in Rhineland-Palatinate) – published in June 2017 – focuses specifically on vulnerable groups. With reference to the EU Reception Directive (2013/33/EU), these include women

⁵⁰ Further information is available at: <https://www.frauenhauskoordinierung.de/arbeitsfelder/flucht-und-gewaltschutz/> and also at <https://www.frauen-gegen-gewalt.de/de/gewalt-gegen-gefluechtete-frauen.html>.

travelling alone, single parents and pregnant women as well as persons who have suffered torture, rape or other serious forms of psychological, physical or sexual violence. Their needs are already given special consideration during registration and the subsequent provision of accommodation and care in reception centres for asylum seekers (AfA). There are, for example, separate women's floors and also separate buildings for their accommodation. Target group-specific and needs-based counselling and support services are also provided.

Mecklenburg-Western Pomerania

At both initial reception centres in the State of Mecklenburg-Vorpommern there is a multi-layered procedure in place for use in identifying vulnerable persons. Employees of the authorities involved in initial reception, medical personnel during the initial examination, employees of the care association, as well as employees of the central immigration authority, the social services and the repatriation counselling service are required to take note of observations and findings that indicate a special need for protection and to pass them on to the care association.

If a need for protection is identified, the Stern Buchholz centre offers the possibility of accommodation in the "Schutzhaus" (safe house) (100 places), where special organisational and structural measures ensure that the specific needs of particularly vulnerable persons are met to the extent possible. For exceptional cases or if incidents occur, there are regular case conferences in which additional measures are agreed. This includes in particular rapid distribution to municipal communities with special protection facilities such as women's shelters.

Saarland

The specialised counselling centre "Therapie Interkulturell – Beratung von Frauen für Frauen" (Intercultural Therapy – Counselling by Women for Women) meets the counselling needs of refugee women in a special way. The focus of the work of the three resident counsellors, who themselves have a migration background and many years of related counselling experience, is the support and counselling of refugee women and migrants who have been exposed or are exposed to violence in a domestic setting – either in their countries of origin or here in Germany in their marriage family/partnership. Clients receive support in planning their lives and improving their own resources. The establishment and maintenance of a network of interpreters, now numbering some 80 female language mediators in 33 languages, is an essential part of the counselling work. The state supports the counselling centre as part of the 100% funding model.

Thuringia

Roll-out of the state interpreting programme in Thuringia was launched at the beginning of May 2019. So far, it is the only one of its kind in Germany. A large number of agencies that come into contact with immigrants in their daily work are entitled to access the audio and video interpreting services financed by the Thuringian Ministry for Migration, Justice and Consumer Protection. In addition to public authorities, these agencies include

counselling centres, doctors, midwives, hospitals, women's shelters, women's centres, intervention centres, shared accommodation, and state-funded project management agencies. The entitled agencies were contacted by appropriate means and advised of the free services available to them. The interpreting services can be used on devices such as desk-top computers, laptops and tablets as well as via telephone. Users of the programme can call interpreters in over 50 different languages. In addition to frequently used languages (Arabic, Dari/Farsi, etc.), the service also covers rare languages (Oromo, Urdu).

Appendix

Annex 1: Funding

Note: Measures implemented by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ)

		2018	2019	2020
II. A	Federal innovation programme “Gemeinsam gegen Gewalt an Frauen” (Together against violence towards women)		€2,229,674	€5,000,000
II. A	Federal innovation programme “Gemeinsam gegen Gewalt an Frauen” (Together against violence towards women)			€30,000,000
II. C	Networking and coordination centres	€529,100	€657,000	€690,600
II. C	Project “Männer im Wandel” (Men in transition)	€418,000	€425,000	
II. F	Evaluation of the Violence Against Women telephone helpline	€100,000	€96,540	
III. B	Girls’ Day and Boys’ Day	€1,400,000	€1,400,000	€1,400,000
III. H	Themis – Vertrauensstelle gegen sexuelle Belästigung und Gewalt e.V.	€100,000	€100,000	€100,000
III. J	The meinTestgeländer Gender Magazine	€280,000	€280,000	€280,000
III.	Männerfokussierte Beratung durch den	€250,000	€250,000	250.0

J	Sozialverband katholischer Männer e.V.			
IV. E	Violence Against Women telephone helpline		€9,091,000	€9,066,000
V. P	Fund "Heimerziehung in der DDR in den Jahren 1949 bis 1990"	€364 million		
V. P	Fund "Heimerziehung in der Bundesrepublik Deutschland in den Jahren 1949 bis 1975" (between 1 January 2012 and 31 December 2018)	€302 million		
V. P	Fund "Sexueller Missbrauch im familiären Bereich"		€37 million	€45.4 million

Annex 2: Overview of specialised support services

	BW	BY	BE	BB	HB	HH	HE	MV	NI	NW	RP	SL	SN	ST	SH	TH	Total
Number of women's shelters	42	39	6	14	4	5	31	9	43	64	17	3	15	19	16	9	336
Safe houses		3	45	7			9	2	3							3	72
Places for women victims of violence and their children in women's shelters and safe houses	341	373 (439) ⁵¹	729 ⁵²	286	183	241	727	153	405 ⁵³	610	109	55	263	121	349	141	5086
Shelters for women refugees with experience of violence			1		1	1	1	11						1			16
Specialised counselling		35		2			82	18	46	61					25	19	288

⁵¹ 373 places for women, ca 439 places for children

⁵² This figure consists of 301 places in women's shelters, 298 places in safe houses and 130 places in second level apartments in 2019. In 2020, 34 additional places in women's shelters and one additional safe house with 5 places have been made available so far.

⁵³ Including 11 places in shelters for victims of trafficking and prostitution for the purpose of sex, exploitation of women affected by trafficking and prostitution.

centres: General																	
Counselling centres for domestic violence	44		5		2	5	74	8		61				9			208
Counselling centres for sexualised violence/women's emergency support helplines	44	34	3		1	3	13	5		52	12	1		4			172
Counselling centres for women and girls with disabilities		1	1				36							1			39
Counselling centres for domestic violence/honour-related violence/FGM/forced marriage		7	3			2	32	1	1	3		1		1			51
Intervention centres	44	28	5			1	40	5	29	61	16	1	8	4	15	4	261