

## **Global Alliance against Child Sexual Abuse Online**

### **Germany**

**Policy target No. 1: Enhancing efforts to identify victims and ensuring that they receive the necessary assistance, support and protection**

<b>Operational Goal:</b>	Increase the number of identified victims in the International Child Sexual Exploitation images database (ICSE database) managed by INTERPOL by at least 10% yearly
<b>Actions ALREADY UNDERTAKEN</b>	
<b><i>Description of the actions <u>already undertaken</u></i></b>	
<b>Actions that WILL BE UNDERTAKEN</b>	
<b><i>Description of the actions that <u>will be undertaken and timeframe</u></i></b>	<p>The Federal Criminal Police Office will be actively supporting the envisaged ICSE v3 project of the ICPO-Interpol General Secretariat, covering the fields</p> <ul style="list-style-type: none"> <li>• video analysis functionality for ICSE DB,</li> <li>• CAPSEND (Central Aggregation Point for Sexual Exploitation Network Data),</li> <li>• baseline list within ICSE DB.</li> </ul>

**Policy target No. 2: Enhancing efforts to investigate cases of child sexual abuse online and to identify and prosecute offenders**

<b>Operational Goal:</b>	Establish the necessary framework for the criminalization of child sexual abuse online and the effective prosecution of offenders, with the objective of enhancing efforts to investigate and prosecute offenders
<b>Operational Goal:</b>	Improve the joint efforts of law enforcement authorities across Global Alliance countries to investigate and prosecute child sexual abuse online
<b>Actions ALREADY UNDERTAKEN</b>	
<b><i>Description of the actions already undertaken</i></b>	<ul style="list-style-type: none"> <li>• With regard to criminal prosecution, German law already very largely complies with the requirements of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (ETS 201 – “Lanzarote Convention”) and of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335 of 17 December, p. 1; L 18 of 21 January 2012, p. 7).  Virtually all that is now needed in order to transpose these legal instruments is a slight expansion of the jurisdictional rules in case of specific sex offences committed abroad, even if the act is not punishable at the place in which it was committed, as well as the introduction of an offence which also covers knowingly attending (or participating in) live pornographic performances in which a child takes part (or is involved).</li> <li>• German law furthermore already contains comprehensive provisions aimed at preventing convicted sex offenders working with children. For instance, section 70 of the Criminal Code (<i>Strafgesetzbuch</i>) provides that it is possible to disqualify offenders from engaging in a specific profession or trade (for instance as a teacher or child care worker) if they committed their offence in abuse of their profession or trade or in gross violation of the attendant duties and there is a danger that they would commit such serious unlawful acts once more in the event of further engagement in the profession. Furthermore, anyone who has been convicted of child abuse whose punishment or remainder of punishment is suspended on probation may be instructed not to go to specific places which might induce them to commit new crimes (for instance schools and kindergartens) or not to contact persons from a certain group who may provide the opportunity or induce them to commit further offences, such as unsupervised children, and not to employ, train or house them (cf. section 56c subs. 2 Nos. 1 and 3 of the Criminal Code). In the event of a breach of such an instruction, the convict’s suspension of sentence on probation may be revoked. If a sex offender has fully served a sentence of not less than one year and if he/she is therefore subject to supervision after release, the same instructions may be imposed on him/her (cf. section 68b subs. 1 sentence 1</li> </ul>

Nos. 2 and 3, section 68 f subs. 1 of the Criminal Code). A breach of this stipulation may constitute a new criminal offence in accordance with section 145a of the Criminal Code.

- Finally, the provisions contained in the Act on the Central Criminal Register (*Bundeszentralregistergesetz*) safeguard society's ongoing interest in providing protection against individuals who have been convicted especially of a sex crime in the field of child and youth protection.

In practice, potential employers as a rule require applicants to provide a certificate of good conduct prior to employment, this however not containing all convictions (cf. the list in section 32 subs. 2 of the Act on the Central Criminal Register). The exceptions largely concern minor sentences and certain convictions of juveniles and adolescents who have not had a negative probation prognosis, as well as the imposition of imprisonment or of disciplinary confinement not exceeding three months or a fine not exceeding 90 daily rates if no other conviction has been entered in the Central Criminal Register.

Since an amendment to the Act on the Central Criminal Register which has been in force since 1998, however, convictions for a criminal offence in accordance with sections 174 to 180 or section 182 of the Criminal Code, for instance for sexual abuse of persons under one's care or for rape, are no longer covered by the exception (section 32 subs. 1 sentence 2 of the Act on the Central Criminal Register). At the same time, the period on expiry of which a relevant prison or youth custody sentence of more than one year is no longer included in the certificate of good conduct has been increased from five years to ten (section 34 subs. 1 No. 2 of the Act on the Central Criminal Register).

In order to also do justice to the requirements of the existing statutory provisions for child and youth protection, section 72a of the Eighth Book of the Social Code (*Sozialgesetzbuch*) (child and youth welfare) contains a definite disqualification from engaging in a specific profession or trade for persons with a relevant criminal record who are working in public youth welfare. An expanded certificate of good conduct was furthermore introduced in 2009 for individuals who work or are to work, on a professional or voluntary basis, close to children and young people. Along the lines of section 32 subs. 4 of the Act on the Central Criminal Register, an expanded certificate of good conduct is issued for the purpose of child and youth protection when hiring employees which as a matter of principle contains all convictions for criminal offences which are listed in section 72a sentence 1 of the Eighth Book of the Social Code (sections 171, 174 to 174c, 176 to 180a, 181a, 182 to 184f, 225, 232 to 233a, 234, 235 or 236 of the Criminal Code), in particular also when it comes to single entries with less severe sentencing for one of the above criminal offences.

Moreover, in the interest of protecting minors, public youth welfare institutions or other authorities may obtain an expanded certificate

of good conduct in the shape of a “certificate of good conduct for authorities” (section 31 of the Act on the Central Criminal Register) on individuals where they so require to carry out their tasks. Regarding the periods after which sentences are included in an expanded certificate of good conduct, the special provisions relating to convictions for offences in accordance with sections 174 to 180 or section 182 of the Criminal Code apply.

- In order to combat child pornography, central offices have been established in the public prosecution offices in some Federal *Länder*, (e.g. Saxony). Most *Länder* have central offices to combat pornographic writings or writings which pose a risk to young people, or central offices for Internet crime which also cover the area of crime of child abuse on the Internet in their sphere of skills and tasks.

Furthermore, all public prosecution offices have special departments for crimes against sexual self-determination which are also competent.

- The “Central Child Pornography Office” was established at the Federal Criminal Police Office in 1995 in order to evaluate child pornographic content in a manner that is coordinated nationally. This Central Office is tasked to compile all child pornographic material found during criminal prosecution (photographs, films, videos, magazines, picture and video files) and to evaluate them regarding the victims and offenders portrayed with a view to deciding on investigation methods. A “crime phenomena” centre was set up at the Federal Criminal Police Office in 2009 to combat sexual abuse of children, as well as to counter the possession, dissemination and production of child pornography.
- In order to process and research the information on known and unknown individuals featuring in child pornographic films and images, the Federal Criminal Police Office operates a national image comparison collection, which it makes available to the competent police forces in the *Länder*. The Federal *Länder* have at the same time established “Contact points for child pornography” at their *Land* Criminal Police Offices which deal with criminal prosecution in this area, either centrally for the respective Federal *Land*, or which carry out the coordination activities for the *Land*. The above Federal and *Land* authorities are involved in a regular exchange on situation developments, new investigation methods, legal issues, etc. The international exchange of information is carried out as a rule by the Federal Criminal Police Office as the national central bureau of the Federal Republic of Germany for the International Criminal Police Organization (Interpol – ICPO), and as the national unit within Europol cooperation. As a link between foreign and domestic police offices, the Federal Criminal Police Office guarantees the availability of information as well as access to available investigation aids (software, etc.).
- The Federal Criminal Police Office has been involved in the development of the International Child Sexual Exploitation Database

(ICSE database) at the General Secretariat of ICPO-Interpol in Lyon, and has been using it since March 2009 both for its own research and to pass on related national information.

- Since mid-2009, the Federal Criminal Police Office has furthermore been a member of the “Cospol Internet Related Child Abusive Material Project” (CIRCAMP) and works closely with private industry, as well as with non-governmental organisations (NGOs) active in this field, for instance by taking an active part in initiatives such as the “Bündnis WhiteIT” or the “Trinational Campaign” (campaign to protect children and juveniles against sexual exploitation in tourism).

- A variety of measures have been implemented in order to improve cross-border cooperation in combating child and juvenile pornography on the Internet:

Further training for judges and public prosecutors, particularly in investigating crimes committed via the Internet.

Supplementing the guidelines for relations with foreign countries in criminal matters which contain practical procedural information.

Bilateral discussions at Ministry of Justice level to improve cross-border cooperation.

These efforts are proving to be successful in individual cases which were handled in the past two years:

Exchange of information and evidence in investigation proceedings relating to offences committed in Germany, four other EU States, one state of the Council of Europe and two US States. The dialogue that was commenced in this individual case was used later for a general exchange of experience.

Support for investigations carried out by a US State by carrying out measures against an Internet user in Germany.

Cooperation in removing a webpage hosted in a US State and identifying the users.

Cooperation with Asian countries and US States to investigate individuals producing the images.

- With the **I-KiZ – Centre for Child Protection on the Internet**, the Federal Ministry for Family Affairs established in September 2012 a child and youth policy forum at federal level which focuses on youth protection on the Internet in view of the multifarious and new challenges of the Web 2.0 and which creates for this an alliance of government agencies (including in prosecution) with civil society partners, self-regulatory facilities, registration offices, companies (including international enterprises from the IT sector) and associations (eco, BITKOM). The goal is to expand cooperation, as well as to use synergies and creative concepts in order to bring about an improvement in youth protection on the Internet. The specialist commission on “Measures, networking and international cooperation” is currently focusing on the question of how portrayals of the sexual abuse of children and juveniles on the Internet can be

	<p>combated in all their manifestations, ascertaining which measures are suitable for this and what cooperation at national and international level is necessary in order to achieve this.</p>
<p><b>Actions that WILL BE UNDERTAKEN</b></p>	
<p><b><i>Description of the actions that will be undertaken and timeframe</i></b></p>	<ul style="list-style-type: none"> <li>• Efforts are being made to ensure that Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, is implemented in good time and that the minor legal amendments that remain necessary are carried out in good time.</li> <li>• The draft Act to Intensify the Use of Videoconferencing Technology in Court and Public Prosecution proceedings (<i>Gesetz zur Intensivierung des Einsatzes von Videokonferenztechnik in gerichtlichen und staatsanwaltschaftlichen Verfahren</i>) is being dealt with in the legislative proceedings which are currently underway. This draft also provides for the investigation proceedings to expand the possibilities to interview witnesses by video (section 58b of the Introductory Act to the Code of Criminal Procedure [<i>StPO-E</i>]). It is an improvement in the procedure to secure items of evidence which is worth mentioning with regard to victim-witnesses which will also benefit prosecution in the field of sexual abuse of children.</li> <li>• A Federation-<i>Länder</i> working party is currently working on a hardware and software solution to collect and provide online hash values centrally and nationally with the aid of which files can be identified which are relevant in this field of crime (such as child pornography which has already come to notice). The hash values are only available to the prosecution authorities. It is planned for this IT solution (“Hash DB PS”) to go online in 2013.</li> <li>• There are plans for the Federal Criminal Police Office to take up full membership of the Virtual Global Taskforce (VGT) in 2013.</li> </ul>

**Policy target No. 3: Enhancing efforts to increase public awareness of the risks posed by children's activities online, including grooming and self-production of images that results in the production of new child pornography that may be distributed online**

<p><b>Operational Goal:</b></p>	<p>Develop, improve, or support appropriate public awareness campaigns or other measures which educate parents, children, and others responsible for children regarding the risks that children's online conduct poses and the steps they can take to minimize those risks</p>
<p><b>Operational Goal:</b></p>	<p>Share best practices among Global Alliance countries for effective strategies to inform the public about the risks posed by online, self-exploitative conduct in order to reduce the production of new child pornography</p>
<p><b>Actions ALREADY UNDERTAKEN</b></p>	
<p><b><i>Description of the actions already undertaken</i></b></p>	<ul style="list-style-type: none"> <li>• The <i>Länder</i> and Federal Police Crime Prevention Commission (KPK) is responsible in Germany for processing all issues from the field of crime prevention that are relevant which or require cooperation at national and international level for the police. One of this Commission's main tasks is to carry out public relations work aiming to counter the occurrence of criminal offences and reduce the risk of becoming a victim. The <i>Länder</i> and Federal Police Crime Prevention programme (ProPK) was launched for this purpose. The programme, which is funded jointly by the <i>Länder</i> and the Federation, targets the population, institutions and professional groups which work in the ambit of prevention, as well as the media. It provides information on manifestations of crime, as well as on possibilities to prevent it. Moreover, it supports the local police offices in their prevention work by providing suitable material. The Commission furthermore develops strategies for police prevention where these are implemented nationally.</li> <li>• Within its campaign, which it has been carrying out since 2008 on the topic of "child sex tourism", TV, cinema and in-flight spots, a special web site, a flyer entitled "Small souls in big danger" (<i>Kleine Seelen – Große Gefahr</i>), as well as active press relations work, were employed as a means to pursue the goals of prevention through repression and encouragement to show active civil courage.</li> <li>• In 2006, the <i>Länder</i> and Federal Police Crime Prevention programme launched the campaign entitled "Children safe online" (<i>Kinder sicher im Netz</i>) together with Deutsche Telekom AG and the Voluntary Self-Monitoring of Multimedia Service Providers (FSM e. V.). This campaign aims to create an awareness among children, parents, teachers and other persons responsible for education of the risks lurking on the Internet.</li> </ul> <p>The group of topics concerned with "dangers on the Internet" is being continuously updated in the <a href="http://www.polizei-beratung.de">www.polizei-beratung.de</a> Internet portal.</p> <p>The topic of the "sexual abuse of children" was a focus of the <i>Länder</i> and Federal Police Crime Prevention programme in 2012. A project</p>

	<p>group was set up within this focus which is working out concrete measures for awareness creation with regard to these topics in society, providing target group-specific information for children, juveniles, adults and institutions, as well as stepping up press and public relations work. The brochure entitled “Prevent abuse!” (<i>Missbrauch verhindern!</i>) was published in the spring of 2013 as a result of this work.</p> <ul style="list-style-type: none"> <li>• The prevention measures of the German authorities are incorporated into international police work via the Federal Criminal Police Office. Where necessary, existing material and media are made available by these means to a large number of potential users.</li> <li>• The I-KiZ – Centre for Child Protection on the Internet operates as a port of call via which children, juveniles and parents can obtain assistance and advice as well as reaching reporting mechanisms.</li> <li>• Comprehensive information is provided for children, juveniles, parents and education specialists with the EU-funded klicksafe initiative (<a href="http://www.klicksafe.de">www.klicksafe.de</a>) and the joint initiative of the Federal Ministry for Family Affairs and other partners entitled “LOOK what your child’s doing with the media” (<i>SCHAU HIN! – Was Dein Kind mit Medien macht</i>) (<a href="http://www.schau-hin.info">www.schau-hin.info</a>).</li> <li>• The brochure entitled “A web for children – safe surfing” (<i>Ein Netz für Kinder – Surfen ohne Risiko</i>), which can be ordered on the website of the Federal Ministry for Family Affairs (<a href="http://www.bmfsfj.de/BMFSFJ/Service/Publikationen/publikationsliste,did=4712.html">http://www.bmfsfj.de/BMFSFJ/Service/Publikationen/publikationsliste,did=4712.html</a>), or the security tips available on <a href="http://www.surfen-ohne-risiko.net">www.surfen-ohne-risiko.net</a> are intended to help parents discover the child-friendly web together with their children. For instance, it contains good children’s chats and communities.</li> </ul>
<b>Actions that WILL BE UNDERTAKEN</b>	
<p><b><i>Description of the actions that will be undertaken and timeframe</i></b></p>	<ul style="list-style-type: none"> <li>• Continuation of the above initiatives and forms of cooperation.</li> <li>• Ongoing intensification of international cooperation with strategically important partners in the field of sexual abuse of children and child pornography by the Federal Criminal Police Office.</li> <li>• Reflections for an initiative at international level to cover the period prior to sexual abuse (so-called “posing” and boy or girl lover fora) in the overall strategy to combat the sexual abuse of children online.</li> </ul>

**Policy target No. 4: Reducing as much as possible the availability of child pornography online and reducing as much as possible the re-victimization of children whose sexual abuse is depicted**

<p><b>Operational Goal:</b></p>	<p>Encourage participation by the private sector in identifying and removing known child pornography material located in the relevant State, including increasing as much as possible the volume of system data examined for child pornography images.</p>
<p><b>Operational Goal:</b></p>	<p>Increase the speed of notice and takedown procedures as much as possible without jeopardizing criminal investigation</p>
<p><b>Actions ALREADY UNDERTAKEN</b></p>	
<p><b><i>Description of the actions already undertaken</i></b></p>	<ul style="list-style-type: none"> <li>• When it comes to child pornographic content which is physically hosted in Germany, the Federal Criminal Police Office establishes direct contact with the responsible host provider in order to have the content removed from the www. German providers disconnect the reported content within hours as a rule. Parallel to this, criminal investigation proceedings are initiated with a view to prosecuting dissemination and facilitation of the procurement of the content. Where content is stored abroad, the Federal Criminal Police Office transmits qualified reports via Interpol channels requesting the respectively competent state agency to have the responsible provider remove the content.</li> <li>• Since November 2007, the Federal Criminal Police Office has also been working together with the self-regulation bodies of the Internet economy, in particular with their complaints offices, on the basis of a cooperation agreement. This cooperation agreement was expanded in 2011 in order to accelerate the deletion from the Internet of child pornographic content that is hosted abroad. Since then, the Office has been providing information when there are indications of child pornographic content hosted abroad not only to the prosecution authorities of the country where the server in question is located (see above), but parallel efforts are undertaken to have it removed via the international Internet Hotline Providers in Europe Association (INHOPE). To this end, information on child pornographic content that is hosted abroad is simultaneously passed on to Interpol channels via the German jugendschutz.net hotline to the respective INHOPE partner agency in the country in which the server is located, requesting to have it removed. The Federal Criminal Police Office and the complaint bodies also work closely together in collecting data in statistics for evaluation and regularly exchange information to optimise the “notice and takedown” procedure. This parallel procedure is successful in practice. Roughly 80 % of the references reported to foreign countries are no longer available online within one week of the report, and within four weeks all reports passed on to foreign countries have as a rule been processed and the child pornographic content removed or disconnected.</li> </ul>

<b>Actions that WILL BE UNDERTAKEN</b>	
<b><i>Description of the actions that will be undertaken and timeframe</i></b>	<ul style="list-style-type: none"> <li>• Ongoing evaluation of the removal efforts. Optimisation of the domestic and foreign notice and takedown procedure by continuing and intensifying cooperation with national and international prosecution authorities, complaints offices and private industry (in particular providers and their hotlines).</li> <li>• A first focal point of the work of the I-KiZ’s specialist commission on “Prevention, education and available reporting channels” will be to develop a visible, precisely-tailored reporting system in the months to come which suits the needs of children and juveniles.</li> <li>• Recommendations for action are being worked out in the I-KiZ’s specialist commission on “Prevention, education and available reporting channels” which are to lead to improved cooperation between stakeholders in both the private and public spheres in combating portrayals of abuse.</li> </ul>