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*Madame Chairperson,
Distinguished Members of the Committee,
Ladies and Gentlemen,*

Please also allow me to extend my thanks for the invitation to this hearing for the Third and Fourth State Report of the Convention on the Rights of Child (CRC) today and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in the session tomorrow.

It gives me great pleasure that we – the representatives of the Federal Government – are given the opportunity to discuss the national implementation of the CRC with the Committee.

The reporting procedure vis-à-vis the Committee of the Rights of the Child is a useful instrument for us. You support us in shaping our policies with the rights of children in mind.

It is an express wish of the Federal Government to continually monitor and observe the situation of children and youth in Germany: We want to know how children are faring, how the rights of children are translated into everyday life and whether such rights are accessible to Germany's children. We want to know what is required of us, so that all children and youth in our country grow up in such a way that they are protected, healthy and that their environment enriches their development.

The Federal Government places children and youth at the center of its policies. It is important to establish living conditions appropriate for children and to provide children and youth with perspectives for a future of opportunity. The CRC and its Optional Protocols provide us with important benchmarks, which we seek to translate into concrete policies.

The Third and Fourth State Report highlights that Germany is heading in the right direction in advancing the implementation of children's rights. This is a path that we followed persistently over the course of the reporting period. Our answers to the "List of Issues" demonstrate this engagement clearly.

A singular milestone has been the ratification of the new Optional Protocol to the CRC on a Communications Procedure. Germany ratified this protocol in February 2013, being only the third State worldwide and the first European State to do so. We are extremely pleased, that a tenth State ratified at the start of this year and that the Protocol can now enter into force on 14 April. The new individual complaints mechanism is an important instrument for the worldwide implementation and underlines the full binding force of Convention.

The dissemination and awareness-raising of the CRC and its Optional Protocols among children, parents and experts figure as an indispensable pre-condition for effective implementation. That is why in recent years the Federal Government has conducted and financed numerous projects, events and information materials with the aim of carrying the CRC into the public sphere.

For instance, we took the 20 year anniversary of the German ratification as an opportunity to bring together experts from all level of government and civil society to exchange views about the

implementation of the CRC. Such discussions serve as a fruitful basis for further, more effective implementation of the CRC in Germany.

In the following, please allow me to cover a few points that are important to us in regard to the CRC. With these words, I would like to complement our State Report and the answers we provided to you in the "List of Issues", with special reference to the recommendations that the Committee made during our last review.

1. Child Protection

To ensure that our children are protected is a responsibility that societies carry as a whole and is also a key responsibility of the State. Violence, neglect and abuse are multi-faceted phenomena and can, unfortunately, happen anywhere: in families, in schools, in youth service centers, and in the media. In response, we have undertaken many activities in recent years to improve the protection of children.

The investigation of known cases of sexual child abuse forms part of these activities. Concrete measures included the establishment of a "Round Table" to discuss sexual child abuse in cases of dependency and power-relations in private and public institutions and within the family (*Runder Tisch zu sexuellem Kindesmissbrauch in Abhängigkeits- und Machtverhältnissen in privaten und öffentlichen Einrichtungen und im familiären Bereich*) and the creation of the post of an Independent Commissioner for Sexual Abuse.

The Federal Law on Child Protection constitutes another milestone in child protection. The Law entered into force on 1 January 2012 and aims to protect children from neglect and violence. It is based on intensive consultations with experts from federal states, local level government, associations and academic experts. The experiences from the roundtable also provided input for the drafting of this new Law.

The new Law on Child Protection therefore stands for a complete, active and effective system of child protection. It aims to follow, in equal measure, a preventative but also an intervening approach, and strengthens all actors, which are engaged in the area of child protection, such as parents, medical doctors, youth services, or family courts.

The Law is aimed at,

- all levels of the State: federal, regional and local;
- all actors, in all professions, in the area of child protection;
- parents, families and children themselves;
- and system-wide social benefits systems.

It is self-evident that the child should be at the center of all this. For these children we have now have explicitly foreseen an entitlement to an individual consultation in emergency and crisis situations.

2. Unaccompanied Foreign Minors

Key changes have been made to the legal framework since the last recommendation of the Committee in regard to child refugees, particularly unaccompanied foreign minors: In the Law to Further Develop Social Services for Children and Youth, there now exists a requirement that unaccompanied foreign children and youth must be placed in the care of the State youth services.

In the asylum application process itself, all minors will be provided with a legal guardian. In this way, youth above the age of 16 will not be required to apply for asylum without assistance. In most cases, parents will figure as the legal guardians, whereas unaccompanied minors will be provided with an expert representative. EU legislation requires us to put these changes into law by 20 July 2015.

3. Monitoring of the Implementation of the CRC and a Central Coordination Mechanism

In its previous conclusions, the Committee recommended the establishment of a permanent central coordination mechanism for the implementation of the Convention as well as an independent human rights institution to monitor the Convention and to receive complaints on violations of children's rights. These recommendations have been subject to intense deliberations over the past years in German politics and civil society.

As we indicated to the Committee in the Third and Fourth State Report, Germany already possesses central mechanisms that coordinate policies on a federal and state level in accordance with children's rights. Hence, the cooperation between the levels of government on the subject of children's rights is already well-developed. A further coordinating institution would merely entail another interface but would not change the existing coordination mechanisms between the different levels.

The establishment of an institution responsible for processing individual complaints would have limited competencies as a result of the different layers of responsibility between federal, state and local level. In this respect, such an institution could only play a coordinating role. A more effective and more easily accessible complaint mechanism for children can already be found on a local level in many regions.

4. Child Rights and the German Basic Law

The previous recommendations of the Committee, to expressly anchor children's rights in the German Basic Law ("Grundgesetz"), gave rise to an intensive discussion amongst German politics, experts and civil society. As a result of these deliberations it became clear that the fundamental rights contained in the Basic Law, together with the Constitutional Court's Guidelines, have already included children's rights. That is why no more steps have been taken to expressly anchor children's rights in the Basic Law. We will, however, continue to observe the discussions.

5. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Finally, I would like to speak about the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The Protocol has been in force since the 15 August 2009 and will now, for the first time, be covered here in front of the Committee. As it will be discussed in detail tomorrow, I will limit myself to general remarks only.

The Protocol supplements the CRC in a way that it obliges State Parties to implement concrete penal measures in the area of the Protocol's application. Article 34 of the Convention already carries within it the obligation to protect children from all forms of sexual exploitation and abuse. It also obliges States to take appropriate measures to prevent children from being either enticed or forced to be part of criminal sexual acts or that they are exploited for the purposes of prostitution and pornography.

The Protocol thus specifies the measures required to protect children from such exploitative practices. These are not limited to penal measures, but also include elements in regard to the prosecution of

crimes committed abroad, in areas of judicial cooperation, victim protection in criminal proceedings, in preventative measures, support and indemnification of victims as well as international cooperation and coordination.

Germany actively participated in the negotiations from 1994 to 2000 and welcomes the improvements to protect children from sale, prostitution and pornography that stem from the Protocol.

The standard that is required from the State Parties existed mostly already. Solely Article 3, Paragraph 1c, which deals with the production, dissemination and possession of child pornography, had not been translated fully into German law. The related criminal provision interpreted child pornography in such a way that it only pertained to persons under 14 years of age. Consequently, the term ‘child pornography’ had to be brought in line with the standard set by the Optional Protocol. This happened after intensive discussions through the Law to Implement the Framework Decision of the Council of the European Union on Combating the Sexual Exploitation of Children and Child Pornography of 31 October 2008, which entered into force on 5 November 2008. One day later the Law on the Optional Protocol entered into force, which also included the approval of the German Bundestag for the Protocol. The preconditions for ratification for the Protocol in Germany were thus met.

Within the Federal Government, the Ministry of Justice and Consumer Protection is responsible for the implementation of the Protocol, for which Director-General Mr Dittmann is the representative in front of the Committee today.

Madame Chairperson,

In conclusion, Germany strongly promotes the full implementation of children’s rights on a national and international level.

We have achieved much for children and youth and their specific needs, interests and rights.

But we have to do better.

The Coalition Agreement of our new Federal Government explicitly states that policy should continue to be oriented towards the CRC. As part of this, concrete and binding measures have been planned such as the further development of child protection, the strengthening of equal opportunity through education or better support for children and youth with disabilities.

It is our view, that every discussion about children’s rights and their implementation will strengthen the awareness within society about a child-appropriate and child-friendly environment.

I look forward to hearing your assessment and to the dialogue that we will have with you today and tomorrow.

Thank you, Madame Chair.