

Report of the Federal Republic of Germany to the United Nations in accordance with Article 44, paragraph 1, letter (b) of the Convention on the Rights of the Child

Questions of the UN Committee on the Rights of the Child - Hearing of the Federal Government before the UN Committee on the Rights of the Child on 16 January 2004 in Geneva – Answers from the Federal Government of December 2003

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

Part I

A. Data and statistics

While acknowledging the statistical data provided by the State party in the Annexes to its Second periodic report, the Committee would appreciate the submission of additional updated statistical data limited to the topics mentioned in the current List of issues.

1. Please provide disaggregated data (by gender, age, minority group, urban or rural areas) per year, covering the years 2000, 2001 and 2002 on:
 - (a) The number and percentage of children under 18 living in the State party;
 - (b) The number and percentage of non-national children, including immigrant children, asylum seeking and Roma children.

Answers:

1.(a):

The number and percentage of children living in the State party emerge from the following table: Population in Germany.

It is not possible to state the proportions of the population in urban and rural areas since there are no internationally binding definitions of these circumstances.

Table re 1.(a), cf. Annex

1. (b):

The number and percentage of foreign children can be taken from the following table: Population in Germany.

Asylum-seeking children and Roma children are included in the information on foreign children, but cannot be shown separately.

Table re 1.(b), cf. Annex

2. In light of article 4 of the Convention, please provide additional data disaggregated by Land and, where possible by Eastern and Western part of the State party for 2001-2003 (per year), on budget allocations and trends (in percentages of the national and regional budgets) allocated to the implementation of the Convention for the following areas:
- (a) Education, including pre-school, primary, secondary and special;
 - (b) Day-care facilities;
 - (c) Healthcare, including primary, adolescent and other child related health services;
 - (d) Social welfare and support programmes for families;
 - (e) Protection of children who are in need of alternative care including the support of care institutions;
 - (f) Children with disabilities;
 - (g) Cultural activities and investment in public leisure facilities;
 - (h) International development assistance contributions;
 - (i) Juvenile justice.

Answers

2. (a), (b):

Preliminary remark:

The requested illustration poses difficulties because no definitions have been provided. This might also impose limits on comparability. Furthermore, UNESCO has at its disposal figures relating to education which were put together according to uniform statistical requirements.

For the budget year 2000, the following table re 2. (a) and (b) shows how much was spent on training in Germany in total, broken down by public and private sectors. This information corresponds to the data provided by the UOE and is at the disposal of UNESCO. It should be borne in mind that the financial data for 2000 are still shown in DM.

Table re 2.(a) (b)

Financial year start (mm/yy):		Jan 2000				end		Dec 2000		Data collection period:		2000		Currency Unit: DM million	
		Germany				(mm/yy):									
Education Expenditure by Level of Education, Source and Type of Transaction															
		Pre- primary	Primary	Lower Secondary	Upper Secondary	Primary + Secondary	Post secondary, non- tertiary			All tertiary	Not Allocated by Level	Total All Levels			
		(ISC 0)	(ISC 1)	(ISC 2)	(ISC 3)	(ISC 123)	(ISC 4)	(ISC 5B)	(ISC 5A/6)	(ISC 5/6)					
		1	2	3	4	5	6	7	8	9	10	11			
						(2+3+4)				(7+8)	(1+5+6+9+10)				
G20	Total: Education expenditure for all levels of government combined	13,971	xc 5	xc 5	xc 5	115,449	4,064	3,452	40,003	43,456	2,900	179,839			
F20	Total: Funds received from international sources	n,,	n,,	n,,	n,,	n,,	n,,	0	386	387	0	387			
P20	Total: Private education expenditure	8,164	2,687	4,642	21,996	29,326	5,940	455	5,816	6,271	0	49,701			
N20	Total: Education expenditure (N5+H18)	22,135	30,237	60,436	50,321	140,993	8,875	3,247	40,775	44,021	2,900	218,924			

2. (b):

The following table shows information regarding the budgetary funds and trends in the field of day-care facilities. The information refers to 2000 and 2001. There are no results as yet for 2002 and 2003.

Gross expenditure in the public sector for day-care facilities for children is shown by the Federal Statistical Office on an annual basis. Gross expenditure does not reflect the total cost of day-care facilities for children since it does not include the shares independently accounted for by independent youth welfare organisations. On top of this, it should be borne in mind that the information provided by Bavaria only reflects roughly half of the real expenditure because of difficulties occurring in data collection.

Table: Gross expenditure by the public youth welfare services for day facilities for children (not including day care) in the Federal Länder (2000, 2001; information in EUR 1,000s) re 2. (b)

Gross expenditure	2000	2001	Change between 2000 and 2001	
			absolute	in %
	Figures in Euro 1,000			
Germany, including expenditure by the supreme Federal authority	€ 10,035,690	€ 10,427,626	€ 391,936	3.9
Old Länder and East Berlin, not including expenditure by the supreme Federal youth authority	€ 7,842,046	€ 8,202,315	€ 360,269	4.6
New Länder, not including East Berlin	€ 2,188,140	€ 2,220,269	€ 32,128	1.5
Baden-Württemberg	€ 1,091,852	€ 1,159,360	€ 67,508	6.2
Bavaria	€ 533,871	€ 554,174	€ 20,303	3.8
Berlin	€ 799,092	€ 828,249	€ 29,158	3.6
Brandenburg	€ 521,719	€ 500,423	€ -21,296	-4.1
Bremen	€ 98,636	€ 98,248	€ -388	-0.4
Hamburg	€ 295,894	€ 280,184	€ -15,710	-5.3
Hesse	€ 850,700	€ 869,905	€ 19,205	2.3
Mecklenburg-Western Pomerania	€ 256,738	€ 262,160	€ 5,422	2.1
Lower Saxony	€ 766,658	€ 796,610	€ 29,952	3.9
North Rhine-Westphalia	€ 2,336,391	€ 2,514,123	€ 177,732	7.6
Rhineland	€ 699,486	€ 701,422	€ 1,935	0.3
Saarland	€ 117,644	€ 126,336	€ 8,692	7.4
Saxony	€ 580,721	€ 596,690	€ 15,969	2.7
Saxony-Anhalt	€ 474,535	€ 506,449	€ 31,914	6.7
Schleswig-Holstein	€ 251,823	€ 273,704	€ 21,881	8.7
Thuringia	€ 354,427	€ 354,547	€ 120	0.0
Supreme Federal authority	€ 5,504	€ 5,042	€ -462	-8.4

Source: Federal Statistical Office: "Specialist series" (Fachserie) 13, Series 6.4 »Ausgaben und Einnahmen der öffentlichen Jugendhilfe« 2000 and 2001, Wiesbaden 2001 and 2002; compiled and calculated by the Dortmund Working Party on Child and Youth Welfare Statistics

2 (c):

There are no nationwide data on the financial expenditure by the Federal Länder in the field of healthcare, including facilities for juveniles and other facilities for children in the healthcare system.

2 (d):

Data on budgetary funds and trends in the field of programmes for the social welfare and support of families can be derived from the following tables.

Table 1: Impact of family-related transfers on budgetary funds in the Federation and the Länder in Euro billion re 2. (d), cf. Annex

Table 2: Reduced tax income as a result of family component of income tax law in Euro billion re 2 (d), cf. Annex

There is no authoritative overview of the special social welfare and support programmes for families by the Länder.

2 (e):

Protection of children who are in need of alternative welfare, including the support of care institutions, is a matter for the youth welfare services:

The financial expenditure of the Federal Länder for assistance in education (non-institutional assistance, partially-institutional assistance, placement in a home outside the family) emerges from the following overview:

Trends in financial expenditure on assistance for the upbringing of minors.

Table re 2 (e)

Trends in financial expenditure on assistance for the upbringing of minors (Federal Länder, 1995-2001, expenditure in EUR 1,000s)

Federal Länder	Expenditure in EUR 1,000s											
	Non-institutional assistance (sections 29-31 of Book VIII of the Social Code)			Partially-institutional assistance (section 32 of Book VIII of the Social Code)			Placement in a home outside the family (sections 33-35 of Book VIII of the Social Code)			Assistance for upbringing (total) (sections 29-35 of Book VIII of the Social Code)		
	1995	2000	2001	1995	2000	2001	1995	2000	2001	1995	2000	2001
Baden-Württemberg	13,213	32,859	38,915	40,794	58,344	62,440	299,275	246,667	252,996	353,283	337,870	354,351
Bavaria	11,079	28,672	32,172	15,692	29,334	31,806	254,718	279,855	282,425	281,489	337,861	346,403
Berlin	6,813	45,075	60,522	4,015	16,927	18,741	235,254	291,373	294,299	246,082	353,375	373,562
Brandenburg	3,925	12,306	14,982	2,995	7,024	7,103	97,075	114,284	117,809	103,995	133,614	139,894
Bremen	1,901	3,077	2,996	7,794	10,300	11,047	37,885	38,573	38,487	47,580	51,950	52,530
Hamburg	63 ¹	17,520	20,146	0 ¹	2,349	2,574	101,110	95,024	91,298	101,173	114,893	114,018
Hesse	18,804	33,335	38,702	10,926	23,434	26,885	201,890	210,207	224,729	231,620	266,976	290,316
Mecklenburg-Western Pom.	3,730	14,984	14,716	6,943	7,166	6,604	82,456	71,179	73,058	93,129	93,328	94,379
Lower Saxony	17,248	45,978	48,512	19,003	32,680	36,550	229,069	264,656	283,222	265,320	343,315	368,284
North Rhine-Westphalia	41,151	66,594	67,970	25,788	56,100	59,115	617,279	745,993	774,743	684,218	868,687	901,828
Rhineland-Palatinate	5,940	16,039	20,356	12,130	23,713	27,369	128,297	133,688	142,672	146,368	173,440	190,398
Saarland	3,676	6,179	6,715	7,636	13,800	13,234	42,331	46,534	46,665	53,643	66,514	66,615
Saxony	8,387	19,066	22,161	2,344	11,012	12,577	134,280	135,630	139,277	145,011	165,708	174,014
Saxony-Anhalt	2,750	9,002	9,035	3,256	9,389	8,781	69,189	82,591	76,219	75,195	100,982	94,035
Schleswig-Holstein	7,548	12,929	13,088	8,589	12,422	11,969	88,983	94,615	98,630	105,120	119,966	123,687
Thuringia	2,156	7,135	7,238	3,211	6,521	7,039	66,291	69,603	69,362	71,658	83,259	83,639
Germany	148,385	370,751	418,228	171,116	320,514	343,835	2,685,382	2,920,471	3,005,891	3,004,882	3,611,736	3,767,954
Old Federal Länder (not including Berlin)	120,623	263,184	289,573	148,351	262,475	282,990	2,000,838	2,155,812	2,235,868	2,269,812	2,681,471	2,808,430
New Federal Länder (not including Berlin)	20,948	62,492	68,132	18,750	41,111	42,104	449,291	473,287	475,724	488,988	576,890	585,961

Federal Länder	Change between 1995/2000 and 2000/2001							
	Non-institutional assistance (sections 29-31 of Book VIII of the Social Code)		Partially-institutional assistance (section 32 of Book VIII of the Social Code)		Placement in a home outside the family (sections 33-35 Book VIII of the Social Code)		Assistance for upbringing (total) (sections 29-35 Book VIII of the Social Code)	
	1995/2000	2000/2001	1995/2000	2000/2001	1995/2000	2000/2001	1995/2000	2000/2001
Baden-Württemberg	148.7	18.4	43.0	7.0	-17.6	2.6	-4.4	4.9
Bavaria	158.8	12.2	86.9	8.4	9.9	0.9	20.0	2.5
Berlin	561.6	34.3	321.6	10.7	23.9	1.0	43.6	5.7
Brandenburg	213.5	21.7	134.6	1.1	17.7	3.1	28.5	4.7
Bremen	61.9	-2.6	32.2	7.3	1.8	-0.2	9.2	1.1
Hamburg	¹	15.0	¹	9.6	-6.0	-3.9	13.6	-0.8
Hesse	77.3	16.1	114.5	14.7	4.1	6.9	15.3	8.7
Mecklenburg-Western Pomerania	301.7	-1.8	3.2	-7.8	-13.7	2.6	0.2	1.1
Lower Saxony	166.6	5.5	72.0	11.8	15.5	7.0	29.4	7.3
North Rhine-Westphalia	61.8	2.1	117.5	5.4	20.9	3.9	27.0	3.8
Rhineland-Palatinate	170.0	26.9	95.5	15.4	4.2	6.7	18.5	9.8
Saarland	68.1	8.7	80.7	-4.1	9.9	0.3	24.0	0.2
Saxony	127.3	16.2	369.7	14.2	1.0	2.7	14.3	5.0
Saxony-Anhalt	227.4	0.4	188.4	-6.5	19.4	-7.7	34.3	-6.9
Schleswig-Holstein	71.3	1.2	44.6	-3.6	6.3	4.2	14.1	3.1
Thuringia	230.9	1.4	103.1	7.9	5.0	-0.3	16.2	0.5
Germany	149.9	12.8	87.3	7.3	8.8	2.9	20.2	4.3
Old Federal Länder (not including Berlin)	118.2	10.0	76.9	7.8	7.7	3.7	18.1	4.7
New Federal Länder (not including Berlin)	198.3	9.0	119.3	2.4	5.3	0.5	18.0	1.6

¹ Evidently not all covered; percentage change can hence not be shown.

Source: Federal Statistical Office: "Specialist series" (Fachserie) 13, Series 6.4: Ausgaben und Einnahmen der öffentlichen Jugendhilfe, various years, calculated by the Dortmund Working Party

2 (f):

Information on budgetary funding and trends approved for the implementation of the Convention in the field of children with disabilities can be made available later on.

2 (g):

There are no overviews of the budgetary funds approved for the implementation of the Convention in the field of cultural activities and investment in public leisure facilities. The Federal Government, the Federal Länder and the local authorities fund a large number of cultural activities and investment in public leisure activities for children and juveniles. There is no overview of the budgetary funds available to the Federation, the Länder and the local authorities.

Only in the field of sport can information be made available.

Data on the budgetary funds and trends in the sports field can be taken from the following tables.

Table 1: Expenditure of the Federation and of the Länder in sport from 1995 to 2000 re 2. (g), cf. Annex

Table 2a: Fixed investment of the Federation and of the Länder in sport 1995 re 2. (g), cf. Annex

Table 2b: Fixed investment of the Federation and of the Länder in sport 1996 re 2. (g), cf. Annex

Table 2c: Fixed investment of the Federation and of the Länder in sport 1997 re 2. (g), cf. Annex

Table 2d: Fixed investment of the Federation and of the Länder in sport 1998 re 2. (g), cf. Annex

Table 2 e: Fixed investment of the Federation and of the Länder in sport 1999 re 2 (g), cf. Annex

Table 2 f: Fixed investment of the Federation and of the Länder in sport 2000 re 2 (g), cf. Annex

2 (h):

The Federal Government provides approx. € 20 million per year for youth-specific projects for the implementation of the Convention in the field of support of international development. Here are some examples:

Promotion of the project "Promotion of Children and Youth" in Uganda in the framework of bilateral state cooperation, comprising advice to the Ugandan Ministry of Gender, Labour & Social Development in its implementation of the national programme to promote children and juveniles, and support of local state agencies and local non-governmental organisations in their implementation of youth promotion measures.

In the fight against the sexual exploitation of children, a project is just beginning to implement the Optional Protocol to the Convention ... on the sale of children, child prostitution and child pornography, which is being promoted to a total of € 2 million. Additionally, the international Terre des Hommes campaign to fight trafficking in children is receiving support to a total of € 400,000 and the fight against child labour in India through Save the Children to a total of

approx. € 1.5 million, as well as the promotion of basic education for girls in Laos and Pakistan through UNICEF amounting to € 400,000 and € 1.4 million respectively.

2. (i):

The matter of additional data on the budgetary funds approved for the implementation of the Convention in the field of "juvenile justice" is of no relevance for Germany. In the view of the Federal Government, it was not and is not necessary to amend German law in the field of juvenile jurisdiction to comply with the Convention on the Rights of the Child. Rather, the Youth Courts Act complies with the prerequisites of the Convention, and there was hence no need to allocate separate funding for implementation.

- 3. Please provide disaggregated data (by gender, age, if possible by minority groups and Land) covering the period 2000-2002 (specific per year) on the**
- (a) Number of children with disabilities;**
 - (b) Number of children with disabilities living at home and in institutions;**
 - (c) Number of children with disabilities enrolled in regular education or special education systems.**

Answers:

3 (a):

The information regarding the number of persons with disabilities in Germany on 31 December 2001 (no more recent figures are available) show the following numbers for the age group of the under-18s:

On 31.12.2001 there were living in Germany a total of 164,901 children with severe disabilities, of whom 95,387 were male (57.85%) and 69,514 were female (42.15%).

Broken down by "West" and "East" the following picture emerges:
136,686 in the "old" Federal Länder,
28,215 in the "new" Federal Länder.

The numbers of children with disabilities, broken down by Federal Länder, can be taken from the following overview.

Table re 3(a)

Baden Württemberg	19,408	Lower Saxony	17,373
Bavaria	24,143	North Rhine-Westphalia	37,821
Berlin	6,114	Rhineland-Palatinate	7,641
Brandenburg	5,696	Saarland	1,816
Bremen	1,198	Saxony	8,804
Hamburg	3,072	Saxony-Anhalt	5,494
Hesse	12,037	Schleswig-Holstein	6,033
Mecklenburg-Western Pomerania	4,176	Thuringia	4,445

3 (b):

The Federal Government has no figures relating to children with disabilities living at home and in institutions.

The DJI research institute has collected corresponding data as part of a study. This study is not yet complete.

3 (c):

The overview below of the number of children with disabilities enrolled in regular education or special education systems, for the years under report 2000 and 2001, corresponds to the data used for Special Educational Needs. Since there is no definition of children with disabilities, the overview below only contains total figures for school pupils at special schools and integration pupils (under the integration system, children with and without disabilities are taught and brought up together). Possible definitions could be found in the following overview.

Overview of the categories of children with disabilities:

- 1 Learning disability
- 2 Partially sighted or blind
- 3 Partially hearing or deaf
- 4 Speech impairment
- 5 Physically handicapped
- 6 Mentally handicapped
- 7 Behavioural disorders
- 8 Sick
- 9 Multiple handicaps
- 10 Unknown, no information

Table: Table 6 re 3.(c), cf. Annex

4. The number of children abducted from and to Germany over the years 2000, 2001, and 2002.

Answers:

This cross-border aspect is not covered by the Police Crime Statistics. Criminal offences committed outside Germany are in any case not included in the Police Crime Statistics. No other information is available.

Police Crime Statistics in key 2310 "*Kidnapping, child stealing, trafficking in children, sections 234-236 of the Criminal Code (StGB)*" show the following victims aged up to 14 in completed cases:

Children as victims in completed cases concluded by the police in the year in question *)

Year	Aged up to 6		Aged 6 up to 14		total
	male	female	male	female	
2002	412	318	299	312	1,341
2001	338	330	335	316	1,319
2000	371	367	295	276	1,309

*) This however applies to all offences listed above and irrespective of the transfer objective.

Furthermore, reference is made to the figures in the Federal situation reports "Trafficking in human beings" prepared by the Federal Criminal Police Office from 2000 to 2002. One should however take account here of the fact that the under-age victims of trafficking in human beings do not necessarily have to have been abducted. The following emerges from the situation reports:

Number of victims aged up to 17

Year 2000: 34 (3.7%); Year 2001 30 (3.0%); Year 2002 38 (4.7%)

No absolute figures are known on child abductions from and to Germany. The statistics of the German central authority (Federal Public Prosecutor General) are based on applications received by that authority. A survey of courts competent in accordance with the Hague Child Abduction Convention has revealed that roughly 25 % of additional cases should be added per year to the cases pursued by the Federal Public Prosecutor General which are pursued directly by the applicants or their lawyers. The Federal Public Prosecutor General is not informed of these return proceedings since the courts are not obliged to provide such information. The Federal Government is unaware of whether and if so, how often, domestic parties make applications abroad for return without the assistance of the central authority. The number of cases in which neither the courts nor the central authority are involved is also unknown.

Statistical information from the German central authority

International abduction from Germany:

Applications for return issued by the central authority

2000	-	96
2001	-	163
2002	-	125

Abduction to Germany:

Applications for return received by the central authority

2000	-	81
2001	-	71
2002	-	82

Further information can be obtained from the statistics below.

**Statistics 2000 of the German central authority
relating to the *international* abduction of children from Germany**

Countries	Outgoing applications for <u>return</u>	Applica-tions pending	Return yes		Return no	
			By court order	Other conclu-sion of pro-ceedings - esp. agree-ment between the parents -	By court order (of which Art. 13 para. 1 b and para. 2)	Other conclu-sion of pro-ceedings - esp. agreement between the parents -
Europe						
Belgium	3			1		2
England/Wales	5		1	2		2
France	5			3		2
Greece	6		1	2	2	1
Italy	14		3	4	3 (1)	4
Netherlands	6		1	4		1
Spain	7	2		3	2	
Total EU	46	2	6	19	7 (1)	12
other countries						
Argentina	3		1			2
Australia	2		2			
Bosnia-Herz.	1				1	
Brazil	1					1
Yugoslavia	2			1		
Canada	1					1
Columbia	1			1		
Croatia	1					1
Mexico	2			2		
Montenegro	1			1		
Poland	1			1		
Romania	3		1	2		
South Africa	1					1
Czech Rep.	1					1
Turkey	2	0		2		
Hungary	1				1 (1)	
USA	26		6	9	1(0)	10
Total other	50		10	19	3 (1)	17
Total	96	3	16	38	10 (2)	29

**Statistics 2000 of the German central authority
relating to the abduction of children to Germany**

Countries	Outgoing applications for <u>return</u>	Applica-tions pending	Return yes		Return no	
			By court order	Other conclu-sion of pro-ceedings - esp. agree-ment between the parents -	By court order (of which Art. 13 para. 1 b and para. 2)	Other conclu-sion of pro-ceedings - esp. agreement between the parents -
Europe						
Belgium	1	0				1
Denmark	1	0		1		
England/Wales	13	0	4	3		6
France	2	0			1	1
Italy	9	0		5	1	3
Portugal	4	0	2		2 (1)	
Scotland	1	0			1	
Sweden	3	0		2		1
Spain				1	1	1
	3					
Total EU	37	0	6	12	6 (1)	13
other countries						
Argentina	1	0				1
Australia	2	0		1		1
Ecuador	2	1				1
Israel	2	0	2			
Canada	2	1			1 (1)	
	2	1				1
Norway	1	0			1 (1)	
Poland	4	1	1	1		1
Switzerland	3	0		2		1
Serbia	1	0				1
Czech Rep.	1	0		1		
Hungary	1	0	1			
USA	22	0	6	9	2(0)	5
Total other	4	4	10	14	4 (2)	12
Total	81	4	16	26	10 (3)	25

**Statistics 2001 of the German central authority
relating to the *international* abduction of children from Germany**

Countries	Outgoing applications for <u>return</u>	Applica-tions pending	Return yes		Return no	
			By court order	Other conclu-sion of pro-ceedings - esp. agree-ment between the parents -	By court order (of which Art. 13 para. 1 b and para. 2)	Other conclu-sion of pro-ceedings - esp. agreement between the parents -
Europe						
Belgium	4	0		1		3
England/Wales	14	0	6	1	1 (0)	6
France	12	1	1	4	2 (2)	4
Greece	8	1	2	2		3
Italy	8	2	3	1		2
Netherlands	6	1	1	1		3
Austria	2	0	1		1 (1)	
Portugal	1	0				1
Scotland	1	0	1			
Sweden	2	0				2
Spain	9	1		4		4
Total EU	7	6	15	14	4 (3)	28
Egypt	1	0				1
Argentina	3	0				1
Australia	3	1	1			1
Bosnia-Herzegovina	3	1	1	1		
Brazil	1					1
Chile	1	0		1		
China	1		1			
Ecuador	1	0		1		
Israel	1	0	1			
Yugoslavia	4	3		1		
Cayman Islands	1	0			1 (0)	
Canada	3	0	2			1
Croatia	4	2	1			1
Macedonia	2	0		1		1
Mexico	1	0				1
New Zealand	1		1			
Poland	6	1	3		1 (1)	1
Russia	1	0				1
Switzerland	3	0		2		1
South Africa	2	0				1
Czech Rep.	6	1		4		1
Turkey	19	4		7	1 (1)	4
Hungary	2	0				2
USA	25	2	1	8	2 (0)	12
Cyprus	2	0		1		1
Total other	96	5	16	28	5 (2)	32
Total	163	21	31	42	9 (5)	60

**Statistics 2001 of the German central authority
relating to the abduction of children to Germany**

Countries	Outgoing applications for <u>return</u>	Applica-tions pending	Return yes		Return no	
			By court order	Other conclu-sion of pro-ceedings - esp. agree-ment between the parents -	By court order (of which Art. 13 para. 1 b and para. 2)	Other conclu-sion of pro-ceedings - esp. agreement between the parents -
Belgium	1	0		1		
Denmark	1	0				1
England/Wales	2	0		1		1
Finland	1	0	1			
France	1	0				1
Greece	5	0	2	2		1
Italy	9	0		2	1(0)	6
Netherlands	2	0	2			
Northern Ireland	2	1		1		
Austria	1	0	1			
Sweden	1	0		1		
Spain	4	0			1(0)	3
Total EU	30	1	6	8	2(0)	13
Australia	1	0				1
Chile	3	0	2			1
Estonia	1	0		1		
Israel	1	0	1			
Yugoslavia	1	0				1
Canada	2	0		1		1
New Zealand	1	0			1(0)	
Norway	1	0	1		1(0)	
Poland	3	0		2	1(0)	
Romania	2	0		1		1
Switzerland	2	0		2		
Czech Rep.	1	0				1
Turkey	1	0				1
Hungary	1	0			1 (0)	
USA	19	4	9	1	4 (2)	1
Cyprus	1	0	1			
Total other	41	4	14	8	7 (2)	8
Total	71	5	20	16	9 (3)	21

Outgoing applications relating to international abductions from Germany:

Total other	96	15	16	28	5 (2)	32
Total EU	67	6	15	14	4 (3)	28
Total	163	21	31	42	9 (5)	60

**Statistics 2002 of the German central authority
relating to the abduction of children to Germany**

Countries	Outgoing applications for return	Applica-tions pending	Return yes		Return no	
			By court order	Other conclu-sion of pro-ceedings - esp. agree-ment between the parents -	By court order (of which Art. 13 para. 1 b and para. 2)	Other conclu-sion of pro-ceedings - esp. agreement between the parents -
Belgium	4	1				3
Denmark	1					1
France	6	3		2		1
Italy	12	1	5		3 (1)	3
Netherlands	6		3		1 (0)	2
Austria	1		1			
Portugal	1		1			
Spain	2	1			1 (0)	
United Kingdom	10	2	1	2		5
Total EU	43	8	11	4	5 (1)	15
Australia	3	1	1	1		
Bosnia-Herzegovina	1					1
Brazil	1				1	
Ecuador	1	1				
Israel	1		1			
Canada	1				1 (1)	
Mauritius	1			1		
Mexico	2	1		1		
New Zealand	1	1				
Norway	1	1				
Poland	8	2	3		3 (1)	
Switzerland	2		1			1
South Africa	1				1 (1)	
Turkey	3			1		2
USA	10	2	3	2		3
Venezuela	1	1				
United Arab Emirates	1					1
Total other	39	10	9	6	6 (3)	8
Total	82	18	20	10	11 (4)	23

Outgoing applications relating to international abductions from Germany:

Total other	69	19	7	23	3 (3)	17
Total EU	56	13	12	18	5 (4)	8
Total	125	32	19	41	8 (7)	25

**Statistics 2002 of the German central authority
relating to the *international* abduction of children from Germany**

Länder	Outgoing applications for return	Applications pending	Return yes		Return no	
			By court order	Other conclusion of proceedings - esp. agreement between the parents -	By court order (of which Art. 13 para. 1 b and para. 2)	Other conclusion of proceedings - esp. agreement between the parents -
Belgium	2			1		1
Denmark	1	1				
France	7	2	1	2	1 (1)	1
Greece	6	5	1			
Italy	12		4	5	1 (1)	2
Luxembourg	1	1				
Netherlands	4		2	2		
Austria	7	1		3	3 (2)	
Portugal	4	1		2		1
Sweden	3		2			1
Spain	5	2		2		1
United Kingdom	4		2	1		1
Total EU	56	13	12	18	5 (4)	8
Australia	4	1		1	1 (1)	1
Bosnia-Herzegovina	1			1		
Ecuador	1	1				
Israel	1			1		
Yugoslavia	6	3	1	1		1
Canada	3	1	1	1		
Qatar	1					1
Croatia	2	1	1			
Macedonia	1	1				
Mexico	2	1		1		
Poland	8	3	1	2		2
Romania	1	1				
Switzerland	3			1		2
Sri Lanka	1	1				
South Africa	1			1		
Czech Rep.	1			1		
Turkey	9		1	5		3
Hungary		1			1 (1)	
USA	20	4	2	7	1 (1)	6
Venezuela	1					1
Total other	69	19	7	23	3 (3)	17
Total	125	32	19	41	8 (7)	25

5. With reference to child abuse, including sexual abuse, please provide disaggregated data (by age, gender and types of violations reported), on the:

- (a) Number of cases reported to the competent authorities per year between 2000 and 2002;**
- (b) Number and percentage of reports which have resulted in either a court decision or other types of follow-up.**

Answers:

5. (a):

The table below contains an overview including a selection of child-related criminal offences which have been processed by the police and for which victims are identified in the Police Crime Statistics. The "grey area" of the corresponding offences, meaning those which do not become known to the police, cannot be quantified. No information is available regarding violations reported to other competent authorities (e.g. youth welfare offices).

Table of the breakdown of victims by age and gender in completed and attempted cases re 5 (a), cf. Annex.

5. (b):

There are no so-called "progression statistics" in Germany which can accompany the course of a specific set of proceedings from filing of the charge to execution of sentence.

For this reason, it is not possible to draw any conclusions, at least from the point of view of the police, relating to the number or the percentage of reports which have resulted in a court decision or other types of follow-up.

Unlawful (criminal) offences processed by the police, including punishable attempts, are registered in the Police Crime Statistics. However, in order to obtain as extensive a picture as possible of the actual security situation, these statistics also include offences committed by children, or those with mental disorders, who do not have the capacity to infringe the penal law. At least as regards children, there will be virtually no court decisions (as a consequence of their age), which is why it is impossible to draw conclusions from the statistical material available in the Police Crime Statistics in comparison to the information available from criminal prosecution statistics. However, it is also possible to compare the two sets of statistics against the background that a) the coverage period may change (offences registered by the police in one year may not be dealt with by the courts and ruled upon for years), b) the collation principles differ and c) the individual case may be treated differently in the judicial sphere in terms of criminal law interpretation than was the case in police data collection.

Against this background, numbers may only be provided on convictions in respect of child abuse, etc., and at the same time it must be pointed out that these largely cover results from the old Federal Länder, including all of Berlin, since the criminal prosecution statistics are not implemented on an across-the board basis in the new Länder.

The following information is provided in this respect, in which (i) stands for total and (m) for male:

Table 1 relating to sets of total completed investigation and criminal proceedings, including discontinuation of proceedings and acquittals (statistics of those sentenced) re 5 (b)

Crime	Total		Adults		Adolescents ²		Juveniles	
	2000	2001 ¹	2000	2001	2000	2001	2000	2001
Sexual abuse of wards (section 174 of the Criminal Code)	(i) 120 (m) 117	101 95	(i) 117 (m) 114	95 90	(i) -, 2 (m) -, 2	-, 4 -, 3	(i) 1 (m) 1	2 2
Sexual abuse of children (section 176 subsections 1 and 2 of the Criminal Code)	(i) 1,709 (m) 1,688	1,475 1,454	(i) 1,473 (m) 1,452	1,237 1,219	(i) 15, 52 (m) 15, 52	11, 43 10, 43	(i) 169 (m) 169	184 182
Sexual abuse of children (section 176 subsection 3 of the Criminal Code)	(i) 584 (m) 580	603 597	(i) 522 (m) 520	542 536	(i) 9, 24 (m) 8, 24	4, 31 4, 31	(i) 29 (m) 28	26 26
Serious sexual abuse of children (section 176a of the Criminal Code)	(i) 446 (m) 433	500 490	(i) 398 (m) 387	428 419	(i) 1, 33 (m) -, 32	2, 52 2, 52	(i) 14 (m) 14	18 17
Serious sexual abuse of children resulting in death (section 176b of the Criminal Code)	(i) 2 (m) 1	1 1	(i) 1 (m) 1	1 1	(i) -, 1 (m) -, -	-, - -, -	(i) - (m) -	- -
Promoting sexual acts by minors (section 180 of the Criminal Code)	(i) 21 (m) 15	29 21	(i) 19 (m) 13	25 17	(i) -, 1 (m) -, 1	1, 1 1, 1	(i) 1 (m) 1	2 2

¹ The figures for 2002 are not yet available.

² With adolescents, one must distinguish between convictions in accordance with general criminal law and in accordance with criminal law relating to young people. The figures after the comma refer to criminal law relating to young people.

Table 2 relating to the number of sets of proceedings completed with a conviction (statistics of those sentenced) re 5(b)

Crime	Total		Adults		Adolescents ⁴		Juveniles	
	2000	2001 ³	2000	2001	2000	2001	2000	2001
Sexual abuse of wards (section 174 of the Criminal Code)	(i) 90 (m) 90	70 67	(i) 90 (m) 90	66 63	(i) -, - (m) -, -	-, 3 -, 3	(i) - (m) -	1 1
Sexual abuse of children (section 176 subsections 1 and 2 of the Criminal Code)	(i) 1365 (m) 1349	1178 1161	(i) 1202 (m) 1186	1022 1007	(i) 10, 46 (m) 10, 46	5, 31 5, 31	(i) 107 (m) 107	120 118
Sexual abuse of children (section 176 subsection 3 of the Criminal Code)	(i) 470 (m) 467	499 494	(i) 425 (m) 424	454 449	(i) 7, 19 (m) 6, 19	4, 27 4, 27	(i) 19 (m) 18	14 14
Serious sexual abuse of children (section 176a of the Criminal Code)	(i) 413 (m) 402	466 458	(i) 371 (m) 361	405 397	(i) -, 29 (m) -, 28	-, 46 -, 46	(i) 13 (m) 13	15 15
Serious sexual abuse of children resulting in death (section 176b of the Criminal Code)	(i) 1 (m) 1	1 1	(i) 1 (m) 1	1 1	(i) -, - (m) -, -	-, - -, -	(i) - (m) -	- -
Promoting sexual acts by minors (section 180 of the Criminal Code)	(i) 19 (m) 13	22 14	(i) 17 (m) 11	20 12	(i) -, 1 (m) -, 1	-, 1 -, 1	(i) 1 (m) 1	1 1

³ The figures for 2002 are not yet available.

⁴ With adolescents, one must distinguish between convictions in accordance with general criminal law and in accordance with criminal law relating to young people. The figures after the comma refer to criminal law relating to young people.

Table 3 relating to the age structure of adults sentenced for 2000 re 5 (b)

Sections	Total	21-25 years	25-30 years	30-40 years	40-50 years	50-60 years	60-70 years	over 70
sec. 174	(i) 90	2	1	40	28	15	4	-
	(m) 90	2	1	40	28	15	4	-
sec. 176 subs. 1 and 2	(i) 1202	55	113	384	311	205	105	29
	(m) 1186	54	111	373	310	204	105	29
sec. 176 subs. 3	(i) 425	35	38	135	101	76	34	6
	(m) 424	35	38	135	101	76	33	6
sec. 176a	(i) 371	36	31	144	77	55	23	5
	(m) 361	34	31	140	73	55	23	5
sec. 176b	(i) 1	-	-	-	1	-	-	-
	(m) 1	-	-	-	1	-	-	-
sec. 180	(i) 17	5	2	6	3	1	-	-
	(m) 11	3	1	4	2	1	-	-

Table 4 relating to the age structure of adults sentenced for 2001 re 5(b)

Sections of the Criminal Code	Total	21-25 years	25-30 years	30-40 years	40-50 years	50-60 years	60-70 years	over 70
sec. 174	(i) 66	-	1	27	22	13	3	-
	(m) 63	-	1	25	21	13	3	-
sec. 176 subs. 1 and 2	(i) 1022	61	95	338	245	141	99	43
	(m) 1007	61	93	330	240	141	99	43
sec. 176 subs. 3	(i) 454	42	55	122	108	74	40	13
	(m) 449	42	55	121	106	72	40	13
sec. 176a	(i) 405	40	50	131	94	58	29	3
	(m) 397	39	49	127	94	58	29	3
sec. 176b	(i) 1	-	-	-	-	-	1	-
	(m) 1	-	-	-	-	-	1	-
sec. 180	(i) 20	2	2	10	4	1	1	-
	(m) 12	2	1	4	3	1	1	-

Table 5 on the age structure of juveniles re 5 (b)

Sections of the Criminal Code	Total		14 -16		16-18	
	2000	2001	2000	2001	2000	2001
sec. 174	(i) -	1	-	-	-	1
	(m) -	1	-	-	-	1
sec. 176 subs. 1 and 2	(i) 107	120	54	59	53	61
	(m) 107	118	54	59	53	59

sec. 176	(i)	19	14	11	9	8	5
subs. 3	(m)	18	14	10	9	8	5
sec. 176a	(i)	13	15	7	10	6	5
	(m)	13	15	7	10	6	5
sec. 176b	(i)	-	-	-	-	-	-
	(m)	-	-	-	-	-	-
sec. 180	(i)	1	1	-	1	1	-
	(m)	1	1	-	1	1	-

6. Please provide disaggregated data on infant and child mortality, adolescent health, including on the incidence of sexually transmitted infections (STIs), HIV/AIDS, early pregnancy, abortion, drug and alcohol abuse (including within the family), suicide, accidents and mental health concerns, for the years 2000, 2001 and 2002.

Answers:

Data on infant and child mortality for 2000

The Federal Government only has data for 2000. These have been taken from the core report of the Federation's health reporting system "Health of children and juveniles" which is still in the process of being printed.

Excerpt from the Federal health report

It has been possible to reduce infant mortality in Germany by 2000 to 4.4 deaths per 1,000 live births.

Table 1: Deaths in childhood by age groups and gender 2001 re 6.

Source: Durchschnittliche Bevölkerung 2001 - Federal Statistical Office 2003: Tab. B13b; Sterbefälle 2001 – Federal Statistical Office 2003a: Todesursachen in Deutschland 2001, "Specialist series" (Fachserie) 1312, R 4

Age from.... up to	Deaths					
	Boys		Girls		Total	
	absolute	per 100,000 children	absolute	per 100,000 children	absolute	per 100,000 children
– 1	1,815	470.8	1,348	368.9	3,163	421.2
1 – 5	455	28.0	346	22.4	801	25.3
5 – 10	252	12.1	192	9.7	444	11.0
10 – 15	384	15.8	262	11.4	646	13.6
Total	2,906	44.6	2,148	34.7	5,054	39.8

Data on the frequency of sexually transmitted infections

Data on sexually transmitted infections collated prior to 2001:

Table 2: Number of infections reported in Germany in accordance with the Act to Combat Sexually Transmitted Infections (Gesetz zur Bekämpfung der Geschlechtskrankheiten) (age, sexually transmitted infection) for 2000 re 6.

	Syphilis	other sexually transmitted infections
below 15	5	-
15 - 20	46	2
over 20	1,084	23
Total	1,135	25

Source:

Statistik der meldepflichtigen Krankheiten - Geschlechtskrankheiten, Federal Statistical Office, Bonn Branch

In accordance with the Infection Protection Act (Infektionsschutzgesetz), which entered into force on 1 January 2001, the data have been collected since 2001 by the Robert Koch Institute.

Table 3: Number of infections reported in Germany in accordance with the Act to Combat Sexually Transmitted Infections (age, sexually transmitted infection) for 2001 and 2002 re 6.

	Syphilis	Syphilis	other sexually transmitted infections
	2001	2002	
under 15	7	6	no information
15 - under 20	44	54	no information
over 20	1,503	2,215	no information
Total	1,554	2,275	no information

Source:

Infektionsepidemiologisches Jahrbuch meldepflichtiger Krankheiten, Robert Koch Institute

Table 4: Frequency of HIV/AIDS for 2000, 2001 and 2002 re 6.
HIV/AIDS in Germany – benchmark data

2000	2001	2002
People living with HIV/AIDS at the end of 2000: ~ 38,000 Men: ~29,900 Women: ~8,000 Children: <400 of whom people living with AIDS: ~5,000	People living with HIV/AIDS at the end of 2001: ~ 38,000 Men: ~29,500 Women: ~8,300 Children: <400 of whom people living with AIDS: ~5,000	People living with HIV/AIDS at the end of 2002: ~ 39,000 Men: ~30,900 Women: ~9,000 Children: <400 of whom people living with AIDS: ~5,000
Number of new infections in 2000: ~2,000 Men: ~1,500 Women: ~500 Children: <20	Number of new infections in 2001: ~2,000 Men: ~1,500 Women: ~500 Children: <20	Number of new infections in 2002: ~2,000 Men: ~1,500 Women: ~500 Children: <20
New AIDS cases in 2000: ~500 Men: ~420 Women: ~80 Children: <5	New AIDS cases in 2001: ~700 Men: ~570 Women: ~130 Children: <5	New AIDS cases in 2002: ~700 Men: ~550 Women: ~150 Children: <5
HIV/AIDS deaths in 2000: ~600	HIV/AIDS deaths in 2001: ~600	HIV/AIDS deaths in 2002: ~600
Total of HIV infections since the start of the epidemic: 50,000 -60,000	Total of HIV infections since the start of the epidemic: ~60,000	Total of HIV infections since the start of the epidemic: ~60,000
Total of AIDS cases since the start of the epidemic: ~22,000 Men: ~19,300 Women: ~2,600 Children: <150	Total of AIDS cases since the start of the epidemic: ~25,000 Men: ~22,000 Women: ~3,000 Children: <150	Total of AIDS cases since the start of the epidemic: ~26,000 Men: ~22,600 Women: ~3,400 Children: <150
Total of HIV deaths since the start of the epidemic: ~18,000	Total of HIV deaths since the start of the epidemic: ~20,000	Total of HIV deaths since the start of the epidemic: ~21,000

Source: RKI reports

Data on drug and alcohol abuse

The following serves as a data base for an estimate of the scope of drug and alcohol consumption among children and juveniles in the Federal Republic of Germany:

- the drug affinity study on the consumption of tobacco, alcohol and illegal drugs by juveniles aged from 12 to 25. It has been implemented at regular intervals (3 - 4 years) since 1973 on behalf of the Federal Government by the Federal Centre for Health Education, most recently in 2000 (BZgA, 2001).

This study documents the current benchmarks on the use of substances, and at the same time extrapolates their trends since 1973 over the course of time.

The situation was as follows in 2001:

Experience with alcohol, tobacco and illegal drugs is widespread. 92 % of 12- to 25-year-olds have had personal experience of drinking alcohol; 69 % have already smoked and more than one-quarter (27 %) of this age group has already tried illegal drugs.

In many cases, this experience is restricted to experimental consumption, but there are also different sub-groups of juveniles who regularly, meaning at least once per week, drink alcohol (30 %), regularly or occasionally smoke tobacco (38 %) or currently consume illegal drugs (5 %).

Roughly 20 % of 12- to-25-year-olds refer to themselves as heavy smokers, meaning that they smoke more than 20 cigarettes per day. On the other hand, the proportion of young non-smokers is increasing; it is 49 %.

Cannabis is the most frequently consumed illegal drug in Germany. Among young adults, one in three (36%) has already consumed such drugs. "Party drugs" (Ecstasy, amphetamines) play a role in certain environments.

12- to-25-year-olds drink an average of 53.9 grams of pure alcohol per week. Beer is most frequently consumed, followed by wine and spirits.

In Germany, there are approx. 3 million children whose father or mother is addicted. Frequently, the situation of these children is characterised by factors slowing and harming their physical and mental development.

For some years now, assistance offerings have been developed addressing these children and also the parents concerned. In order to influence the situation of the children and families concerned in the long term, and to combine assistance benefiting the children, many different approaches are needed at a variety of levels between those concerned and those responsible. Improving the situation will be a major task for addiction assistance in the coming years.

Roughly 10,000 children in Germany suffer from the health consequences of their mother's alcohol consumption during pregnancy. At more than 2,000 children per year, this damage expresses itself in growth disorders, physical deformities, as well as mental and emotional disabilities which fall within the definition of the foetal alcohol syndrome (FAS).

Data on mental health concerns

There are no separate data for 2000, 2001 and 2002 on the topics of mental health and suicidal tendencies among children.

According to reports of the *Ärztezeitung-online* (online periodical for physicians) of November 2002, suicide was the second cause of death among children and juveniles in 2000. For instance, of the 11,065 people in Germany who took their own lives in 2000, 33 were aged from 10 to 14, and 272 were aged from 15 to 19.

Experts estimate the prevalence of mental disturbances among children and juveniles to be approx. 8 to 15 %. On the basis of clinical findings, Esser et al. ascertained in a study in 1992 a mental disturbance among 16-18 % of children.

Roughly one-quarter of these children and juveniles (approx. 5 %) were categorised as being in urgent need of treatment. Roughly 4 % of the children showed a chronic mental disturbance. Most frequent were emotional disturbances, although dissocial disturbances and hyperkinetic disturbances were also found.

7. Please provide disaggregated data (by gender, age, urban or rural areas, and if possible by minority groups, including immigrants and the Roma) covering the years 2000, 2001 and 2002 on the:

- (a) Rates of literacy of all under 18s**
- (b) Net enrolment ratio in pre-school, primary and secondary school**
- (c) Rate of enrolment in private schools as percentage of total enrolment**
- (d) Rate of children completing primary and secondary education**
- (e) Number and percentage of children who drop out of school**
- (f) The ratio of children per teachers in primary and secondary education**
- (g) The numbers of children per class**

Answers:

7. (a):

No data are available relating to rates of literacy among all under 18s.

7. (b):

The data requested on net enrolment in pre-school, primary and secondary school are contained in the following tables.

The calculation was carried out on the basis of the data provided annually by the UOE.

Table: Table Part I A 7b 2000 re 7 (b), cf. Annex

Table: Table Part I A 7b 2001 re 7 (b), cf. Annex

7. (c):

The figures requested on the rate of enrolment in private schools as a percentage of total enrolment emerge from the following tables. The calculation was carried out on the basis of the data provided annually by UOE.

Table: Table Part I A 7c 2000 re 7 (c), cf. Annex

Table: Table Part I A 7c 2001 re 7 (c), cf. Annex

7. (d):

The data on the rate of children completing primary and secondary education emerge from the following table. Because of the international comparison, the information was taken from the OECD publication "Education at a Glance". The OECD only calculated graduation rates from upper secondary.

Table: Table A 1.1 Upper secondary graduation rates (2000/2001) re 7(d), cf. Annex

7. (e):

The following overview provided by the Federal Statistical Office contains the number and percentage of children dropping out of school. Because there are no UN definitions, those leaving school with no school-leaving qualification whatsoever were expressed as a percentage of all school dropouts. It must however also be recalled that the basic school-leaving qualification (Hauptschulabschluss) can be repeated in Germany.

Table: 4.16 Graduates/leavers by types of qualification 2000/2001 re 7(e), cf. Annex

7. (f):

The ratio of children per teachers in primary and secondary education emerges from the following table. Because of the international comparison, the information was taken from the OECD publication "Education at a Glance".

Table: Table D 2.2 Ratio of students to teaching staff in public and private institutions by level of education, calculations based on full-time equivalents (2000/2001) re 7 (f), cf. Annex

7. (g):

The number of children per class emerges from the following table. Because of the international comparison, the information was taken from the OECD publication "Education at a Glance".

Table: Table D 2.1 Average class size, by type of institution and level of education (2000/2001) re 7(g), cf. Annex

8. Please provide statistical data (including, where relevant, by gender, age, type of crime) covering the period years 2000, 2001 and 2002 on the:
- (a) Number of juvenile courts disaggregated per Land
 - (b) Number of minors who allegedly committed a crime reported to the police
 - (c) Number of minors who were sentenced by Courts to sanctions, and the nature of sanctions (community service; detention; other types of sanctions)
 - (d) Number of juveniles detained and imprisoned, the location of their detention or imprisonment (e.g. police station, jail or other place) and the lengths of their detention or imprisonment including pre-trial detention.
 - (e) Percentage of recidivism cases.

Answers:

8. (a):

Number of juvenile courts disaggregated per Land

For children under the age of 14 who do not have the capacity to infringe the criminal law, criminal proceedings before the youth court cannot be considered, whilst in criminal proceedings against juveniles (from 14 up to 18) and adolescents (from 18 up to 21) special youth courts always rule irrespective of the nature of the misconduct (sections 33 and 107 of the Youth Courts Act). Such youth courts are therefore on principle to be established at each Local Court (youth court judges and youth courts with one professional and two lay judges) and at each Regional Court (youth chamber) unless a district youth court judge has been appointed for the area of several Local Courts, or a joint youth court with one professional and two lay judges has been set up, in application of section 33 subsection 2 of the Youth Courts Act. At larger Local or Regional Courts, on the other hand, there may indeed be several such panels of deciding judges.

The establishment of the individual panels of deciding judges in compliance with the statutory duty is a matter for the Land administrations of justice and of the Presidiums of the courts. The Federal Government has no precise statistical overview of such matters.

Nothing is known as regards how many of the total of 687 Local Courts (as on: 31.12.2002) also function as youth courts with one professional and two lay judges, or how many of the 116 Regional Courts (as on: 31.12.2002) have their own youth chambers.

8. (b):

Number of minors who allegedly committed a crime reported to the police

Statistical data (where relevant broken down by gender, age, criminal offence) on the aspect: number of minors who allegedly committed a crime reported to the police can be obtained from the enclosed tables.

It should be taken into account here that the criminal offences show key figures. The key text explaining the key figures relating to the criminal offences can only be found in the table relating to 2002.

Over and above this, it is pointed out that the tables also show the data for adults from the age of 21.

Table 1: Sub-division of suspects by age, gender and criminal offence 2002 re 8.(b), cf. Annex

Table 2: Sub-division of suspects by age, gender and criminal offence 2001

Re 8.(b), cf. Annex

Table 3: Sub-division of suspects by age, gender and criminal offence 2000 re 8.(b), cf. Annex

8. (c):

Number of minors who were sentenced by Courts to sanctions, and the nature of sanctions

The number of minors sentenced by courts is 49,501 persons for 2000 and 49,982 persons for 2001.

As to the nature of the sanctions (community service, deprivation of liberty, other forms of punishment) information can only be provided on juveniles and young adults who have been sentenced in accordance with criminal law relating to young people (also persons aged from 18 – 20). It is not possible at this juncture to provide a break-down between juveniles and adolescents.

Of the total of persons sentenced in 2000 in accordance with the criminal law relating to young people (69,233), 13,781 received youth custody, 4,730 were punished with an educational measure and 50,722 with imprisonment.

Of the total of 70,415 persons sentenced in accordance with criminal law relating to young people in 2001, 13,667 received youth custody, 5,037 were punished with an educational measure and 51,711 with imprisonment.

8. (d):

Number of juveniles detained or imprisoned

The desired information can be obtained from the following statistics. Additionally it is pointed out that execution of remand detention on juveniles in accordance with section 93 subsection 1 of the Youth Courts Act is effected in a separate facility where possible, or at least in a separate wing of a youth prison.

Juveniles aged from 14 to under 18 in youth prisons

31 March 2000 = 911 juveniles, of whom 880 male/31 female (f)

31 March 2001 = 841 juveniles, of whom 795 male/46 female (f)

31 March 2002 = 849 juveniles, of whom 811 male/38 female (f)

Likely duration of detention	2000		2001		2002	
	juveniles	of whom female	juveniles	of whom female	juveniles	of whom female
up to one month	-	-	1	-	-	-
1 to 3 months	4	-	3	1	6	-
3 to 6 months	51	5	36	5	36	4
6 to 9 months	98	1	87	15	104	7
9 to 12 months	111	4	133	7	115	10
1 to 2 years	411	15	365	13	362	11
2 to 5 years	225	4	196	2	206	3
5 to 10 years	11	2	20	3	20	3

10 to 15 years
life

911 total 31 f 841 total. 46 f 849 total. 38 f

Juveniles aged 14 to under 18 in remand detention

31 March 2000 = 895, of whom 58 f
31 January 2001 = 914, of whom 48 f
31 March 2002 = 922, of whom 30 f

8. (e):

Percentage of recidivism cases

There is no statistical information relating to this matter. Whilst the criminal prosecution statistics also contain information regarding the criminal records of the persons covered here, they do not distinguish by the nature of the prior criminal offence(s).

9. With reference to special protection measures please provide, and evaluate, statistical data (including by gender, age, urban/rural areas) for the years 2000, 2001 and 2002 on the number of children:
- (a) Involved in sexual exploitation, including prostitution, pornography and trafficking, and the number of children provided with access to recovery and other assistance;
 - (b) Involved in substance abuse, and the number of children who received treatment and rehabilitative assistance;
 - (c) Involved in child labour (formal and informal sector)
 - (d) Seeking asylum and provided with refugee status, including non-accompanied minors.

Answers:

9. (a):

Data on the number of children involved as victims of sexual exploitation

Data on the number of children involved as victims of sexual exploitation, including prostitution, pornography and trafficking in human beings, can be obtained from the enclosed table of Police Crime Statistics. There are no data collection benchmarks in the Police Crime Statistics as to the aspects "special protection measures", "urban/rural areas", and no other information is available.

Table: Breakdown of the victims by age and gender in completed and attempted cases re 9. (a), cf. Annex

9. (b):

Because of the large number of organisations, it is not possible to state a total number of children who received treatment and rehabilitative assistance. Nationwide information is only available from the statutory pensions insurance organisations.

The following statistical information is available (VDR (Federation of German Statutory Pension Insurance Institutions), statistics from 2000-2002):

Institutional benefits provided for children for the purpose of medical rehabilitation by the statutory pensions insurance organisations in accordance with section 31 subsection 1 No. 4 of Book VI of the Social Code (SGB VI)

	Total	under 5s	from 5-9 years	from 10-14 years	from 14-19 years
2000	29,142	3,708	6,907	12,632	5,895
2001	33,116	4,589	8,278	13,508	6,741
2002	35,770	5,208	94,425	13,440	7,697

Addiction treatment among children is not implemented by the statutory pensions insurance organisations in the framework of the benefits which they provide for children in accordance

with section 31 subsection 1 No. 4 of Book VI of the Social Code, but is carried out for the children mentioned by the statutory health insurance organisations.

Withdrawal treatment provided by the statutory pensions insurance organisations in 2000-2001 for insured parties up to the age of 21

	Total	under 17 years	from 18-21 years
2000	1,282	17	1,265
2001	1,437	14	1,423
2002	1,370	15	1,355

If one distinguishes further by the indications on which the withdrawal treatment is based, the following distribution emerges (respective non-institutional measures are listed in brackets).

	Alcohol addiction	Medicine addiction	Drug addiction	Multiple addiction
2000				
Total	202(15)	8	784(34)	245(4)
under 17	4(2)		9	2
18-21	188(13)	8	775(34)	243(4)
2001				
Total	177(15)	9(1)	997(32)	192(14)
under 17	3	1	9	1
18-21	174(15)	8(1)	988(32)	191(14)
2002				
Total	179(16)	3	911(35)	222(6)
under 17	1	-	10	4
18-21	178(16)	3	901(35)	218(6)

9. (c):

Child labour is not a socially relevant phenomenon in Germany since it virtually never takes place in practice and is immediately sanctioned when it comes to notice. In accordance with the Youth Labour Protection Act (Jugendarbeitsschutzgesetz) employment of children (persons aged up to 15) and juveniles in full-time education is on principle prohibited in Germany. The prohibition does not apply to children aged over 13 with the consent of those with personal custody if the employment is easy and suited to children. The employment of children aged under 13 is only permissible in the cultural and media fields under special preconditions. As a rule, children do not work because they have to contribute to the family income, but in order to fulfil their own wishes as budding consumers.

There are no official statistics or other representative surveys regarding the employment of children in Germany. For child labour, there is neither a duty to report, nor a special approval procedure, apart from the employment of children in the culture and media areas.

The Federal Government submitted a report on child labour in Germany to the German Federal Parliament in 2000. This report employed the knowledge of the Federal Länder, which implement the Youth Labour Protection Act, and whose authorities are responsible for

supervising the provisions on child labour (occupational safety authorities). Even in cases in which there are violations of relevant provisions, there is in most cases no risk to health caused by excessively hard or hazardous work.

9. (d):

The requested figures on the number of children seeking asylum and provided with refugees status emerge from the following statistics containing information on arrivals and on decisions on all under-age asylum-seekers for 2000 to 2002.

Table re 9 (d)

FEDERAL OFFICE FOR THE RECOGNITION OF FOREIGN REFUGEES

7		Statistics relating to applications, decisions and stocks										Period under report 2000-2002					Breakdown: age and gender					Area: Federal Territory total				
Breakdown by age and gender	L S	ASYLUM APPLI- CATIONS			DECISIONS on asylum applications						DECISIONS on first applications					DECISIONS on follow-up applications										
		total	of which initial applications	of which follow-up applications	total	Recognition as persons entitled to asylum (Art. 16a and family asylum)	Protection granted against deportation in accordance with section 51	Obstacle to deportation identified in accordance with section 53 of the Aliens Act	Rejection (rejected without restriction/rejected as obviously unfounded)	Proceedings concluded by other means	Recognition as persons entitled to asylum (Art. 16a and family asylum)	Protection granted against deportation in accordance with section 51	Obstacle to deportation identified in accordance with section 53 of the Aliens Act	Rejection (rejected without restriction/rejected as obviously unfounded)	Formal conclusion of proceedings (e.g. withdrawal)	Recognition as persons entitled to asylum (Art. 16a and family asylum)	Protection granted against deportation in accordance with section 51	Obstacle to deportation identified in accordance with section 53 of the Aliens Act	Rejection (rejected without restriction/rejected as obviously unfounded)	No further procedure	Formal conclusion of proceedings (e.g. withdrawal)					
Column 1		2	3	4	5	6	7	8	9	10	14	15	16	17	18	19	20	21	22	23	24					
2000																										
male																										
under 16		18,587	12,467	6,120	15,892	1,076	900	410	9,309	4,197	994	876	378	9,157	1,067	82	24	32	152	3,036	94					
from 16 to 18		7,704	6,180	1,524	7,208	61	403	67	5,418	1,259	49	394	60	5,383	354	12	9	7	35	872	33					
Total		26,291	18,647	7,644	23,100	1,137	1,303	477	14,727	5,456	1,043	1,270	438	14,540	1,421	94	33	39	187	3,908	127					
female																										
under 16		16,110	10,639	5,471	13,688	987	772	319	7,948	3,662	917	759	293	7,811	882	70	13	26	137	2,701	79					
from 16 to 18		2,300	1,316	984	1,795	45	126	45	987	592	37	121	39	967	115	8	5	6	20	459	18					
Total		18,410	11,955	6,455	15,483	1,032	898	364	8,935	4,254	954	880	332	8,778	997	78	18	32	157	3,160	97					
2001																										
male																										
under 16		15,577	11,682	3,895	14,304	1,575	2,201	821	6,663	3,044	1,050	1,740	652	6,562	711	525	461	169	101	2,172	161					
from 16 to 18		9,344	8,271	1,073	8,384	135	1,076	231	5,962	980	44	975	186	5,929	295	91	101	45	33	624	61					
Total		24,921	19,953	4,968	22,688	1,710	3,277	1,052	12,625	4,024	1,094	2,715	838	12,491	1,006	616	562	214	134	2,796	222					
female																										
under 16		13,365	9,846	3,519	12,143	1,367	1,894	630	5,513	2,739	919	1,444	470	5,444	616	448	450	160	69	1,978	145					
from 16 to 18		2,034	1,431	613	1,826	135	293	82	906	410	41	205	68	895	94	94	88	14	11	287	29					
Total		15,399	11,267	4,132	13,969	1,502	2,187	712	6,419	3,149	960	1,649	538	6,339	710	542	538	174	80	2,265	174					
2002																										
male																										
under 16		11,242	9,022	2,220	19,574	751	397	321	11,731	6,374	698	381	223	11,540	888	53	16	98	191	5,142	334					
from 16 to 18		6,485	5,844	641	8,021	40	221	65	5,977	1,718	31	215	41	5,914	381	9	6	24	63	1,230	107					
Total		17,727	14,866	2,861	27,595	791	618	386	17,708	8,092	729	596	264	17,454	1,269	62	22	122	254	6,372	451					
female																										
under 16		9,783	7,872	1,911	17,891	653	411	300	10,846	5,681	594	391	234	10,656	807	59	20	66	190	4,537	337					
from 16 to 18		1,590	1,223	367	2,602	42	55	57	1,396	1,052	35	51	40	1,347	106	7	4	17	49	864	82					
Total		11,373	9,095	2,278	20,493	695	466	357	12,242	6,733	629	442	274	12,003	913	66	24	83	239	5,401	419					

N.B.: Addition/comparison with previous (month's) lists is not possible because of subsequent changes.

The statistics for 2002 as against 2001 show a drop in the number of under-age asylum-seekers receiving protection in accordance with Art. 16a of the Basic Law (Grundgesetz), section 51 subsection 1 of the Aliens Act (Ausländergesetz - AuslG) or section 53 of the Aliens Act. This trend is in line with the figures for the recognition rate of all asylum-seekers. Since the lion's share of minors are in asylum proceedings with their parents, changes in the recognition rate of the parents also affect the children. In addition to the consolidation of the situation in Serbia and Montenegro, the causes of the fall in the recognition rate are likely to lie especially in the result of trends in the main countries of origin Afghanistan and Iraq.

B. General measures of implementation

1. Please provide information on the reasons some of the recommendations contained in the Committee's previous observations (CRC/C/15/Add. 43, paras. 21-36, 27 November 1995) are not yet fully implemented, in particular the ones related to the incorporation of the Convention in the Constitution (para. 21), international cooperation (para. 25), child poverty (para. 31) and juvenile justice system (para. 34).

Answers:

1. Implementation of the Committee's recommendations

Children's rights and the Constitution (No. 21)

First of all, reference is made for this to margin nos. 62 and 63 of the Second State Report of the Federal Republic of Germany on the Convention on the Rights of the Child. The following is also stated to provide further details.

There is no doubt that the Basic Law also applies to children and juveniles; their status as enjoying rights is already protected by fundamental rights today (cf. for instance ruling of the Federal Constitutional Court - BVerfGE - 72, 155 and BVerfGE 96, 56 on the general right of minors to privacy). Over and above this, the obligation binding on parents which distinguishes between the right of parents in Article 6 paragraph 2 first sentence of the Basic Law from all other fundamental rights (BVerfGE 24, 119, 143) is already an unmistakable legal expression of the fact that parents' rights are to serve the well-being of the child, and therefore "largely serve the best interests of the child" (BVerfGE 72, 122, 137). Virtually nothing could be added to this by amendments to the Constitution in the relationship with parents. In the relationship with the state, they could even result in disappointment because they would awaken expectations as to concrete, implementable indirect constitutional rights which it would be difficult to implement. The fact that fundamental rights also apply to children can be taken for granted in a manner to which an amendment would change nothing. Fundamental rights are however primarily defensive rights to be asserted in relations with the State. Such a defence against state encroachments as a main function in fundamental rights is likely to be at best of subordinate relevance in this context. The relationship between children and parents and the state's role as a guardian is given shape by regulations in simple law. The impact of fundamental rights in terms of the law on benefits, ultimately, is generally given more detailed form in statutes, so that in this respect, too, the relevant questions arise largely at simple law level.

International cooperation (No. 25)

Germany supports developing countries in many ways. It regards its development cooperation as a contribution towards the joint international task of supporting sustained development worldwide and implementing the international development objectives agreed at the United Nations Millennium Summit.

In 2002, Germany was once again the third-largest donor of funds for official development assistance (ODA) worldwide, at USD 5.4 billion. Since 2000 it has been able to halt the downward trend in ODA which had occurred during the nineties as a result of the large amount of funding required in the wake of reunification.

However, with the 0.27% now achieved, it is still far removed from the also internationally-agreed UN goal of providing 0.7% of gross domestic income for official development assistance.

In the context of the joint agreement of the EU at the development funding conference held in Monterrey in March 2002, Germany hence undertook as an interim step to achieve a volume of at least 0.33% by 2006.

In his Government Declaration of 29 October 2002, the Federal Chancellor confirmed once more that this goal will be met. A central tool for this is to increase the Ministry of Development budget, as well as contributing via higher EU expenditure on development policy, amongst other things, and through the impact had by debt relief.

In addition to the contributions made from public funds, however, the contributions by many organisations which provide private donations for development projects, accounting for roughly 0.05% of gross domestic income, are also an expression of a willingness to work for international solidarity. Private direct investment and loans help spread the developing countries' resource base.

Following the HIPC initiative, debt cancellation for heavily-indebted poor countries was linked to the eradication of poverty in these countries. Debt service savings are to be used for programmes to eradicate poverty. Debt cancellation is linked to the drafting of an acceptable strategy paper on poverty reduction prepared in the course of a national dialogue.

This process has led to a major portion of the funds released by debt cancellation being used in the HIPC concerned for social sectors. This benefits children above all, for instance by improving primary school education and increasing enrolment rates.

The Federal Ministry for Economic Cooperation and Development is currently carrying out a broad series evaluation of projects combating youth poverty (in South Africa, Sri Lanka, Guatemala and Uganda).

Child poverty (No. 31)

The German Federal Parliament instructed the Federal Government on 27 January 2000 to submit a regular poverty and riches report. The reporting is intended to provide a differentiated picture of the social situation in Germany, to analyse the causes of poverty and to furnish indications of trends in suitable political tools to avoid and eradicate poverty.

The first poverty and riches report, which came about in an intensive dialogue with poverty and riches researchers, as well as with groups and organisations within society, was submitted to the German Federal Parliament on 25 April 2001. This report, which contains for the first time a comprehensive stock-take of the social situation in Germany, pays particular attention to a study and analysis of the situations of families and children. The topic of "child poverty" has also been dealt with in this context.

On the basis of the results of the first poverty and riches report, the Federal Government has tackled a variety of measures to fight family and child poverty. In the main, these are building up childcare in the elementary field as needed, concentrating on children under the age of three, as well as the planned introduction of a child supplement for parents with low incomes.

The second poverty and riches report, which is to be submitted to the German Federal Parliament at the end of 2004, will continue the analysis of family and child poverty and the trends in strategies to effectively fight poverty.

Youth jurisdiction (No. 34)

Reference is initially made in respect of the legal situation to the statement in margin nos. 836 to 844 of the second Report of the Federal Republic of Germany in accordance with the Convention on the Rights of the Child. It is also pointed out that section 19 of the Youth Courts Act, which governed youth custody of indefinite duration, was rescinded back in 1990.

The Federal Government considers the current legal situation in accordance with the Youth Courts Act not to lag behind the Convention. In its view, rather, it corresponds to the spirit of the Convention. Firstly, there is the possibility of appointing a chosen defence counsel at any time. Secondly, any judgment is examinable by a second instance, only in certain cases not isolated as to the individual points of view of the judgment. For this reason, the Federal Government also repeatedly took the view that the relevant provisions of the Youth Courts Act do not stand in the way of withdrawing Germany's reservation on the Convention.

2. In respect to the declarations and reservations made by the State party, please provide more information on:
- (a) the legal reasons to maintain the reservation made upon Article 40 (2) (b) (ii) and (v) in view of the explanations provided in the State party report (paras. 834-844);
 - (b) the efforts undertaken by the State party in order to obtain the necessary support from the Länder in order to proceed to the withdrawal of the declarations as mentioned in para. 83 of the State party, more particularly if most of these declarations seem to be unnecessary;
 - (c) the legal grounds regarding the general declaration on the conformity of domestic legislation with the Convention in the State party;
 - (d) the efforts undertaken to withdraw the declaration regarding parental custody, given the fact that the new law on parental custody does not change anything as the declaration ends by "*This applies irrespective of the planned revision of the law on parental custody*";
 - (e) the legal grounds of the declaration on article 22 and the immigration policy.

Answers:

2. (a): reasons to maintain the reservation
(b): role played by the Länder in withdrawal

When depositing the ratification document, Germany submitted a declaration on the Convention (Federal Law Gazette [BGBl.] 1992 Part II page 990), which at No. I also contains information on compliance of domestic legislation with the Convention. Accordingly, the Federal Republic of Germany "also declares that domestically the Convention does not apply directly. It establishes state obligations under international law that the Federal Republic of Germany fulfils in accordance with its national law, which conforms with the Convention".

From today's point of view, this interpretation of the Convention on the Rights of the Child is correct. It emerges from the wording of the Convention that it is primarily state obligations that are to be developed. As a result, in almost all provisions of the Convention on the Rights of the Child, the states are named as addressees of the obligations governed therein. In particular, however, Article 4 of the Convention makes it clear that the Convention still requires to be implemented by "appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention". Additionally, international law on principle leaves it to the States party to a Convention to determine how they meet the international law obligations which they have undertaken. The Convention on the Rights of the Child hence only binds the States party as to specific goals, and leaves to their discretion the selection of the means of achieving these goals. The States party can in particular meet their international law obligations also by granting the rights envisioned in the Convention on the Rights of the Child in domestic law, in other words indirectly. The beneficiary citizens can then only indirectly call on the Convention, but also on the domestic law conforming with the Convention. The rights and fundamental freedoms of children granted by the Convention apply. However, they cannot be derived directly from the Convention. This matter is however of secondary importance for the legal position of the child.

With hindsight, it would hence not have been necessary to submit the declaration on the Convention on the Rights of the Child. The declaration in fact mainly contains statements

intended to avoid incorrect interpretations or overinterpretations of the Convention. The Convention on the Rights of the Child would be interpreted in precisely the same way if the reservation had not been submitted at that time. In the view of the Federal Government this favours the complete withdrawal of the declaration.

That said, at domestic level the Convention on the Rights of the Child also relates to areas for which only the Federal Länder are competent. Their approach is hence particularly significant to the Federal Government's decision-making. The Länder were only in agreement with the ratification of the Convention on condition that the reservation was made. The Federal Government hence strove both at the Conference of Ministers of Justice and at the Conference of Ministers of the Interior among the Länder to withdraw the reservation. Since the Länder however have not come out in favour of this, this cannot be considered at present. The Federal Government will however continue to work on the Länder to have the German reservation on the UN Convention on the Rights of the Child withdrawn. Accordingly, the Federal Minister for Family Affairs, Senior Citizens, Women and Youth addressed the Länder Prime Ministers and the Ministers of Youth of the Länder in December 2003 and spoke out in favour of withdrawing the declaration.

2. (c): Conformity of domestic legislation with the Convention

In the view of the Federal Government, domestic law meets the requirements of the Convention on the Rights of the Child (cf. above B. 1). In family law, in particular the 1998 reform of the law of parent and child helped to bring domestic law in line with the Convention. From the point of view of conformity of domestic law with the Convention, the following should be stressed in particular:

- reduction of legal differences between children born in and out of wedlock in accordance with the prohibition of discrimination contained in Article 2 (Chapter III.A.4., V.B.1),
- the promotion of joint parental custody, taking account of the obligations emerging from Article 18 paragraph 1 (principle of joint parental responsibility) and Article 3 paragraph 1 (priority of the child's best interests) (Chapter V.B.1), and
- the introduction of the right of the child to access in line with Article 9 paragraph 3 (Chapter V.C, margin no. 442 et seqq.).

2. (d): Withdrawal of the declaration regarding parental custody

The cause of the wording "This applies irrespective of the planned revision of the law on parental custody" at the end of Part II of the German declaration was that the considerations on the reform of the law on parental custody (1992) were still in a very early phase. It was unknown what amendments the reform would entail in detail, and it was hence impossible to forecast whether the legal situation subsequent to the reform would fully conform to the Convention. From today's point of view, this sentence would not have been necessary.

2. (e): The legal grounds of the declaration on Article 22 and the immigration policy

Reference is made to the answer to Part III as to immigration policy.

3. **In the context of paragraph 23 of the Committee's previous recommendations (CRC/C/15/add. 43) on strengthening coordination mechanisms, please provide details regarding any mechanism for coordination at the central level and between the central and regional levels (Länder). More particularly how the Ministry for Family Affairs, Senior Citizens, Women and Youth and the supreme Land youth authorities do relate to each other. If any overlap or duplication exists in the areas of competence, inconsistencies in policies, or differences in implementing the Convention among the different levels (federal, Land, municipal), what measures are undertaken to remedy this situation?**

Answer:

The relationship between the Federation, the Länder and the municipalities, as well as the individual competences, are clearly regulated by the Basic Law and in individual statutes. Over and above this, there are well-established cooperation mechanisms which as a rule prevent overlaps and duplications.

The field of youth welfare can be used as an example for cooperation. Regulations on this can be found in the Basic Law, as well as in Book VIII of the Social Code – Child and Youth Welfare Act. Specific cooperation is anchored in the Conference of Youth Ministers and in the working party of the supreme Land youth authorities and of the concomitant commissions. The Federation always attends these bodies in a guest capacity, so that regular coordination takes place between the Federation and the Länder.

Differences in the policy in the Länder and in municipalities are part and parcel of the Federal system prevalent in the Federal Republic of Germany. It is certainly true that the Länder and the municipalities attach differing levels of priority to the implementation of the Convention. However, all state levels are bound by the extant statutes, which comply with the Convention on the Rights of the Child.

4. **In the context of paragraph 23 of the Committee's previous recommendations (CRC/C/15/add. 43) on establishing an independent monitoring system, please provide information on the existing mechanism to monitor the implementation of the Convention at the federal, Land and municipal level; in particular on the mandates of those bodies and their financial and human resources. In addition, please provide information on the number of complaints filed in these bodies and their responses to these complaints.**

Answer:

The Federal Government attaches considerable significance to monitoring the implementation of the Convention. The existence of the Convention alone does not yet ensure children their rights. Rather, there is a need both for adults and for the children themselves to take action, as well as for state agencies to lend life to the Convention and to repeatedly call for its implementation.

Nevertheless, there are in Germany a large number of efforts to be attributed to monitoring. The following can be mentioned in particular:

- In Germany there are roughly 500 children's parliaments, including the children's councils and roundtables, as well as children's fora in which children exercise their right to co-determination and assert their rights, with specific reference to their environment and their situation.
- Moreover, reference is made to the many regulations of the Federation, the Länder and the local authorities mentioned in Part III D of the Second Report of the Federal Republic of Germany which contain obligations as to participation.
- Commissioners for children have been appointed in a large number of municipalities who represent children's best interests. The Convention on the Rights of the Child is a crucial point of reference for their work. There are now roughly 350 children's commissioners in Germany.
- The Commission of the German Federal Parliament to Safeguard the Interests of Children is one of the most important bodies dealing with the implementation of the Convention. The Commission was re-appointed in 2002 at the start of the current legislative period of the Federal Parliament.
- The National Coalition was specifically established to monitor the implementation of the Convention. The Federal Government promotes the National Coalition to the tune of approx. Euro 95,000.00 per annum.
- The rights of the child are also the subject-matter of mediation to children by kindergartens, schools and youth associations. They are frequently an explicit point of reference for the work of these institutions.

All these bodies work on relevant child-policy topics. These are topics which have often arisen naturally, or have been put forward by children. Children also approach these bodies directly with their concerns. In view of the many bodies available in Germany it is not however possible to provide any information about the number of petitions.

Regardless of the elements of monitoring that have been described, the Federal Government will continue to try to optimise monitoring within the framework of the federal structures of the country.

5. Please explain how the National Child and Youth Plan takes into consideration the provision and principles of the Convention and what the priorities of the last Plan adopted are.

Answer:

The National Child and Youth Plan complies with the principles of the Convention in many ways. For instance, specific programmes were established in the last legislative period which were continued in the current legislative period to take account of the specific concerns of children.

Special emphases were placed not only in the field of childcare.

For instance, the Federation launched a nationwide campaign entitled "*Culture opens up worlds and keeps them open*" against the background of Article 31 in cooperation with the Federal Cultural Youth Education Association, using a series of posters and events to encourage children to take part in cultural and artistic life.

Against the background of Article 34, the Federal Government is in the process of implementing a "National Plan of Action to Protect Children and Juveniles against Sexual Violence and Exploitation" and taking measures to improve prevention and victim protection. Important fields of action include child pornography on the Internet, offender prevention and work with child and juvenile offenders, as well as protection against abuse in organisations and institutions.

The Federation continues to promote at a high level many central and nationally active education facilities (specialist organisations for political education, youth associations, further training institutions), in particular as regards the training goals formulated in Art. 29.

Over and above this, in the programme entitled "Young People with Disabilities" 20 national central organisations are being promoted which specially devote themselves to child and youth work among young people with disabilities (Art. 23).

As to Art. 17, it is pointed out that the Federal Government supports the participation of children and juveniles in the field of IT. The focus here is on the Federal "Youth on the Network" initiative.

In the principles regarding the guidelines of 19 December 2000 on the National Child and Youth Plan, the reduction of gender-specific discrimination is already stressed in all measures (No. 2 subsection 2) as well as the interests of young people with disabilities, with the aim in mind of integration, equality and self-determination (No. 2 subsection 3).

In a future guideline reform for the National Child and Youth Plan, the competent Federal Ministry will include respect for the Convention on the Rights of the Child as an across-the-board guiding principle within the General Principles. This guiding principle can be implemented if the National Child and Youth Plan is also able in future to safeguard a framework for a high-performance infrastructure of the National Child and Youth Plan at Federal level.

6. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.

Answer:

The political priorities in the Federal Government's child and youth policy lie in the qualitative and quantitative expansion of the education, upbringing and care system. The Federal Government is hence drawing on the consequences of the results of the PISA study, of the lack of possibilities to reconcile family and work, as well as of the low birth rate.

The Federal Government is therefore working to change the infrastructure for children and families. In this respect, the Federal Government is undertaking a paradigm change during the current legislative period. Whilst previously the emphasis was placed on financial transfers to families, the Federal Government is now concentrating on building up the infrastructure for children and families.

In particular, the Federal Government intends to considerably improve the quantity and quality of education, upbringing and care for children, both those under the age of three and those of school age. It is acting here in accordance with the principle that insufficient competences should not stop one acting.

On 12 May 2003, the Federation-Länder Association to Build up and Expand All-Day Schools was signed (investment programme entitled "Future Education and Care"). The Länder and local authorities are to be provided with a total of € 4 billion in financial assistance by 2007. The Federal Ministry for Education and Research is responsible for this. This investment programme is to support the creation of a modern infrastructure in the field of all-day schools, and to set the stage for a system which will meet actual needs in all regions. A further core project of the Federal Government is to expand day-care, in particular for children under the age of three, in line with requirements, and to create a statutory regulation for this. From 2005 onwards, a sum of Euro 1.5 billion annually will be made available for the local authorities to fund this task.

The goal is to expand day-care as needed, in particular for children aged under three in the West, and to retain the present system in the Eastern Federal Länder. For this, a multifaceted, qualified system of day-care facilities and day-care is to be provided. In this, Germany is lagging far behind in an overall international comparison. This also gives rise to a lower rate of employment among women with children in an international comparison.

Expansion is to be achieved gradually from 2005 until 2010 and safeguarded by statute. At local level, from the autumn of 2003 "Local Associations for Families" are to be built up which with the participation of partners which are important within society, in particular from the business community, but also from social associations, are to help improve the framework for families and amongst other things accompany the expansion of good childcare.

Part II

Please provide copies of the text of the Convention on the Rights of the Child in all official languages of the State party as well as in other languages or dialects, when available. If possible, please submit these texts in electronic form.

The only official language in Germany is German. For this reason the Convention only exists in German.

Please find enclosed a copy of children's version of the Convention commissioned by the Federal Government.

Part III

Under this section, the State party is invited to briefly (3 pages maximum) update the information provided in its report with regard to:

- **new bills or enacted legislation**
- **new institutions**
- **newly implemented policies**
- **newly implemented programmes and projects and their scope.**

Answers:

- In the current legislative period, the Federal Government is emphasising the **expansion of the infrastructure for children and families**, and is thereby bringing about a paradigm change. There is a shift away from arguing about the amount of child benefit and towards improving the quantity and quality of education, upbringing and care possibilities. In this, the Government is reacting to the low birth rate and the insufficient means to reconcile family and work, as well as to the unsatisfactory results of the PISA study.

With the **"Future education and care" investment programme**, the Federation is providing a total of € 4 billion to the Länder in 2003 to 2007 in order to build up and expand all-day schools. This is intended to help create a modern infrastructure in the all-day school area and to provide the impetus for a system that meets actual needs for all-day schools all over Germany. The programme sets the stage for the necessary joint educational reform of the Federation and the Länder.

By expanding the all-day schools system, sustainable thrust is to be provided for education reform in order to give greater attention in school work to the individual encouragement and support of children and juveniles, and to break the heavy dependence between social origin and educational success. The school system must reach a higher performance level, and more children and juveniles must be given better educational opportunities.

The challenge of the longer school day must be met by providing competent information and advice to schools, school organisations and extra-mural partners.

The **expansion of day-care for children in line with actual requirements** is an additional core project for the Federal Government. From 2005 onwards, a growing amount of € 1.5 billion per year is to be made available to the cities, towns and local authorities to expand high-quality childcare, in particular for the under-threes. Funding for this task is made possible by means of increased savings which the local authorities are to make from 2004 onwards through the combination of unemployment assistance and social welfare assistance. Work is currently underway, in particular on significantly improving the framework of day-care for children with the aim in mind of harmonising this fragmented and difficult-to-understand field, thereby making it more attractive. (cf. also Part II on the subject of day-care for children)

- The Federal Government is pursuing the goal of motivating children and juveniles with regard to political decision-making processes at an early stage and encouraging them to become engaged. Together with the partners, namely the Federal Centre for Political Education, the Federal German Youth Ring and the Bertelsmann Foundation, the Federal Government will initiate a nationwide participation campaign for 2004 and 2005, in which it will involve the Federal Parliament. The goal of the campaign is to motivate juveniles towards greater participation in political decision-making processes. At the same time, the interest of politicians in the situations and concerns of children and juveniles is to be made visible. The campaign follows its slogan "Get involved" by involving juveniles in the campaign design. Juveniles are to be informed, qualified and mobilised to assert their ideas and concerns, and the stage is to be set for their involvement in all fields of action in society and in the political arena. In the various projects, additionally, sustainable participation structures are to be initiated, and standards developed for the participation of juveniles in political decision-making processes.
- On 1 April 2003, the new **Youth Protection Act** (Jugendschutzgesetz) entered into force, at the same time as a Youth Media Protection State Treaty (Jugendmedienschutz-Staatsvertrag) of the German Federal Länder. The new youth protection law provides better protection against violence in the media for children and juveniles. The expansion of the age-based ratings system for cinema films and videos to cover computer games and game consoles serves to counter the comparable detrimental effect which these devices have on the development or upbringing of children and juveniles. Furthermore, amongst other things, the prohibition and listing criteria for media portraying violence were extended and tightened up. For instance, even without listing by the Federal Review Board for Publications Harmful to Young Persons, carrier media (such as books, videos, CDs, CD-ROMs and DVDs) which glorify war, portray people in a manner violating human dignity or show juveniles in a physical attitude having a sexual emphasis, are subjected to extensive prohibitions on sale, distribution and advertising. Breaches are sanctioned as criminal offences.
- The Federal Government's **National Plan of Action to Protect Children and Juveniles against Sexual Violence and Exploitation** has been available since January 2003. It combines the individual measures of the Federal Government in a supra-departmental overall concept to fight child abuse, child pornography (on the Internet), trafficking in children and child prostitution. In implementing the Plan of Action, draft Bills are currently being deliberated by Parliament on the reform of criminal law relating to sex offences, as well as on the Code of Criminal Procedure (Strafprozessordnung), the latter to improve

victim protection in criminal proceedings. In 2004, the Federal Government will be taking further steps towards strengthening public awareness of the problem with a broad prevention campaign entitled "Look – Act – Help", and will provide information on the goals of the Plan of Action. Moreover, a major focus of the Plan of Action is to improve cross-border and international cooperation.

- The Special Session of the UN General Assembly on Children adopted the final outcome document entitled "A World Fit for Children" on 10 May 2002. This contains a call on all Member States to submit a National Action Plan (NAP) by the end of 2003, which is to contain time-bound and verifiable goals to implement the measures formulated in the final outcome document. Germany attached high political priority to this task from the outset and commenced its implementation in 2003. The NAP is being drafted by the Federal Government under the management of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and with the participation of the Federal Länder, local authorities, non-governmental organisations and children and juveniles.

The NAP is to contain the following six main topics:

- equal opportunities in education,
- growing up without violence,
- promotion of a healthy life and creation of healthy environmental conditions,
- participation by children and juveniles,
- development of a suitable standard of living for all children, and
- international obligations.

Representatives of the Federal Government, the Länder and national associations of the local authorities, the Land youth offices, UNICEF, the child commission of the Federal Parliament, as well as NGOs, are involved in a discussion process placing major emphasis on participation.

Experts are taking part in workshops on the agreed six foci of the NAP. At the same time, groups of children are dealing with the topics of the NAP in different regions (regional children's conferences) with the guidance of experts in child and youth work. The results of the work of the children's conferences are being included in the NAP at a concluding meeting to be held with the coordination group.

It is intended to submit the draft NAP in the spring of 2004.

- On 25 June 2003, Cabinet adopted the **Drugs and Addiction Action Plan**, which is also significant from a child policy perspective. The Plan contains an inter-disciplinary, long-term overall strategy for dealing with addictive substances by helping to change health awareness and guide people to avoid or at least reduce consumption that is detrimental to their health. It describes priority fields of action and sets goals which are portrayed in the four pillars of prevention, advice/treatment, survival assistance/damage reduction and repression/supply reduction.

Health and food: Since a healthy, balanced diet can protect against many (common) illnesses such as circulatory diseases, diabetes, some cancers and diseases of the metabolism, the Federal Ministry of Health and Social Security supports prevention by means of healthy eating with a variety of measures, and in doing so involves the target group of children and juveniles. One example is the formation of the working group "Healthy kindergartens and schools" of the German Prevention and Health Promotion Forum, emphasising the topics of movement, food, stress and tobacco consumption. Over and above this, the Federal

Ministry of Consumer Protection, Food and Agriculture is promoting a variety of campaigns, such as "FIT KID Die Gesund-Essen-Aktion für Kitas" (healthy eating campaign for kindergartens), which primarily is to provide information to those responsible in day-care facilities for children about balanced nutrition for children and on nutrition education, the "Children and food" campaign, which together with parents, schools, kindergartens and multipliers in the healthcare system is taking new paths for the successful prevention of excess weight among children, as well as competitions for school pupils and European competitions for juveniles for young consumers.

- Further points of emphasis were set in June 2002 for the field of **health and environmental policy** in the Programme of Action on Environment and Health which was put in place in 1999. The Programme of Action now targets many individual goals and activities for children and juveniles. The programme focuses on the goal of providing the public with detailed information on environmental and food-related health risks in order thereby to improve the basis on which the public forms its opinions. To this end, amongst other things a separate Internet site for children and juveniles has been developed on the topic of the environment and health (www.kinderwelt.org).
- The prohibition of discrimination anchored in the Basic Law has been implemented for the field of social policy in the shape of the **Ninth Book of the Social Code** – Rehabilitation and Participation of Persons with Disabilities (Neuntes Buch Sozialgesetzbuch (SGB IX) - Rehabilitation und Teilhabe behinderter Menschen) which entered into force on 1 July 2001. The Ninth Book of the Social Code takes particular account of the special needs of children with disabilities and their parents, for example by improving early diagnosis and promotion of children with disabilities and children at risk from disability.
- On 15 October 2003 the Federal Cabinet adopted the draft of a Twelfth Act Amending the **Drugs Act** (Zwölftes Gesetz zur Änderung des Arzneimittelgesetzes), thereby initiating the legislative procedure. In accordance with the draft Bill, the declaration of a minor that they are not willing to participate in a clinical trial is to be respected. This explicitly accommodated the concept of the protection of children.
- The **Immigration Act** (Zuwanderungsgesetz), which was adopted by the German Federal Parliament on 9 May 2003 and rejected by the Federal Council, is now before the mediation committee, and is hence not yet legally binding. In particular sections 28 and 29 of the envisioned statute would be relevant to children's rights. In accordance with section 28, the foreign under-age child of a German is to be granted a residence permit if the German has his/her habitual place of residence in Germany. This also applies to the foreign parent of an under-age unmarried German to exercise personal custody. Section 32 of the Immigration Act governs the subsequent reunification of an under-age unmarried child of a foreigner living lawfully in Germany, and corresponds to the EU Directive on the Right to Family Reunification adopted on 22 September 2003.
- In the field of **traffic education and traffic safety**, amongst other things the following new initiatives of the Federal Government can be named: the "Programme for more safety in road traffic", in which motorists are called on to be more considerate of children; the broadcasting of child-specific traffic safety ads; encouragement and promotion of the "Bike Weeks" project of the Deutsche Verkehrswacht, which teaches children to use their bicycles safely, as well as the implementation of various target group programmes, such as "Children in Traffic" from the German Traffic Safety Council.