



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

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**WRITTEN REPLIES BY THE GOVERNMENT OF GERMANY CONCERNING
THE LIST OF ISSUES (CRC/C/OPAC/DEU/Q/1) TO BE TAKEN UP IN
CONNECTION WITH THE CONSIDERATION OF THE INITIAL
REPORT OF GERMANY UNDER ARTICLE 8 (1) OF THE OPTIONAL
PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD
ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT
(CRC/C/OPAC/DEU/1)***

[Replies received on 30 November 2007]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**List of issues to be taken up in connection with the consideration
of the initial report of Germany (CRC/C/OPAC/DEU/1)**

Written replies by Germany

Question 1:

The following governmental departments are responsible for the implementation of the Optional Protocol

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Federal Ministry for Economic Cooperation and Development
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The aforementioned offices/divisions assure coordination, in the respective fields of competence, with regional and local authorities as well as with civil societies.

Question 2:

In Germany, the following provisions criminalize the compulsory recruitment or involvement in armed hostilities of a person under 18 years of age:

Section 234 of the Criminal Code (*Strafgesetzbuch, StGB*) - Kidnapping

- (1) Whoever seizes another person by force, threat of appreciable harm, or trickery in order to abandon them in a helpless situation or to introduce them to service in a military or paramilitary institution abroad, shall be punished by imprisonment from 1 to 10 years.
- (2) In less serious cases the punishment shall be imprisonment from six months to five years.

Section 235 StGB - Abduction of Minors

- (1) Whoever abducts or withholds from the parents, one of the parents or the legal or other guardian:
 1. a person under 18 years of age by force, threat of appreciable harm or trickery; or
 2. a child, without being its relative,shall be punished with imprisonment of up to five years or a fine.
- (2) Whoever:
 1. abducts a child from the parents, one of the parents or the legal or other guardian in order to take it abroad; or
 2. withholds it abroad after it had been taken or had gone there,shall be similarly punished.
- (3) In cases under subsection (1) number 2 and subsection (2), an attempt shall be punishable.
- (4) Imprisonment from 1 to 10 years shall be imposed if the perpetrator:
 1. by the act places the child in danger of death or serious health damage or substantial impairment of his physical or emotional development; or
 2. commits the act for compensation or with the intent of enriching himself or a third person.
- (5) If by the act the perpetrator causes the death of the victim, the punishment shall be imprisonment of not less than three years.

- (6) In less serious cases under subsection (4), imprisonment of 6 months to 5 years shall be imposed; in less serious cases under subsection (5), imprisonment of 1 year to 10 years.
- (7) The abduction of minors shall only be prosecuted upon complaint in cases under subsections (1) and (3), unless the prosecuting authority considers ex officio that it is required to enter the case because of the special public interest therein.

Question 3-1:

On the basis of the following provisions, Germany exercises extraterritorial jurisdiction over the war crime of conscripting or enlisting (for military service) children under the age of 15 into the armed forces or using them to participate actively in armed hostilities:

Section 1 of the Code of Crimes against International Law (*Völkerstrafgesetzbuch*, VStGB) - Scope of application

This Act shall apply to all criminal offences against international law designated under this Act, to serious criminal offences designated herein even if the offence was committed abroad and bears no relation to Germany.

Section 8 VStGB - War crimes against persons

- (1) Whoever in connection with an international armed conflict or with an armed conflict not of an international character
 1. (...)
 5. conscripts children under the age of 15 years into the armed forces, or enlists them in the armed forces or in armed groups, or uses them to participate actively in hostilities,
 6. (...)shall be punished, in the cases referred to under numbers 3 to 5, with imprisonment of not less than three years.
- (2) (...)
- (4) Where the perpetrator causes the death of the victim through an act pursuant to subsection (1) numbers 2 to 6, the punishment shall be, in the cases referred to under subsection (1) numbers 3 to 5, imprisonment for not less than five years.
- (5) (...)

Question 3-2:

Pursuant to the general rules set forth under sections 3 et seq. of the German Criminal Code, the provisions listed above under Question 2 (sections 234 and 235 of the Criminal Code, Special Part) apply with respect to children from 15 to 17 years of age under the following conditions:

Pursuant to section 7 (2) number 1 StGB, German criminal law applies to all German nationals who commit criminal offences in another country, if the act constitutes a punishable offence at the place of commission or if the place of commission is not subject to criminal jurisdiction. If an offence is committed against a German in another country, German criminal law applies in accordance with section 7 (1) StGB under the same conditions.

Question 4:

As of 12 November 2007, there were 250 male and 54 female soldiers 17 years of age serving in the Bundeswehr.

Question 5:

(a) Human rights education in school curricula

Human rights education serves to impart knowledge, to provide practical skills and to promote reflection on attitudes and behaviour commensurate with human rights norms and principles. The early, comprehensive promotion of skills that enable individuals to develop the capacity to exercise their own rights, and to demonstrate solidarity on behalf of the rights of others, is necessary in order for human rights to exercise an emancipatory effect.

(b) Human rights education in the Bundeswehr

The subject matter and external profile of the Bundeswehr's entire education and training system are based on the value system contained in Germany's Basic Law (*Grundgesetz*) and are thus aligned with human rights and humanitarian principles.

In the German armed forces, training in preparation for deployments takes place in accordance with the jointly developed concept on "pre-deployment training for conflict prevention and crisis management" (EAKK). This concept provides for training in various subjects during all phases of training, from basic training to training in preparation for a concrete deployment. Along with the troops themselves, other bodies are involved in the training programme, from the central training facilities to the Leadership Development and Civic Education Centre (*Zentrum Innere Führung*). For all deployments, the issue of human rights is addressed within this framework in such areas as legal instruction, the rules of conduct toward local populations, and instruction on the country and/or region of deployment.

The curricula of numerous courses at the Leadership Development and Civic Education Centre, which are taught within the framework of basic and advanced training for legal advisers and law instructors, address human rights issues as well as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Central leadership training (pre-deployment training that is also available to legal advisers and law instructors) includes legal modules that refer to the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

The course “International humanitarian law and leadership of military operations for legal advisers and law instructors” addresses, among other things, the protection of children in armed conflicts according to:

- The UN Convention on the Rights of the Child;
- The Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict;
- The relevant provisions of the Geneva Conventions and the Additional Protocols of 1977; and
- The German Code of Crimes against International Law.

The course for legal advisers and field officers deployed abroad, which is offered by the working group on legal instruction (AGRU), includes a component on the relationship between human rights and mission mandates under international law. In addition, the working group on legal instruction offers a comprehensive collection of documents on the topic of human rights via intranet.

(c) Dissemination of the Optional Protocol in general

The text of the Optional Protocol is published on the website of the Federal Foreign Office. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth plans to publish the text of the Optional Protocol on its website as well.

Question 6:

The German Government provides as part of bilateral official cooperation considerable levels of financial and technical assistance aimed at the reintegration of ex-combatants, in particular child soldiers. The regional focus of the measures is on various countries in Africa; the enclosed overview (see **Annex 1**) contains detailed information about countries, goals, measures and financial volumes.

In addition, measures are carried out by the Civil Peace Service (see Annex 2); a total of 11 peace experts (including social educators and psychologists with additional peace policy qualifications) are currently assisting local organizations in areas that include the care of child soldiers.

Concrete figures for the number of child soldiers reached by these measures cannot be provided in a systematic fashion since the measures are often directed towards a broad target group (adults and children, ex-combatants and others affected by armed conflict). In addition, partner countries often oppose attempts to record child soldiers as a separate target group (the existence of child soldiers is denied for fear of sanctions).

Question 7-1:

Preliminary remark: In the Federal Republic of Germany, foreign nationals seeking asylum may submit asylum applications independently beginning at age 16. Accordingly, persons 16 or 17 years of age who enter the country without a legal representative are not recorded statistically as “unaccompanied asylum-seeking children”. As a consequence, the authority responsible for conducting asylum procedures in Germany, the Federal Office for Migration and Refugees, is unable to supply information on whether asylum-seekers aged 16 or 17 have entered the country accompanied or unaccompanied. Starting on 1 January 2008, the recording of supplementary personal information will make it possible for statistical information to be provided on 16 and 17-year-old youths who apply for asylum at the Federal Office.

Consequently, the following statistical information refers only to accompanied minors under 16 years of age. Furthermore, this information refers only to foreign nationals who have submitted an asylum application to the Federal Office. With respect to other foreign minors for whom the aliens authorities of the federal provinces (*Länder*) are responsible, there are no suitable statistics available for answering this question.

At present, the Federal Office considers the following countries to be affected by internal armed conflict: Afghanistan, the Democratic Republic of Congo, Iraq, Somalia and Sri Lanka. Annex 3 **therefore** provides information on these countries only.

Question 7-2:

The Federal Office for Migration and Refugees conducts hearings with all asylum-seekers. Foreign nationals aged 16 and over are asked to state the reasons they are seeking asylum. In cases involving persons under 16 years of age, the legal representatives of such persons are questioned; children may also be questioned if they are sufficiently knowledgeable to state their own reasons for seeking asylum. Only sporadically are statements made to the effect that a child has been made to serve as a child soldier; consequently, this is not recorded as a statistical category.

As of 1 October 2005, the public agencies responsible for providing youth welfare services (youth offices or *Jugendämter*) are required to provide shelter and protection to foreign children and youths who enter Germany unaccompanied and for whom there is no person in Germany entitled to exercise custody or parental authority (section 42 of Book Eight of the Social Code, SGB VIII). This applies to all unaccompanied foreign children and youths under 18 years of age, that is, this includes persons 16 and 17 years of age who may submit asylum applications themselves as well as foreign children and youths who do not submit asylum applications. In particular, the provision of shelter and protection involves an obligation on the part of the youth office to clarify the situation of the foreign child or youth (section 42 (2) SGB VIII).

Question 7-3:

Preliminary remark: This question refers to measures defined by article 6 (3), second sentence, of the Optional Protocol. The Federal Government would like to point out that this provision is directed to States parties on whose territory the situation described in article 6 (3), first sentence exists. This is not the case in the Federal Republic of Germany.

Nevertheless, various time-limited projects in the Federal Republic of Germany are currently being funded at the regional level by the European Refugee Fund, which is administered in Germany by the Federal Office for Migration and Refugees. These projects promote the integration and reintegration of unaccompanied foreign minors and are tailored to their specific needs. For example, the European Refugee Fund provides funding for a “model project for the occupational training and reintegration of young, unaccompanied refugees in their home countries”, which is operated by the youth assistance department of the Rhine-Main workers’ welfare association (*Arbeiterwohlfahrt*, AWO) in cooperation with the *Heimatgarten* project of the Bremerhaven district AWO. The goal of this project is to enable young foreign nationals to gain skills and training that allow them to return with pride and dignity to their families in their home countries and to earn a sustainable livelihood.

Annex 1

ONGOING PROJECTS FINANCED THROUGH BILATERAL OFFICIAL DEVELOPMENT ASSISTANCE WITH THE TARGET GROUP OF CHILD SOLDIERS/CHILDREN IN ARMED CONFLICTS

Country	Implementing organization	Brief description	Aims, measures	Duration	Funds (approved)
Angola	GTZ ^a	Reintegration and local development	Reintegrating child soldiers, but without any specific direction	9 Nov 2003-30 Jun 2007	Approx. 12m euros
Burundi	GTZ/KfW ^b	Combined financial and technical cooperation project to support the programme for reintegration	Overarching goal: <i>“successfully carrying out the social and economic reintegration of refugees, displaced persons and ex-combatants in selected parts of Burundi”</i> Project is directed at child soldiers among others	Technical cooperation: Whole project: 11 Dec 2003-31 Dec 2007 Current phase: 14 Mar 2004-31 Dec 2007 Financial cooperation: 1 Jul 2004-31 Dec 2007	3.5m euros 9.2m euros
Burundi	KfW	Combined financial and technical cooperation project to support the programme for reintegration, Phase II	See above	In planning	3.0m euros
DR Congo	GTZ	Reintegration of child soldiers	Overarching goal: <i>“successfully carrying out the social and economic reintegration of disadvantaged children and youths (child soldiers) in selected locations in the Province of Maniema”</i> Project components: making up missed primary education, handicraft training measures, psychosocial counselling	28 Oct 2004-31 Jan 2008	5.5m euros

Country	Implementing organization	Brief description	Aims, measures	Duration	Funds (approved)
DR Congo	KfW	Support for the reintegration of ex-combatants	<p>Support for the national demobilization and reintegration programme to help with the reintegration of ex-combatants and internally displaced persons</p> <p>Measures:</p> <p>(I) Labour-intensive rehabilitation of infrastructure</p> <p>(II) Micro projects</p> <p>(III) Medical care and psychosocial counselling for rape victims (women and girls)</p> <p>The programme includes literacy components for ca. 450 child soldiers (as at August 2007: school enrolment of 835 child soldiers)</p>	16 Aug 2005-16 Aug 2008	14,432,353.60 euros
DR Congo	KfW	Support for the reintegration of ex-combatants	<p>See above, continuation of Component (I)</p> <p>Some 750 child soldiers are also receiving literacy training</p>	In planning	
Liberia	KfW	Reintegration and reconstruction programme	Possibilities for reintegrating ex-combatants, internally displaced persons and refugees (including child soldiers)	1 Nov 2005-1 Nov 2008	10.7m euros
Rwanda	GTZ/KfW	Combined financial and technical cooperation project to support the reintegration of ex-combatants	Support for the social and economic reintegration of ex-combatants under the Rwandan demobilization and reintegration programme	Technical cooperation: 9 Oct 2003-31 Dec 2007	Technical cooperation: Approx. 2m euros

Country	Implementing organization	Brief description	Aims, measures	Duration	Funds (approved)
Rwanda (cont'd)			<p>Reintegration of child soldiers, but without any specific direction</p> <p>Project components: brief training course, integration into labour force, medical care, labour-intensive infrastructure measures</p>	Financial cooperation: 15 Feb 2005-15 Feb 2008	Financial cooperation: 6.7m euros
Sierra Leone	GTZ	Promoting employment for marginalized youth	<p>Overarching goal: <i>“improving the employability of youths and also the general conditions for needs-oriented business services for SMEs and business start-ups in the target regions”</i></p> <p>Concentration on conflict-sensitive rehabilitation and the further development of socio-economic structures and other structures relevant for vocational training in selected target regions</p>	1 Jan 2006-31 Mar 2010	3.6m euros
Sierra Leone	GTZ	Democratic behaviour and conflict prevention through in-school and extra-curricular education	<p>Overarching goal: <i>“applying concepts, strategies and instruments for promoting peaceful coexistence and social coherence through in-school and extra-curricular primary education in priority area strategies and projects under German development cooperation”</i></p> <p>The project target group includes children and youths from regions with a high, acute potential for crises and conflict</p>	<p>Whole project: 19 Dec 2003-30 Apr 2010</p> <p>Current phase: 19 Apr 2007-30 Apr 2010</p>	<p>Whole project: 2m euros</p> <p>Current phase: 1m euros</p>

Country	Implementing organization	Brief description	Aims, measures	Duration	Funds (approved)
Burundi, Angola, DR Congo, Rwanda, Central African Republic	GTZ	Co-financing of the MDRP ^c	<p>Overarching goal: <i>“stabilizing the situation in the Great Lakes region and improving peace prospects”</i></p> <p>German contribution: disarmament and demobilization of ex-combatants and their reintegration into civil society</p> <p>Measures for groups that do not fall within the remit of State programmes (e.g. child soldiers)</p>	14 Mar 2002-31 Dec 2007	9.9m euros

As at: 16 May 2007. Funding: German Federal Ministry for Economic Cooperation and Development.

Notes

- ^a Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH.
- ^b Kreditanstalt für Wiederaufbau.
- ^c MDRP = Multi-Country Demobilization and Reintegration Programme.

Annex 2

PROJECTS UNDER THE CIVIL PEACE SERVICE WITH THE TARGET GROUP OF CHILD SOLDIERS/CHILDREN IN ARMED CONFLICTS

Country	Implementing organization	Brief description	Aims, measures	Duration	Funds (approved)
Uganda	DED (German Development Service)	Support for measures in the field of crisis prevention and crisis aftercare by establishing conflict management teams and decentralized peace initiatives and by promoting peace organizations (region: Yumbe, Uganda)	<p>Counselling of former child soldiers: training measures on the topics of “non-violent crisis management”, “conflict resolution”, “anger management”, “HIV/AIDS”, “health care”, etc.</p> <p>Building up contacts with families</p> <p>Since 2006, additional training offered in cooperation with UNIDO in life skills and in manual professions, together with training in non-violent methods of conflict management</p>	2001-2008	2,965,528 euros
Uganda	AGEH (Association for Development Aid)	Trauma work, psychosocial counselling and reintegration (region: Gulu and Kitgum, Uganda)	<p>Physical care and psychological counselling for escapees from the Lord’s Resistance Army (some former child soldiers) and reintegration into society in cooperation with Caritas:</p> <p>Provision of basic food supplies, clean drinking water, medical care, therapy</p>	2007-2010	ca. 565,600 euros
Sierra Leone	AGEH (Association for Development Aid)	Trauma work, psychosocial counselling and reintegration (Freetown and Bo, Sierra Leone)	<p>Further development of concepts for peace and reconciliation work</p> <p>Training of staff conducting peace and reconciliation work in methods, organization and planning</p>	2002-2010	1,425,531 euros

Country	Implementing organization	Brief description	Aims, measures	Duration	Funds (approved)
DR Congo	EED (Church Development Service - an association of the Protestant churches in Germany)	Trauma work and conflict management in cooperation with the NGO Centre Congolais de l'Enfant et de La Famille, Kinshasa, DR Congo	Demobilization of child soldiers and reintegration into civilian life by enabling them to receive training and to work in income-generating projects	2005-2008	390,419 euros
DR Congo	EED (Church Development Service - an association of the Protestant churches in Germany)	Strengthening local peace initiatives through peace education training with the Eglise du Christ au Congo-RIO in Bukavu, South Kivu	Curriculum development for schools in the field of peace education, further development of concepts for peace and reconciliation work	2005-2008	321,985 euros
DR Congo	EED (Church Development Service - an association of the Protestant churches in Germany)	Strengthening the psychosocial intervention programmes of DOCS Heal Africa, Goma, North Kivu	Reconciliation work, psychosocial counselling for civil war victims, further training in trauma work, action research	2006-2009	1,039,316 euros
Sierra Leone	EED (Church Development Service - an association of the Protestant churches in Germany)	Establishing a ceramics workshop and training and advice for youths starting up businesses (also ex-combatants) with additional training in civil conflict management with SLADEA, Freetown	Promoting the development capacities of youths and young adults and integrating former child soldiers through non-formal training in ceramics work and training in non-violent conflict resolution	2002-2007	490,000 euros

As at: 15 May 2007.

Funding: German Federal Ministry for Economic Cooperation and Development.

2005

Afghanistan

Age		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Total	19											1		4	3	3	8
Male	15											1		3	2	1	8
Female	4													1	1	2	

Democratic Republic of Congo

Age		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Total	6								1							1	4
Male	2								1								1
Female	4															1	3

Iraq

Age		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Total	11														1	1	9
Male	9														1	1	7
Female	2																2

Somalia

Age		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Total	9					1				1				1	2	2	2
Male	5					1				1					1	1	1
Female	4													1	1	1	1

Sri Lanka

Age		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Total	3											1		1		1	
Male	2													1		1	
Female	1											1					

2006

Afghanistan

Age		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Total	15						1			1		2	2	1	2		6
Male	11						1					1	2	1	1		5
Female	4									1		1			1		1

Democratic Republic of Congo

Age		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Total	4												1	1			2
Male	1																1
Female	3												1	1			1

Iraq

Age		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Total	11										1					3	7
Male	7															1	6
Female	4										1					2	1

Somalia

Age		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Total	5															1	4
Male	2																2
Female	3															1	2

Sri Lanka

Age		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Total	0																
Male	0																
Female	0																
