

The MAJMIN Project

The MAJMIN Country Report Germany



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The following report has been produced within the framework of the MAJMIN project following the guidelines proposed by the University of Cyprus and agreed within the project. On behalf of the European Network TANDEM PLUS and its German coordinator – the ACLI – Netzwerk für interkulturelle Arbeit e. V. (acli e. V.) — the report is written and edited by Norbert Kreuzkamp.

Chapter 1

What makes or defines a “minor offender” in Germany?

Define minor offenders’ categories.

Historical Background

Already in 1908 some courts started developing special court chambers that specialised issues concerning young delinquents. The Juvenile Welfare Act (*Jugendwohlfahrtsgesetz*) in 1922 and the Juvenile Justice Act (*Jugendgerichtsgesetz*) in 1923 represented a dualistic approach of welfare and justice (DÜNKEL 2006) “opening the floor for educational measures instead of punishment (the corresponding slogan was *Erziehung statt Strafe*)”, introducing “the possibility to abandon the otherwise strictly applied principle of obligatory prosecution (principle of legality, *Legalitätsprinzip*)” and “increasing the age of criminal responsibility from 12 to 14 years”. (DÜNKEL 2006, p. 226).

After World War II the regulations of Weimar Republic but also some measures created during Nazi Regime as short-term detention centres were given some continuity in the new *Bonner Republik*. The reform debate and movements in the late 1960s and early 1970s were strongly in favour of a *unified welfare model* (excluding classic sanctions of the justice model as far as possible).

Finally, in 1990, the Juvenile Welfare Act of 1922 was replaced by a modern law of social welfare (under the concept of the *Sozialstaat*). “The juvenile welfare boards should function as a help and offer help, not as agents of intervention.” (DÜNKEL 2006, p. 227). Since then the juvenile justice system has experienced some major changes without any legislative amendment by the so-called “reform through practice” (*Jugendstrafrechtsreform durch die Praxis*) meaning “that innovative projects have been developed by social workers, juvenile court prosecutors and judges”. (DÜNKEL 2006, p.228)

Some definitions (AJS / LKA NRW 2006)

- **Crime:** it refers to violations of the law, unless they are classified as misdemeanors or crimes, misdemeanors remain excluded.
- **Suspects:** Strictly speaking, one can speak of crime only after the final conviction of the offender. The police crime statistics, youth crime, and is dealt with by the police and the criminal suspects identified for this purpose. A suspect is everyone who is under police investigation result of reasonable suspicion of having committed an illegal act.
- **Young suspects:** refers to all persons less than 21 years.
- **Youth crime:** here is meant by "young" young offenders less than 21 years.

Classification of different ages

According to the *Children and Youth Services Act* and the *Juvenile Court Act* (AJS / LKA NRW 2006):

- **Children (Kinder):** Persons under 14 years. They are not criminally responsible and they cannot be punished; the Family Court can order *educational measures* (including education assistance, social-educational group work, and residential care).
- **Young people / youth (Jugendliche):** persons from 14 to fewer than 18 years. From the age of 14 they are due age of criminal responsibility, they are subject to the juvenile justice system, so they can receive a juvenile sentence.
- **Adolescents (Heranwachsende):** persons from 18 to persons under 21 years who, like all adults age of criminal responsibility are essential. However, it is made to the individual regardless of maturity, so that in case of doubt, the juvenile justice applies.

The break down in age groups envisaged by the Social Code (SGB) differs lightly from the juridical relevant one: Children (*Kinder*): less than 14 year; youth (*Jugendlicher*): 14 – less than 18 years; young adult person (*junger Volljähriger*): 18 – under 27 years; young person (*junger Mensch*): under 27 years (§ 7 SGB VIII) (*Jugendrecht* 2012, 17).

Classification of different type of criminal acting

The Criminal Code distinguishes between offenses and crime (LANDESJUGENDAMT BERLIN, p. 5):

Offenses are for example:

- Theft
- Fraud
- Fare dodging
- Vandalism
- Graffiti.

Crimes are for example:

- Robbery
- Aggravated assault
- Manslaughter
- Murder.

Chapter 2

What is the current situation about young offenders in Germany? Provide a description of the problem, statistics, trends and case studies if available. (max 2 pages)

Juvenile deviance is a quite general phenomenon during history and within most of the societies. The systems to handle juvenile deviance might be different as well as the need and the wish of the public systems (state) to *enforce* the monopoly of force against young offenders of quite low criminal professionalism. The legal system, supported by the political system, the public opinion and maybe also by the citizens' common sense, will define the rules, and therefore also what is deviant, for a specific historical situation of a society.

Quite high ranked – and on an international level somehow guaranteed – are the fundamental human rights and the protection of person against all kinds of violation and violence. Western juridical systems would also protect the rights of citizens against the (public) power, against violation of his right of self-determination as well as guarantee specific protection for children and young people. The protection of private property has a rather strong allied since some two hundred years in juridical regulations.

Scientific analyses might have shown – and this is valid also in Germany (ALBRECHT 2004; BKA 2010a, c; BMI / FEDERAL MINISTRY OF THE INTERIOR 2006; CZERNER 2000; DVJJ 2008; DOLLINGER/SCHMIDT-SEMISCHH 2011; DÜNKEL 2006; JEHLE 2010; JUNGERTAS/DÜNKEL 2009; KFN 2010; OSTENDORF 2011; SPIESS 2012; STELLY/THOMAS; WALTER 2002)– that:

- Juvenile deviance is a **phenomenon of life-course** of individuals and groups.
- The **number of offenses** during in juvenile biographic periods especially of boys and young men is *quite higher* than during other periods of life.
- The **figures** of juvenile offences are *decreasing* and not increasing.
- The **amount of damages** caused by juvenile offenders is quite low in comparison to adult persons given a quite *amateurish* approach.
- The use of **police services** is quite highly focused on *street and well-seen offences* and underrepresented in the persecution of real big deals of economic crimes.
- The **reinforced observation** of juvenile deviance is also caused by the *public visibility*, the *low professionalism* of the offenders as well as the *rather low criminal energy* of young offenders.

- **Public opinion** and **political systems** like to deal with *high lightening* the relevance of juvenile deviance.
- The temptation for the **public opinion** and **political system** are quite high to *use the visibility* of juvenile offences for *symbolic* political actions and campaigns.
- That the *objectives* and the *measures* of **sanctioning** are more and more replaced by those of **educating**.
- **Diversion** an *intelligent option* in terms of keeping low the figures of *reoffending*, of insisting on *educational objectives* as well as in an *economic reflection* of effects and costs of any corrective intervention.
- The principle of **subsidiarity** in all *educational activities* and interventions is worth to be implemented in the juvenile justice system.

To allow the reader to focus more on some specific aspect the following documents, statistics of graphical representations are collected in the addendum:

- Risk of poverty and social exclusion (Germany and Europe)
- Labour market statistics (Germany and Europe)
- Children and elderly people / population by age (Germany and Europe)
- Immigration by main group of citizenship (Germany and Europe)
- Migrant population (Germany and Europe)
- People in detention / prisoners (Germany and Europe)
- Suspects per age (Germany)
- Regional distribution of Juvenile Justice
- Offences per type and per offenders
- Sanctions of the German juvenile justice system (graphic)
- Sanctions under juvenile criminal law (synthetic document)

Chapter 3

What are the existing laws about young offenders in Germany?

The most relevant laws for the young offender are, in a general way, the **Constitutional Law**, the **Civil Code**, the **Social Code** and the **Penal Code**.

More specific are all laws and regulations focussing on **child protection** and the **protection of minors** as well as the **Juvenile Court Act** and the **Juvenile Detention Regulation** as well as Regional legislation on **juvenile detention**.

A quite *exhaustive* two pages list is given as *addendum*.

Chapter 4

Identify institutions and organizations directly or indirectly involved in dealing with minor offenders. Provide a very short description of the nature of the institution/organization and its activities.

The following institutions and organizations might be directly or indirectly involved in dealing with minor offenders:

- Employer or vocational education enterprise
- Family and family support structures
- General social services (*Allgemeiner Sozialdienst, Sozialamt*)
- Jobcenter
- Juvenile Court
- Lawyer
- Local Youth office (*Jugendamt*)
- Medical, social, psychological and other support structures and their organisations.
- Non-profit organisations of cultural, sport's or other leisure activities
- Public and private organisations of education services (*Erziehungshilfe*)
- Public and private organisations of youth services (*Jugendhilfe*)
- Public and private organisations of work promotion
- School
- Social court assistance (*Jugendgerichtshilfe*)
- The victim representing organisation
- Work agency (*Agentur für Arbeit*)
- Youth representative (Trade Union)

Chapter 5

Identify specific categories of professionals who work with minor offenders. Provide a very short description of the nature of their work and identify the specific competencies that they have to deal with minor offenders.

The following categories of professionals can be involved in juvenile justice:

- **Defender:** The juvenile offender is always supported by the Juvenile court workers. As additional legal representative there might be supported also by some legal support person and/or some lawyers and defenders.
- **Expert:** medical doctors, psychologist, family therapist, speech therapist, drug advisor etc.
- **Interpreter:** in case of language communication problems some interpreters might support the court.
- **Judge:** There are specific *Youth Judges*.
- **Juror:** There are specific *Youth Jurors*.
- **Lawyer:** Might be specialized in juvenile justice issues.
- **Officer or staff in the Juvenile Detention System:** correctional officer etc. (*Justizvollzugsbeamte im Jugendstrafvollzug*).
- **Officer or operator** or representative of the local Youth Office, of specific Youth Service Systems or other support structures.
- **Parents and guardians of minors.**
- **Police officer:** as witness.
- **Probation officer:** In case earlier judgements the juvenile offender and the Juvenile Court might be supported by some probation officer.
- **Prosecutor.**
- **Public.**
- **Social court assistant (*Jugendgerichtshilfe*):** These have a specific role in defending the interest of the young offender. This is a legal service of the Juvenile Court.
- **Social worker and educators.**
- **Teacher or Vocational educator or trainer**
- **Witness:** people of the family, social or work background or of the offense context.

Chapter 6

Provide descriptions of mechanisms, criteria and good practice examples of dealing with minor offenders in your country. What measures does your country take to prevent juvenile delinquency?

Please refer to some selected examples of good practice in the addendum.

Chapter 7

What measures does Germany take to educate young offenders to avoid re-offending.

Some examples of programs are the following:

- **Family support services:** Yes. The social welfare system and the support to families and to minors are quite largely and deeply structured.
- **Encouraging young people to continue beyond minimum leaving age in education/training:** Yes. Early school leavers are encouraged and there is quite a sophisticated system of transition into vocational education system offering general and vocational learning. There is a so-called vocational school obligation until the age of 18 years.
- **Specific programs that provide help for young people and teachers in schools by the provision of social work, psychological and mental health support:** Yes. Many schools have their own social educators' and assistants' services (*Schulsozialarbeit*) or school psychologist (*Schulpsychologe*).
- **Promoting mentoring, involving volunteers, appropriate peers and part-time workers who have credibility with young people in a specific area/ethnic/faith group, and who can provide:** Yes. There are many mentoring projects involving peers and/or elderly and experience persons in accompanying young people in difficult situations and/or contexts. Many campaigns and projects see involved young celebrities of the worlds of sport, music and fashion, sometimes also using ethnic and transcultural approaches.

- **Providing emotional support and act as role models:** Yes. This is specifically the case involving parents, peers, mentors, teachers, vocational trainers, social educators, sport trainers, dance teachers and trainers, theatre educators, music educators, outdoor trainers, and many others of relevant socially involved persons working with the youth in difficult contexts.
- **Promoting community development and youth work with ethnic minority/faith groups in identified geographical areas:** Yes. Ethnically homogeneous groups as well as bi-cultural, multi-cultural and transcultural groups, locations, activities are offered.
- **Providing alcohol and drug abuse counselling services:** Yes. These services are provided in all provinces, municipalities or cities. Medical, psychological and social public institutions and private non-profit organisations offer low barrier services as well as specific trainings and therapies. The implementation of the principle of subsidiarity should guarantee services and solutions for citizens by citizens, involving strongly the civil society.

Addendum to the Chapters 1

Law Library of Congress Children's Rights: Germany

[Source: <http://www.loc.gov/law/help/child-rights/germany.php>]

Juvenile Justice

Age Requirement for Bearing Criminal Responsibility

Germany has had an enlightened policy on juvenile delinquency since the 19th century. Since then, the goal of the juvenile justice system has been to limit detention time for young offenders and to focus on their rehabilitation through educational measures. Aside from a few years toward the end of the Nazi regime, these principles have been applied consistently in Germany, and today Germany has the lowest juvenile incarceration rate in Europe, despite an increase in juvenile crime in Germany and public outcries against leniency. [H. Albrecht, *Youth Justice in Germany*, 31 CRIME AND JUSTICE 443 (2004).]

When Germany enacted a Youth Court Act in the 1920s, it served as a model for other countries. Since then, this Act has been refined repeatedly, and some of its reforms were inspired by the practice in the United States, in particular, the principle of diversion. [G. Blau, *Diversion und Strafrecht*, Jura 25 (1987)] In its current version, the Youth Court Act [Jugendgerichtsgesetz [JGG], Dec. 11, 1974, BGBl I at 3427, as last amended by Gesetz, Apr. 13, 2007, BGBl I at] continues to live up to the principles of diversion, "depenalization," and "decarceration." (ALBRECHT 2004, 443)

The Act applies to offenders who were between the ages of fourteen and eighteen at the time of their offense. The Act states that these juveniles should be punished only if they were mature enough to realize the wrongfulness of their conduct and were also capable of acting accordingly. [JGG, § 3] Yet, even though these circumstances are commonly investigated by social and psychological evaluations, the Courts usually find young offenders guilty and punishable, within the more lenient framework of the Youth Court Act. (ALBRECHT 2004, 443) The Act also allows for its application to offenders between the ages of eighteen and twenty, if they lack the maturity to be tried as adults. [JGG, § 105]

Juvenile offenders are tried for the same criminal offenses as adults, albeit with different consequences. Prison time is kept to a minimum by not imposing prison sentences of less than six months and by making ten years in prison the maximum penalty that can be meted out. Juvenile offenders are never imprisoned together with adults, and the youth prisons are staffed with personnel with educational expertise. Recently, a bill has been drafted by the Cabinet that would allow for the detention of very dangerous young criminals after they have served the prison sentence, in order to protect the public from their continued violent predisposition. Such an institution already exists for adult offenders, [StGB, § 66] and a need seems to exist to extend this institution to the few juvenile offenders who continue to be very dangerous. [Sicherungsverwahrung für Jugendliche, FRANKFURTER ALLGEMEINE ZEITUNG 1 (July 19, 2007)]

Prison sentences are imposed on juveniles only as a measure of last resort, and, if at all possible, prison penalties are suspended or educational and disciplinary measures such as fines and community services are imposed instead. This practice lives up to the principle that rehabilitation is the primary purpose of a youth sentence. While the offender is usually deemed legally responsible for the deed, the penalty considers the overall situation of the offender, his background and education, and devises a plan for reforming him. All this has to be accomplished under observation of the principle of proportionality that calls for applying the least intrusive measures possible that still will achieve their purpose. (ALBRECHT 2004, 443).

Usually, a youth crime proceeding begins with a criminal investigation that is referred to the prosecutor for a decision on whether to drop the charges or prosecute. At a very early stage in the investigation, social workers are involved to evaluate the background and psychological development of the young person. If the case comes to trial, the social worker must report his findings to the judge, and the social worker is often influential in shaping the sentence. Youth criminal trials are not open to the public; only the parents of the accused and the victim may attend the trial.

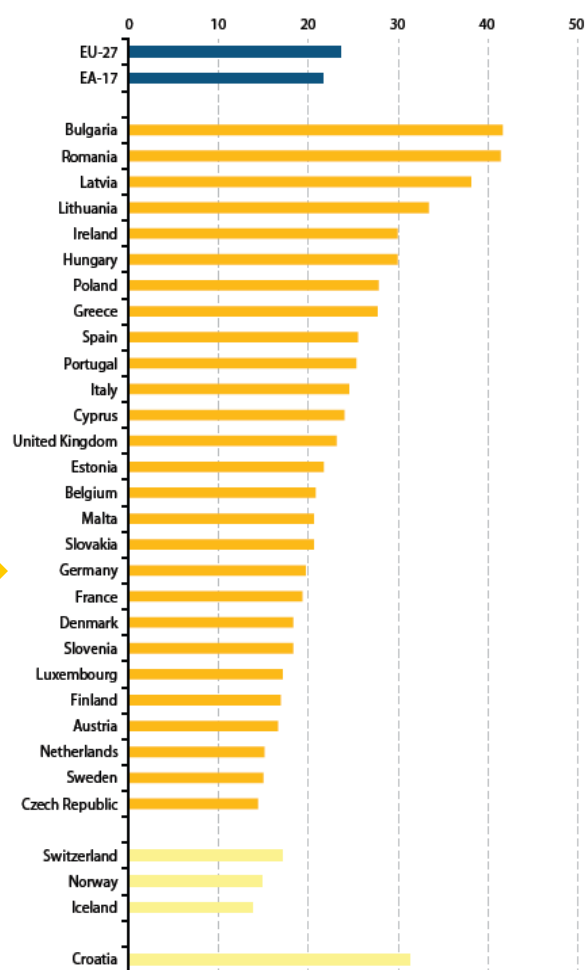
Statistics seem to indicate that the German juvenile justice system is working. There has been an increase in crime, particularly after 1990, that is often ascribed to a rise in unemployment, especially in the eastern part of Germany. However, most of the reported incidents involved petty crimes, and serious offenses have remained rare occurrences, though some of them were much publicized. Moreover, only thirty per cent of the young offenders have committed repeat offenses. (ALBRECHT 2004, 443).

Addendum to the Chapter 2 (Nr. 1)

Risk of Poverty and Social Exclusion: Germany in Europe

[Source: http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-31-12-666]

Proportion of population being at risk of poverty or social exclusion 2010 (in %)



Source: Eurostat (on line data code: ilc_peps01)

Addendum to the Chapter 2 (Nr. 2)

Labour Market Statistics: Germany in Europe

[Source: http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-31-12-666]

Labour market statistics 2011 (in %)

	Employment rate		Unemployment rate		
	Men	Women	Total	Youth aged 15-24	Long-term
EU-27	70.1	58.5	9.7	21.4	4.1
EA-17	70.3	58.2	10.2	20.8	4.6
Belgium	67.1	56.7	7.2	18.7	3.5
Bulgaria	60.9	56.2	11.2	26.6	6.3
Czech Republic	74.0	57.2	6.7	18.0	2.7
Denmark	75.9	70.4	7.6	14.2	1.8
Germany	77.3	67.7	5.9	8.6	2.8
Estonia	67.7	62.8	12.5	22.3	7.1
Ireland	63.1	55.4	14.4	29.4	8.6
Greece	65.9	45.1	17.7	44.4	8.8
Spain	63.2	52.0	21.7	46.4	9.0
France	68.1	59.7	9.7	22.9	4.0
Italy	67.5	46.5	8.4	29.1	4.4
Cyprus	74.7	61.6	7.8	22.4	1.6
Latvia	62.9	60.8	15.4	29.1	8.4
Lithuania	60.9	60.5	15.4	32.9	8.0
Luxembourg	72.1	56.9	4.8	15.6	1.4
Hungary	61.2	50.6	10.9	26.1	5.2
Malta	73.6	41.0	6.5	13.7	3.0
Netherlands	79.8	69.9	4.4	7.6	1.5
Austria	77.8	66.5	4.2	8.3	1.1
Poland	66.3	53.1	9.7	25.8	3.6
Portugal	68.1	60.4	12.9	30.1	6.2
Romania	65.0	52.0	7.4	23.7	3.1
Slovenia	67.7	60.9	8.2	15.7	3.6
Slovakia	66.3	52.7	13.5	33.2	9.2
Finland	70.6	67.4	7.8	20.1	1.7
Sweden	76.3	71.8	7.5	22.9	1.4
United Kingdom	74.5	64.5	8.0	21.1	2.7
Iceland	80.3	76.6	7.1	14.6	1.7
Norway	77.1	73.4	3.3	8.6	0.8
Switzerland	85.3	73.2	:	:	:
Croatia	57.9	47.0	13.5	36.1	8.6
FYR of Macedonia	52.3	35.3	:	:	:
Turkey	69.2	27.8	8.8	16.8	2.1


(*) Employment rate for population aged 15-64; unemployment in % of active population.
Source: Eurostat (on line data codes: [lfsi_emp_a](#), [une_rt_a](#), [une_ltu_a](#))

Addendum to the Chapter 2 (Nr. 3)

Children and elderly people: Germany in Europe

[Source: http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=CH_02_2011-EN]

Population age structure by major age groups 1999 and 2009 (in %)



	0-14 years old		15-64 years old		65 years old or over	
	1990	2009	1990	2009	1990	2009
EU-27 ⁽¹⁾	19.5	15.6	66.7	67.1	13.7	17.2
Belgium ⁽²⁾	18.1	16.9	67.1	66.1	14.8	17.1
Bulgaria	20.5	13.4	66.5	69.2	13.0	17.4
Czech Republic	21.7	14.1	65.8	71.0	12.5	14.9
Denmark	17.1	18.3	67.3	65.8	15.6	15.9
Germany	16.0	13.6	69.2	66.0	14.9	20.4
Estonia	22.3	14.9	66.1	67.9	11.6	17.1
Ireland	27.4	20.9	61.3	68.0	11.4	11.1
Greece	19.5	14.3	66.8	67.0	13.7	18.7
Spain	20.2	14.8	66.3	68.6	13.4	16.6
France ⁽¹⁾	20.1	18.3	65.9	65.0	13.9	16.7
Italy	16.8	14.1	68.5	65.8	14.7	20.1
Cyprus	26.0	17.1	63.1	70.1	10.8	12.7
Latvia	21.4	13.7	66.7	69.0	11.8	17.3
Lithuania	22.6	15.1	66.6	68.9	10.8	16.0
Luxembourg	17.2	18.0	69.4	68.1	13.4	14.0
Hungary	20.5	14.9	66.2	68.8	13.2	16.4
Malta	23.6	15.9	66.0	70.1	10.4	14.1
Netherlands	18.2	17.7	69.0	67.3	12.8	15.0
Austria	17.5	15.1	67.6	67.5	14.9	17.4
Poland	25.3	15.3	64.8	71.2	10.0	13.5
Portugal	20.8	15.3	66.0	67.1	13.2	17.6
Romania	23.7	15.2	66.0	69.9	10.3	14.9
Slovenia	20.9	14.0	68.5	69.6	10.6	16.4
Slovakia	25.5	15.4	64.3	72.5	10.3	12.1
Finland	19.3	16.7	67.4	66.5	13.3	16.7
Sweden	17.8	16.7	64.4	65.6	17.8	17.8
United Kingdom ⁽²⁾	19.0	17.6	65.3	66.3	15.7	16.1
Iceland	25.0	20.8	64.4	67.5	10.6	11.6
Liechtenstein	19.4	16.4	70.6	70.7	10.0	12.9
Norway	18.9	19.0	64.8	66.3	16.3	14.7
Switzerland	17.0	15.3	68.4	68.1	14.6	16.6
Croatia	:	15.4	:	67.3	:	17.3
FYR of Macedonia	:	18.1	:	70.4	:	11.5
Turkey ⁽²⁾	35.0	26.3	60.7	66.9	4.3	6.8

⁽¹⁾ Excluding French overseas departments.
⁽²⁾ 2008 instead of 2009.

Source: Eurostat (demo_pjanind)

Addendum to the Chapter 2 (Nr. 4)

Actual immigration: Germany in Europe

[Source: http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=CH_02_2011-EN]

Immigration by main group of citizenship 2008

	Total Immigrants	Nationals		Non-nationals					
	(1 000)	(1 000)	(%)	Total		Citizens of other EU Member States		Citizens of non- member countries	
	(1 000)	(1 000)	(%)	(1 000)	(%)	(1 000)	(%)	(1 000)	(%)
EU-27	3 800.0	600.0	15.8	3 200.0	84.2	1 400.0	36.8	1 800.0	47.4
Belgium	150.8	:	:	:	:	:	:	:	:
Bulgaria	1.2	1.1	92.9	0.1	7.0	0.0	0.1	0.1	7.0
Czech Republic	77.8	1.7	2.1	76.2	97.9	17.6	22.7	58.5	75.2
Denmark	57.4	19.9	34.6	37.5	65.4	20.0	34.8	17.5	30.5
Germany	682.1	108.3	15.9	573.8	84.1	335.9	49.2	237.9	34.9
Estonia	3.7	1.7	47.5	1.9	52.5	1.0	27.0	0.9	25.6
Ireland	63.9	17.9	27.9	45.6	71.4	32.1	50.3	13.5	21.1
Greece	:	:	:	74.7	:	25.7	:	49.0	:
Spain	726.0	33.8	4.7	692.2	95.3	193.3	26.6	498.9	68.7
France	216.9	64.1	29.5	152.9	70.5	63.9	29.5	89.0	41.0
Italy	534.7	38.2	7.1	496.5	92.9	212.9	39.8	283.7	53.1
Cyprus	14.1	1.1	7.8	9.8	69.7	6.5	46.0	3.4	23.8
Latvia	3.5	0.9	27.1	2.5	72.9	1.6	46.0	0.9	26.9
Lithuania	9.3	6.3	68.2	3.0	31.8	0.4	4.0	2.6	27.8
Luxembourg	17.8	1.0	5.4	16.7	94.2	13.9	78.3	2.8	15.9
Hungary	37.5	2.0	5.3	35.5	94.7	17.7	47.1	17.9	47.7
Malta	9.0	1.2	13.0	7.8	86.9	4.5	49.8	3.3	37.1
Netherlands	143.5	40.2	28.0	94.3	65.7	55.4	38.6	38.9	27.1
Austria	110.1	15.3	13.9	94.4	85.7	55.3	50.3	39.1	35.5
Poland	47.9	35.9	75.0	12.0	25.0	3.1	6.4	8.9	18.6
Portugal	29.7	9.6	32.3	20.1	67.7	4.1	13.7	16.1	54.0
Romania	:	:	:	10.0	:	:	:	:	:
Slovenia	30.7	2.6	8.6	28.0	91.1	2.1	6.7	25.9	84.4
Slovakia	17.8	1.4	7.6	16.5	92.4	8.5	47.8	7.9	44.6
Finland	29.1	9.2	31.6	19.7	67.6	7.3	25.2	12.3	42.4
Sweden	101.2	17.9	17.6	83.0	82.0	30.4	30.0	52.6	52.0
United Kingdom	590.2	85.1	14.4	505.2	85.6	197.7	33.5	307.4	52.1
Iceland	10.3	2.8	27.4	7.5	72.6	6.4	62.2	1.1	10.4
Norway	58.1	6.4	11.1	51.7	88.9	32.2	55.4	19.5	33.5
Switzerland	184.3	22.7	12.3	161.6	87.7	113.6	61.6	48.0	26.0
Croatia	14.5	12.5	86.1	2.0	13.9	0.5	3.7	1.5	10.2
FYR of Macedonia	1.1	0.2	20.8	0.8	79.1	0.1	12.0	0.7	67.1
Turkey	:	:	:	19.7	:	6.0	:	13.7	:

Source: Eurostat (migr_imm1ctz)

Addendum to the Chapter 2 (Nr. 5)

Migrant population: Germany in Europe

[Source: http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=CH_02_2011-EN]

Total population and resident non-national population by group of citizenship 2009

	Total population	Non-nationals					
		Total		Citizens of other EU Member States		Citizens of non-member countries	
	(1 000)	(1 000)	(%)	(1 000)	(%)	(1 000)	(%)
EU-27	499 432.2	31 779.9	6.4	11 937.2	2.4	19 842.7	4.0
Belgium	10 750.0	:	:	:	:	:	:
Bulgaria	7 606.6	23.8	0.3	3.5	0.1	20.3	0.3
Czech Republic	10 467.5	407.5	3.9	145.8	1.4	261.7	2.5
Denmark	5 511.5	320.0	5.8	108.7	2.0	211.4	3.8
Germany	82 002.4	7 185.9	8.8	2 530.7	3.1	4 655.2	5.7
Estonia	1 340.4	214.4	16.0	96	0.7	204.8	15.3
Ireland	4 450.0	441.1	9.9	364.8	8.2	76.2	1.7
Greece	11 260.4	929.5	8.3	161.6	1.4	767.9	6.8
Spain	45 828.2	5 651.0	12.3	2 274.2	5.0	3 376.8	7.4
France	64 366.9	3 737.5	5.8	1 302.4	2.0	2 435.2	3.8
Italy	60 045.1	3 891.3	6.5	1 131.8	1.9	2 759.5	4.6
Cyprus	796.9	128.2	16.1	78.2	9.8	50.0	6.3
Latvia	2 261.3	404.0	17.9	9.4	0.4	394.6	17.5
Lithuania	3 349.9	41.5	1.2	2.5	0.1	39.0	1.2
Luxembourg	493.5	214.8	43.5	185.4	37.6	29.5	6.0
Hungary	10 031.0	186.4	1.9	109.8	1.1	76.6	0.8
Malta	413.6	18.1	4.4	8.2	2.0	9.9	2.4
Netherlands	16 485.8	637.1	3.9	290.4	1.8	346.7	2.1
Austria	8 355.3	864.4	10.3	317.0	3.8	547.4	6.6
Poland	37 867.9	35.9	0.1	10.3	0.0	25.6	0.1
Portugal	10 627.3	443.1	4.2	84.7	0.8	358.4	3.4
Romania	21 498.6	31.4	0.1	6.0	0.0	25.3	0.1
Slovenia	2 032.4	70.6	3.5	4.2	0.2	66.4	3.3
Slovakia	5 412.3	52.5	1.0	32.7	0.6	19.8	0.4
Finland	5 326.3	142.3	2.7	51.9	1.0	90.4	1.7
Sweden	9 256.3	547.7	5.9	255.6	2.8	292.1	3.2
United Kingdom	61 595.1	4 184.0	6.8	1 793.2	2.9	2 390.8	3.9
Iceland	319.4	24.4	7.6	19.4	6.1	5.0	1.6
Norway	4 799.3	302.9	6.3	165.4	3.4	137.6	2.9
Switzerland	7 701.9	1 669.7	21.7	1 033.4	13.4	636.3	8.3
Croatia	4 435.1	:	:	:	:	:	:
FYR of Macedonia	2 048.6	:	:	:	:	:	:
Turkey	71 517.1	103.8	0.1	45.3	0.1	58.4	0.1

Source: Eurostat (migr_pop1ctz)

Addendum to the Chapter 2 (Nr. 6)

Number of Prisoners: Germany 2000 - 2009

[Source: EUROSTAT 2012]

Country	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
BE - Belgium	8.688	8.544	8.605	9.308	9.249	9.330	9.573	9.950	9.804	10.105
BG - Bulgaria	9.424	9.283	9.607	10.056	10.935	11.399	11.452	10.792	9.922	9.167
CZ - Czech Republic	22.418	20.971	16.597	17.180	18.303	19.003	18.904	19.110	20.471	19.371
DK - Denmark	3.382	3.236	3.435	3.641	3.767	4.041	3.932	3.646	3.530	3.715
DE - Germany	70.252	70.203	75.025	79.183	79.329	79.519	77.166	73.319	73.203	72.043
EE - Estonia	4.679	4.803	4.775	4.352	4.575	4.410	4.310	3.466	3.656	3.555
IE - Ireland	2.887	3.025	3.028	2.986	3.138	3.151	3.191	3.321	3.544	3.275
EL - Greece	8.038	8.343	8.284	8.555	8.760	9.871	10.280	10.864	:	:
ES - Spain	45.104	47.571	51.882	56.096	59.375	61.054	64.021	67.100	73.558	76.079
FR - France	48.835	47.005	53.463	55.407	59.246	59.197	59.522	60.403	64.003	66.178
IT - Italy	54.039	55.751	55.670	54.237	56.068	59.523	39.005	48.693	58.127	64.791
CY - Cyprus	287	369	351	355	546	536	599	646	646	670
LV - Latvia	8.831	8.673	8.358	8.222	7.666	6.998	6.636	6.548	6.873	7.055
LT - Lithuania	8.667	10.750	11.345	8.957	7.838	7.951	7.982	7.770	7.736	8.332
LU - Luxembourg	400	341	391	455	577	735	738	666	674	679
HU - Hungary	15.539	17.275	17.838	16.507	16.543	15.720	14.740	14.743	14.626	15.253
MT - Malta	246	257	283	278	298	294	375	382	662	494
NL - Netherlands	12.700	13.738	14.132	15.194	17.397	17.867	16.456	15.605	14.752	14.555
AT - Austria	6.896	6.915	7.511	7.816	9.000	8.955	8.780	8.887	7.899	8.423
PL - Poland	65.336	80.004	80.990	80.692	79.344	82.656	87.669	90.199	84.549	85.598
PT - Portugal	12.728	13.210	13.772	13.635	12.956	12.687	12.446	11.587	10.807	11.099
RO - Romania	48.267	49.840	48.075	42.815	39.031	36.700	34.038	29.390	26.212	26.616
SI - Slovenia	1.136	1.155	1.120	1.099	1.126	1.132	1.127	1.336	1.318	1.360
SK - Slovakia	7.136	7.509	7.849	8.829	9.504	9.289	8.657	8.235	8.313	9.033
FI - Finland	2.887	3.110	3.469	3.463	3.535	3.883	3.477	3.370	3.457	3.231
SE - Sweden	5.453	6.060	6.478	6.726	7.291	7.016	7.151	6.740	6.806	6.976
UKC - England Wales	65.666	67.056	71.218	73.657	74.488	76.190	77.982	79.734	83.194	83.454
UKM - Scotland	5.869	6.182	6.452	6.606	6.776	6.856	7.187	7.377	7.827	7.964
UKN - N. Ireland	1.011	872	1.029	1.128	1.219	1.325	1.501	1.484	1.490	1.465
IS - Island	78	110	107	112	115	119	119	115	140	148
LI - Liechtenst.	69	86	67	67	59	62	48	38	78	149
NO - Norway	2.548	2.762	2.832	2.944	3.028	3.124	3.250	3.420	3.387	3.403
CH - Switzerland	5.666	5.161	4.937	5.214	5.977	6.137	5.888	5.715	5.780	6.084
ME - Montenegro	671	669	715	744	802	816	852	961	1.255	:
HR - Croatia	2.623	2.679	2.641	2.803	3.010	3.485	3.833	4.290	4.734	4.891
MK - Macedonia	1.425	1.398	1.291	1.545	1.791	2.081	2.090	2.050	2.235	:
TR - Turkey	50.628	55.804	59.512	63.796	58.016	55.966	70.524	90.732	103.435	:
RU - Russia	923.600	979.285	860.640	847.004	763.054	797.400	:	:	:	:
RS - Serbia	:	:	6.283	7.128	7.653	8.078	7.862	8.970	9.701	10.795
ZA - S. Africa	166.587	172.203	181.553	184.576	186.467	175.704	157.995	164.957	:	:
CA - Canada	35.533	35.736	35.868	34.154	34.244	:	:	:	:	:
US - USA	2.012.410	2.035.272	2.105.619	2.159.902	2.211.090	2.275.458	2.335.764	2.378.419	2.396.075	2.384.912
JP - Japan	58.747	63.415	67.354	71.889	75.289	77.932	:	:	:	:
AU - Australia	21.714	22.458	22.492	23.555	24.171	25.353	25.790	25.224	27.615	29.317
NZ - N.Zealand	5.720	5.887	5.738	6.059	6.556	7.159	7.686	8.235	:	:

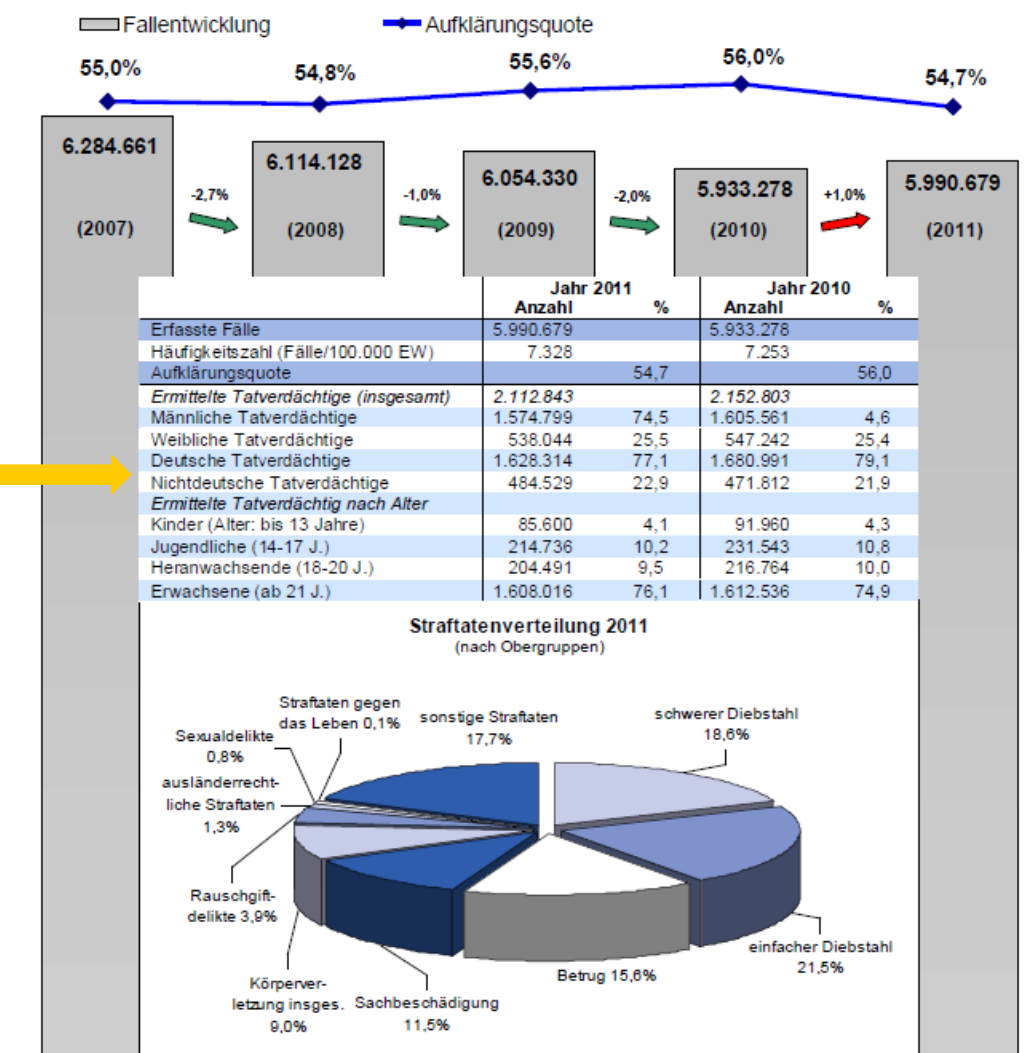
EuroStat, last update: 6.3.2012, downloaded: 15.7.2012

Addendum to the Chapter 2 (Nr. 7)

Numbers of suspects per age: Germany

[Source: BUNDESKRIMINALAMT 2012a)

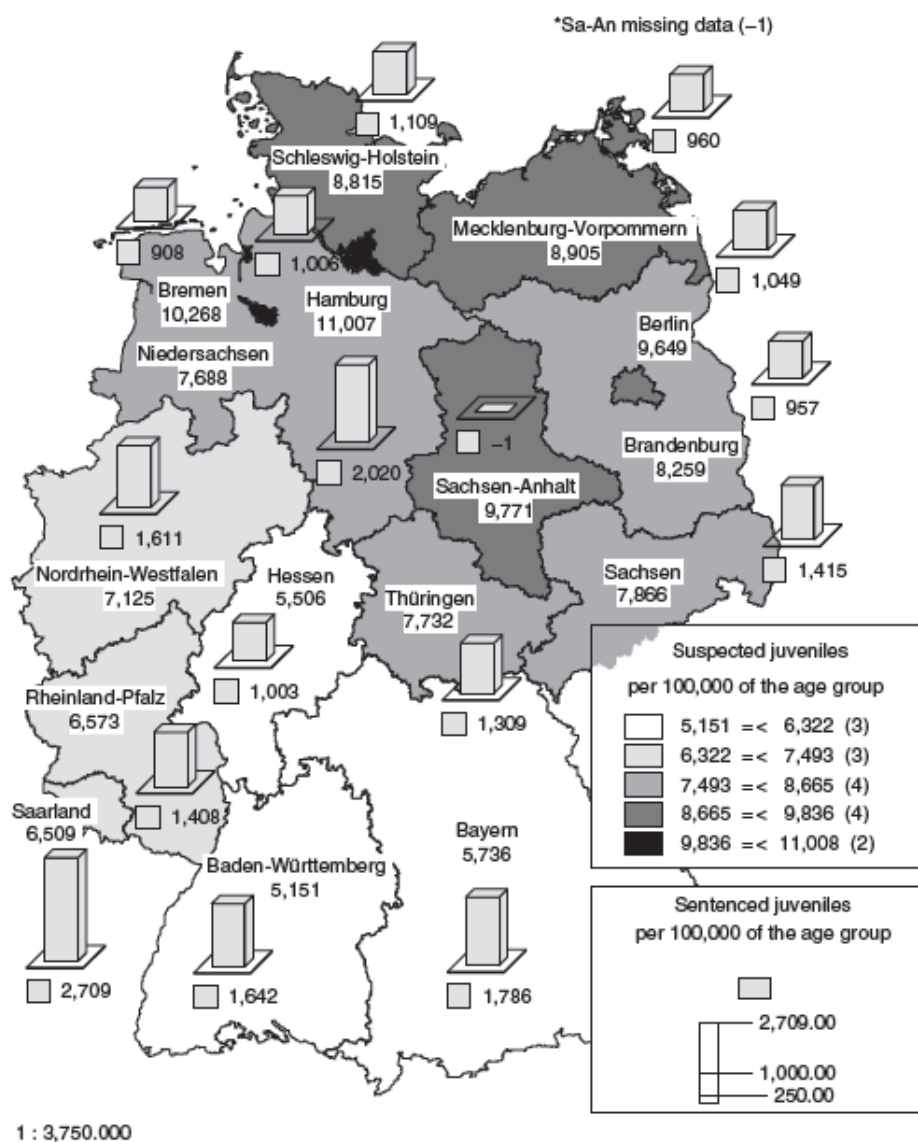
Kurzinformation Polizeiliche Kriminalstatistik 2011



Addendum to the Chapter 2 (Nr. 8)

Regional distribution of Juvenile Justice

Suspected and sentenced German juveniles in a comparison of the federal states in 2003



Addendum to the Chapter 2 (Nr. 9)

Risk of Poverty and Social Exclusion: Germany

[Source: BUNDESKRIMINALAMT 2012b)

2. Fall- und Tatverdächtigeneentwicklung in Kürze

Inhalt	Anzahl Straftaten 2011	Anzahl Straftaten 2010	Veränderungen gg. Vorjahr in %
Straftaten insgesamt:			
erfasste Fälle	5.990.679	5.933.278	1,0
aufgeklärte Fälle	3.276.153	3.322.320	-1,4
Gewaltkriminalität insgesamt:	197.030	201.243	-2,1
<i>darunter:</i>			
Mord und Totschlag	2.174	2.218	-2,0
Vergewaltigung und sexuelle Nötigung	7.539	7.724	-2,4
Raubdelikte	48.021	48.166	-0,3
gefährliche und schwere Körperverletzung	139.091	142.903	-2,7
vorsätzliche leichte Körperverletzung	374.367	372.950	0,4
Straßenkriminalität	1.382.949	1.352.897	2,2
Diebstahlskriminalität insgesamt:	2.403.781	2.301.786	4,4
<i>darunter:</i>			
von Kraftwagen	41.057	42.002	-2,2
von Fahrrädern	328.748	306.559	7,2
von unbaren Zahlungsmitteln	140.628	129.550	8,6
in/aus Kraftfahrzeugen	242.563	237.320	2,2
Ladendiebstahl	385.463	387.662	-0,6
in/aus Dienst-, Büro-, Lagerräumen pp.	147.936	146.979	0,7
Wohnungseinbruchdiebstahl	132.595	121.347	9,3
<i>darunter:</i>			
Tageswohnungseinbruch	55.877	51.065	9,4
Betrug insgesamt:	934.882	968.162	-3,4
<i>darunter:</i>			
Waren- und Warenkreditbetrug	277.469	289.988	-4,3
Betrug mittels rechtswidrig erlangter Debitkarten ohne PIN (Lastschriftverfahren)	13.589	13.785	-1,4
Betrug mittels rechtswidrig erlangter Kreditkarten	8.886	8.974	-1,0
Betrug mittels rechtswidrig erlangter Daten von Zahlungskarten	16.061	19.100	-15,9
Erschleichen von Leistungen	246.944	228.179	8,2
Kontoeröffnungs- und Überweisungsbetrug	20.608	19.520	5,6
Computerkriminalität	84.981	84.377	0,7
<i>darunter:</i>			
luk-Kriminalität i.e.S.	59.494	59.839	-0,6

Inhalt	Anzahl Straftaten 2011	Anzahl Straftaten 2010	Veränderungen gg. Vorjahr in %
<i>davon:</i>			
Computerbetrug § 263 a StGB	26.723	27.292	-2,1
Betrug mit Zugangsberechtigungen zu Kommunikationsdiensten	4.730	7.993	-40,8
Fälschung beweiserheblicher Daten, Täuschung im Rechtsverkehr bei Datenverarbeitung	7.671	6.840	12,1
Datenveränderung, Computersabotage	4.644	2.524	84,0
Ausspähen, Abfangen von Daten	15.726	15.190	3,5
Sachbeschädigung Straftaten gegen das Aufenthalts-, Asylverfahrens- und Freizügigkeitsgesetz/EU	688.294	700.801	-1,8
<i>darunter:</i>			
unerlaubte Einreise gemäß § 95 Abs. 1 Nr. 3 und Abs. 2 Nr. 1a AufenthG	78.324	74.153	5,6
<i>Straftaten gegen das Waffengesetz</i>	34.464	37.655	-8,5
Rauschgiftdelikte insgesamt:	236.478	231.007	2,4
Tatverdächtige (TV) insgesamt	2.112.843	2.152.803	-1,9
männlich	1.574.799	1.605.561	-1,9
weiblich	538.044	547.242	-1,7
deutsche TV insgesamt:	1.628.314	1.680.991	-3,1
nichtdeutsche TV insgesamt:	484.529	471.812	2,7
TV insgesamt nach Alter			
Kinder (0 bis unter 14 Jahre)	85.600	91.960	-6,9
Jugendliche (14 bis unter 18 Jahre)	214.736	231.543	-7,3
Heranwachsende (18 bis unter 21 Jahre)	204.491	216.764	-5,7
Erwachsene (ab 21 Jahre)	1.608.016	1.612.536	-0,3

Herausgeber:

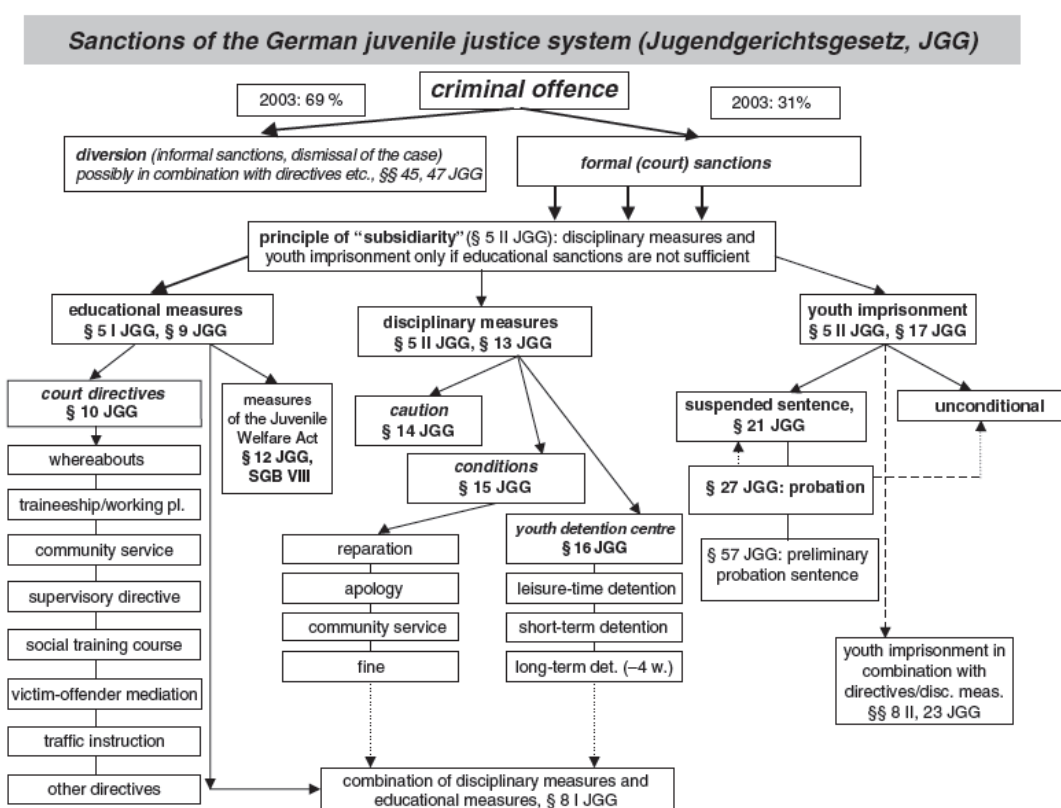
Bundesministerium des Innern
- Referat OS I 1 -
Alt-Moabit 101 D
10559 Berlin

www.bmi.bund.de

Addendum to the Chapter 2 (Nr. 10)

Juvenile justice system: Germany

[Source: DÜNKEL 2006, p. 259]



Addendum to the Chapter 2 (Nr. 11)

Sanctions under juvenile criminal law

[Source: JEHLE Jörg-Martin 2010, p. 35-38]

In the case of juvenile offenders (14 - 17 years inclusive) and young adults (18 - 20 years inclusive) convicted under juvenile criminal law the criminal justice system aims to educate the offender and provides for **special sanctions**: firstly, *educative and disciplinary measures* and, secondly, *youth imprisonment* with the possibility of *suspension* and *probation*. The imposition of additional legal consequences and measures to reform the offender and protect the public is only possible to a limited extent. A young adult offender is required to be processed *under juvenile criminal law* if he is like a juvenile in terms of his development or if the offence was a transgression of a juvenile nature.

The **educative measures** include the *issuing of instructions* and the requirement that the offender accept *certain forms of educative assistance*, i.e. *socio-educational support* or in the form of *residential accommodation with back-up support* from social workers. These measures are not really intended to punish, but to promote the juvenile's upbringing in an educative dimension. For example, the instructions may refer to the *place of residence*, participation in a *course of social training, work*, or attempts to achieve *offender-victim mediation*.

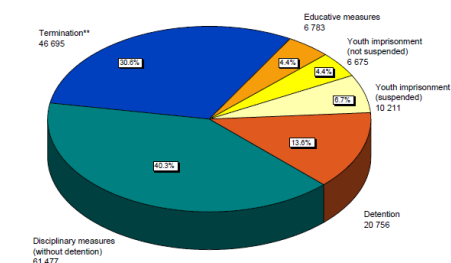
In contrast, **disciplinary measures** are also intended as a *sanctioning reaction*. The juvenile is to be made aware of the injustice of his action, without this requiring youth imprisonment. Disciplinary measures include *cautions*, the *imposition of conditions* (reparations for the injury, apologies to the injured party, payment of a fine, work) and *detention*, which can range *from a weekend to up to four weeks*. Educative and disciplinary measures can be imposed **simultaneously**. *Youth imprisonment* is the only real **criminal punishment** available under the Act on Juvenile Courts. There are differences compared with adult imprisonment rules. The length of the *period* is limited to between six months and ten years. The judge imposes youth imprisonment when the criminal tendencies of the juvenile, which have become apparent as a result of his crime, indicate that educative or disciplinary measures will not suffice to reform the offender or when punishment is needed because of the seriousness of the offence. If it is not possible to ascertain with certainty during the main proceedings whether the criminal tendencies of the offender are such that youth imprisonment is actually needed, the judge will only pronounce the guilt of the juvenile. The decision as to whether a sentence to youth imprisonment should be imposed is suspended for a certain probationary period. The following tables do not include the 2 157 cases in which the decision on whether to impose a sentence of youth imprisonment was *suspended* in this way (in accordance with Section 27 of the Act on Juvenile Courts).

The **proceedings** can be *dropped* by the Public Prosecution Office with the approval of the court in accordance with Section 45 paragraph 3 of the Act on Juvenile Courts and by the juvenile court itself in accordance with Section 47 of the Act. Furthermore, in accordance with Section 45 paragraphs 1 and 2 of the Act, the Public Prosecution Office can itself decide to drop the case without referring to the court. These decisions can, where they are taken by the court or with the approval of the court, be linked to the imposition of *certain conditions and instructions* on the offender. In minor cases, it may be sufficient for other educative measures to be taken or introduced or for the offender to attempt to *make good* the injury suffered by the victim.

In 2006, **105 902 persons** were convicted under juvenile criminal law (table 19a in annex). Nine tenths of the juvenile and young adult offenders were male; one tenth was female. In 84 % of convictions educative and

disciplinary measures were imposed. 10 % of offenders were sentenced to youth imprisonment with the sentence suspended; 6 % were given a sentence to youth imprisonment without it being suspended.

Diagram 19: Sanctions under juvenile criminal law*
- Former West Germany and Berlin -
Total sanctions (by the most serious type of sanction): 152 597

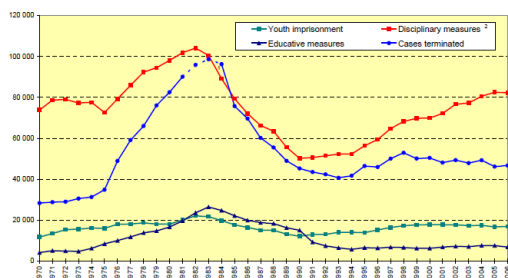


* Cases discontinued by the juvenile courts in accordance with adult criminal law are omitted here.
** according to Section 45 paragraph 3 and section 47 of the Act on Juvenile Courts.
Source: 2006 conviction statistics, published by the Federal Statistical Office, Wiesbaden; see table 19a in annex for absolute figures.

to **youth imprisonment**: 54 % of the youth imprisonment sentences were between 6 and 12 months, 34 % between 1 and 2 years. 12 % of the youth imprisonment sentences were for between 2 and 5 years, and 0.5% for between 5 and 10 years (see table 19a in annex for absolute figures).

In just under **47 000 cases**, *proceedings were dropped* by the Public Prosecution Office with the approval of the court in accordance with Section 45 paragraph 3 of the Act on Juvenile Courts or by the juvenile courts themselves in accordance with Section 47 of the Act, without a sentence being passed following main proceedings. However, the prosecution statistics do not include the many cases dropped by the Public Prosecution Office without the involvement of the court in accordance with Section 45 paragraph 1 or 2 of the Act on Juvenile Courts.

Diagram 20:
Sanctions under juvenile criminal law 1970 - 2006*
- Former West Germany and Berlin** -



* Only the most severe sanction in each case.
** Until 1994 West Berlin; from 1995 whole of Berlin.
1 The figures for "Decisions in accordance with Section 45 paragraph 3 and Section 47 of the Act on Juvenile Courts" for 1982 and 1983 do not include decisions under Section 45 of the Act. For this reason the numbers for the diagram are estimated on the basis of the previous and subsequent years.
2 Section 45 paragraph 3 of the Act corresponds to Section 45 paragraph 1 of the Act until 1990.
Source: Conviction statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden; see table 20a in annex for absolute figures.

affected the figures from the 1970s to the early 1980s. Since then, the numbers of people in the juvenile age groups have fallen. Furthermore, the Public Prosecution Office is increasingly tending to drop cases without the approval of the courts in accordance with Section 45 paragraphs 1 and 2 of the Act on Juvenile Courts (the prosecution statistics do not contain exact statistics on this). From the early to mid 1990s, educative measures being the exception, one could once again observe a clear rise for all the forms of reaction, which has, however, slowed overall since the end of the 1990s; since then there has even been a reduction in the number of proceedings ended in accordance with sections 45, paragraph 3, and 47.

Diagram 19 provides an overview of the sanctions imposed in the juvenile criminal justice system, including cases dropped in accordance with Section 45 paragraph 3 and Section 47 of the Act on Juvenile Courts. The most common sanction takes the form of **disciplinary measures**: in 2006, more than 82 000 offenders were sentenced to *over 117 000 different disciplinary measures*; **detention**, as the only disciplinary measure involving a stay in an institution, was imposed *in almost 21 000 cases* and affected 26 % of all those convicted. Approximately 6 800 offenders had an educative measure, almost always in the form of an instruction, imposed upon them as their severest punishment. 16 886 offenders were given a sentence

Diagram 20 and table 20a (in annex) show that the figures for sanctions under juvenile criminal law remained fairly constant between 1970 and 1974. From 1975 until the early 1980s, the number of non-custodial sanctions or measures increased. There was also rise in the number of sentences to youth imprisonment between 1980 and 1982. Thereafter until the early 1990's there was a continuous decline, particularly with regard to cases dropped in accordance with Section 45 paragraph 3 (pre-1990 equivalent: Section 45 paragraph 1) and Section 47 of the Act on Juvenile Courts and with regard to disciplinary measures, and there was also a drop in the number of sentences to youth imprisonment. One factor behind this was certainly the demographic trend. The baby-boom years

Addendum to the Chapter 2 (Nr. 12)

Offender victim mediation

[Source: JEHLE Jörg-Martin 2010, p. 39-40]

Offender-Victim Mediation (*Täter-Opfer-Ausgleich*; abbreviated: TOA), which was given a legislative basis for the first time in 1990, refers to an offender's efforts to achieve a settlement with the injured party and in doing so to make good his or her offence, or to go a long way towards doing so. A settlement of this kind can take place at any stage during criminal proceedings and can cause the authorities to refrain from prosecution (§ 45 section 3 of the Act on Juvenile Courts – see above IV.4.), to drop the prosecution (§ 153a section 1 line 2 Nr. 5 Code of Criminal Procedure, § 47 section 1 no. 3 Act on Juvenile Courts, see above IV.1.) or to refrain from imposing a or *milden* the sanction (§ 46a StGB). According to juvenile criminal law, the judge can issue the instruction that the judged offender is to make efforts towards Offender-Victim Mediation (§ 10 section 1 line 3, no. 7 Juvenile Criminal Code). In order to enable TOA to be used more frequently and easily the criminal code provisions were augmented procedurally in 1999 with the new paragraphs 155a and 155b in the Code of Criminal Procedure. These oblige the prosecution service and the court to consider the possibilities for reaching a settlement between the accused and the victim at all procedural stages.

Offender-Victim Mediation is usually achieved upon prosecution service initiative although a TOA institution, usually the juvenile court service, the court service or a specialist independent organisation will be involved. This organisation will consider whether a case is generally suited for TOA, whether the victim and perpetrator are prepared to enter settlement discussions, lead these discussions, record the result of these, supervise the actual compensatory efforts and inform the prosecution service and court of success or failure.

Official statistics do not record the use of Offender-Victim Mediation. Since 1995 there are Federal TOA statistics (see “Täter-Opfer-Ausgleich in Deutschland” by Hans-Jürgen Kerner and Arthur Hartmann, ed. by the Federal Ministry of Justice, Berlin 2007), funded by the Federal Ministry of Justice, collected and prepared by a research group, which recently published statistics 2005. The data are collected from institutions which carry out TOA. Because participation in the TOA statistics is on a voluntary basis the available results are not representative of all settlement institutions or all German cases. The TOA statistics present a variety of information about the institutions, the caseload, the case characteristics and about the course and results of this measure. The central findings are briefly summarised in the following:

Of the reporting *institutions*, the majority are independent although the participating youth protection offices and judicial social services are likely to be under-represented. Approximately three quarters of the institutions involved are specialised in TOA. In 2002 the development reached its peak with 4 381 reported cases. Since the first collection round in 1993 the caseload of procedures considered suitable for conflict resolution has risen from 1 066 to 3 227 in 2005, i.e. it has tripled. TOA is usually initiated in the pre-trial stage (87 % of cases in 2005) with the prosecution service playing the decisive role (in 75 % of cases).

The offences affected are mainly bodily injury (53 %), criminal damage (12 %), insults (11 %), whereas property and asset related crimes (7 %) as well as robberies (2 %) play a comparatively small part. As far as the injured parties are concerned, the majority of these (almost two thirds) are male resulting from the high proportion of bodily harm offences. According to the distribution of offences, the consequences of the act are bodily harm (47 %) outweighing material (20 %) and psychological (19 %) damage. Also the accused men are

dominant (80 %). As far as age is concerned there is a small decrease amongst adults – to 51 % of the accused and 61 % of the injured parties. A significant pre-condition of *TOA* is the willingness to reach a settlement by both the injured party and the accused. This willingness is lower on side of the injured parties (57 %) than on side of the perpetrators (77 %).

The *settlement discussion* between perpetrator and victim is central to the *TOA* concept; in two thirds of cases this takes place in the presence of a mediator. In the remaining cases other forms of conciliation are used, e.g. using alternating discussions between the mediator and the injured party and the perpetrator. If a compensation attempt is made it usually leads to a positive result: In 82 % of cases an agreement is reached which satisfies both parties and is carried out: in a further 5 % of cases a partial settlement agreement is reached. Only in 13 % of cases does the *TOA* fail altogether, due to the parties not reaching an agreement, the injured party withdrawing in the course of proceedings or the perpetrator breaking off compensatory efforts.

Table 8: Content of the Action agreed through Offender-Victim Mediation – 2005

	in %
No action agreed	4.8
Apology	47.6
Present	2.2
Restitution	1.3
Compensation for Pain and Suffering	9.4
Work for the Victim	3.0
Common activity with the victim	2.3
Damages	16.2
Other	13.3

* It is possible to agree that more than one action be carried.

Source: Kerner/Hartmann, Täter-Opfer-Ausgleich in Deutschland, Berlin 2007, S. 33; author's own presentation.

As one would expect, the payment of damages or compensation for pain and suffering are the most common action agreements alongside apologies (see table 8). If the *TOA* institution views the settlement attempt as completed, it will inform the prosecution service or, where relevant, the court of this.

Addendum to Chapter 3

Selected List of Relevant Laws

The following federal laws are the most relevant to the legal framework of juvenile justice in Germany (*Jugendrecht* 2012):

- 1a **Social Code (SGB) General Part** of 11.12.1975
- 1b **Social Code (SGB) Book Eight (VIII): Children and Youth Services** in the version of 14.12.2006
- 1c **Act on cooperation and information in the child protection (KKG)** of 22.12.2011 (BGBl. I S. 2975)
- 1d **Social Code (SGB) Book Two (II): Basic security for job seekers** in the version of 13.5.2011
- 1e **Social Code (SGB) Book Twelve (XII): Social Assistance** of 27.12.2003
- 2 **Constitution** (Grundgesetz) of 23.5.1949
- 3a **Civil Code (BGB)** in the version of 2.1.2002
- 3b Act on mediation as a child and the adoption of the prohibition on the provision of substitute mothers (**Adoption Placement Act**) (AdVermiG) in the version of 22.12.2001
- 3c **Act on the legal status of illegitimate children** of 19.8.1969
- 3d Act to guarantee the maintenance of children of single living mothers and fathers (**Unterhaltsvorschussgesetz**) in the version of 17.7.2007
- 3e **Introductory Act to the Civil Code** in the version of 21.9.1994
- 3f **Convention** on the competence of authorities and the applicable law on the **protection of minors** of 5.10.1961
- 4 Act on Protection against harmful effects of air pollution, noise, vibration and related events (**BImSchG**) in the version of 26.9.3003 (BGBl. I S. 3830)
- 5 Act on **Religious Education of Children** of 15.7.1921
- 6 Act on the **Promotion of Youth Voluntary Service** (JFDG) of 16.5.2008
- 7a **Youth Protection Act** (JuSchG) of 23.7.2002
- 7b Regulation implementing the Youth Protection Act (**DVOJuSchG**) of 9.9.2003
- 8 Treaty on the protection of human dignity and the protection of minors in broadcasting and electronic media (**Jugendmedienschutz-Staatsvertrag**) of 10.9.2002
- 9 **Penal Code** in the version of 13.11.1998
- 10a Act on **Administrative Offence** (OwiG) in the version of 19.2.1987

Addendum to Chapter 3

Selected List of Relevant Laws (continuing)

- 10b **Arms Act** of 11.10.2002
- 11a Act for the **Protection of the Working Youth** (JArbSchG) of 12.4.1976
- 11b Regulation implementing Health Checks of Working Youth (**JArbSchUV**) of 16.10.1990
- 11c Regulation on the Prohibition of employment of minors with morally hazardous activities of 3.4.1964
- 11d Regulation on exemptions from Provisions of Protection of Working Youth for Minor Officials in the Federal Police (**BGS-JArbSchV**) of 11.11.1977
- 11e **Child Labour Protection Regulation** (KindArbSchV) of 23.6.1998
- 12a **Vocational Education Act (BBiG)** of 23.3.2005
- 12b **Social Code (SGB) Book Three (III): Work Promotion** of 24.3.1997
- 14 **Craft Regulation** (HWO) of 24.9.1998
- 15a **Federal Education Assistance Act (BAföG)** in the version of 7.12.2010
- 15b Regulation on Additional Assistance in Cases of Hardship under the Federal Training Assistance Act (**HärteV**) of 15.7.1974
- 15c Regulation on the recovery of grant loans rendered according to the Federal Education Assistance Act (**DarlehensV**) of 28.10.1983
- 15d Regulation on the territorial jurisdiction of Education Assistance (**BAföG-AuslandszuständigkeitsV**) of 6.1.2004
- 15e Regulation on the adoption of performance-related partial relief of educational grant loans (**BAföG-TeilerlassV**) of 14.12.1983
- 15f Regulation on educational assistance for attending training centres for psychotherapy, child or youth psychotherapy (**PsychThV**) of 27.7.2000
- 16a **Juvenile Court Act** in the version of 11.12.1974
- 16b **Juvenile Detention Regulation** (JAVollzO) of 30.11.276
- 16c **Federal Central Register Act** in the version of 21.9.1984
- 16d **Federal Armed Forces Radio Regulations** (BwVollzO) of 29.11.1972
- 17a Juvenile Detention Provisions of the Länder
- 17b Example of Baden-Württemberg: Code on Detention Centres in Baden-Württemberg – Book 4: Youth Detention Centres (Juvenile Justice), of 11.11.2009 (GBl. S. 545).

Addendum to the Chapter 6 and 7 (Nr. 1)

German Forum of Crime Prevention

Impulses for Community-based Prevention Management in Germany

A guide for community practice

[Source: DFK 2012, www.kriminalpraevention.de]

In the past few years, the concept of community-based crime prevention has experienced an enormous upward trend in Germany. However, due to the extremely heterogeneous spectrum of various organisational forms and a wide range of substantive approaches, critical voices have become louder; they fear that the concept of community-based crime protection will be diluted and eroded.

The "German Forum for Crime Prevention" (DFK) has thus taken on the task of contributing toward the continued development and stabilisation of community prevention bodies by developing a guide for community practice. Above all, the just-published guide identifies structural elements that have proven to be either necessary and beneficial or an impediment to the planning, establishment and work of community prevention bodies.

It is based upon a secondary analytical assessment of selected publicly accessible literature on the topic of "community crime prevention," which posed the question of which prerequisites and framework conditions are discernible for effective community prevention work, and the extent to which impulses for the initiation, optimisation and revitalisation of community forms of institutionalisation may be gleaned therefrom.

The results of this analysis have been submitted for evaluation to prevention practitioners from the DFK Working Group "Cities for Safety, Tolerance and Non-violence" within the scope of a Delphi Survey. Germane for the study was the question of whether the abstract parameters of success and design could be confirmed with the specific experiential insights in the communities of the DFK Working Group.

This guide is a reworked summary of the preliminary study "Impulses for Community-based Prevention Management;" like the guide, it is available for download from the DFK Internet site (www.kriminalpraevention.de).

An overview of the most important results and recommendations:

The successful initiation, thematic direction and goal-oriented work of community prevention bodies present demanding challenges for the participants. Some of the parameters of success and design have proven to be particularly important for helping to meet those challenges:

- Characterising crime prevention as a *multi-disciplinary endeavour* first and foremost means recognising existing areas of activity in terms of their significance for crime prevention, fulfilling these in a more efficient and effective manner by networking available resources, and taking into account the ancillary effects of community action in terms of crime prevention.
- *Institutionalisation* of community-based crime prevention is of crucial importance for its acceptance and coordination.

- The key to establishing functional cooperative structures is harmonising the interests, restrictions and motivations of various actors with one another.
- The success of networks active in crime prevention depends to a great extent on the *willingness to cooperate and compromise* on the part of the participants.
- Goals of the *cooperative approach* include
 - Inclusion of multi-faceted expertise
 - Coordination and communication between the actors
 - Taking full advantage of synergistic potential
 - Participation opportunities for the general public
- The *participation of high-ranking representatives* from the community and police top-level leadership in prevention bodies ("*mayoral obligation*") underscores their importance and facilitates implementation of decisions within public authorities.
- Timely anchoring of *prevention as an obligatory aspect of planning* in the goal establishment, planning and decision-making process of communities offers the opportunity to attain financial savings.
- The guiding principle of *citizen participation* is a constituent feature of community-based crime prevention. Addressing and including the direct surroundings of the public seems to promise success.
- Conceptually well-shaped and goal-oriented *public relations and outreach work* should foster the recognition of crime prevention forums and bodies within the target groups, among potential members and partners, financial contributors as well as competing institutions. For this, specific goals, tasks, work focuses and approaches to problem solving must be imparted in a manner appropriate to the target group.
- The principle of *cause orientation* implies not only viewing crime in the community at a symptomatic level, but also analysing a multitude of possible framework, conditional and creational factors in order to be able to develop strategies which contribute in a sustainable manner to reducing delinquency and feelings of insecurity by influencing their causal contexts.
- In order to be able to direct measures to the influencing factors of crime in a goal-oriented manner, thorough *stocktaking* and cause analyses are necessary.
- *Long-term community prevention concepts* are designed to connect strengths of "primary" crime prevention (cause orientation and sustainability) with the advantages of situation-based approaches (direct effects, easier to measure effectiveness). *Professional performance of tasks* consistent with original responsibilities and special expertise would accent the strengths of both approaches instead of playing them off against one another.
- Uniform structural recommendations for the *establishment organisation* of community prevention bodies are not very feasible because they do not adequately reflect concrete on-site framework conditions.
- Currently, a transformation is apparently taking place in terms of the *structure of crime prevention bodies* as a result of participatory deficits in recruiting public commitment. Connected with this is a functional split into three: a small leadership group capable of decision-making, a broader working level which includes the most comprehensive expertise possible, and a district level narrower as to scope.
- Initiatives on the *district and neighbourhood level* open up identification opportunities for the public, with the goal of community crime prevention in their immediate everyday surroundings.

- Coordination in the sense of management is a necessary prerequisite for the continuity of the work of a prevention body. In addition to these administrative obligations, a *prevention manager* could take on additional responsibilities which are of great significance for the professionalisation of community crime prevention.
 - The integration of crime prevention as an independent planning item into the community administration
 - The guarantee of a scientifically confirmed strategic direction of the approaches to crime prevention, as well as
 - A social integration function as the moderator between differing special interests.
- *Evaluations* – understood here as analyses of effect – are indispensable for the methodological continued development of the crime-prevention approach as well as for its long-term legitimacy. To establish the instrument, however, the willingness to admit to errors (*“error culture”*) is necessary.
- Particularly indispensable for the institutionalisation of community crime prevention is a *basic funding level* by the community, which is ideally set down in a separate line item in the budget.

Addendum to the Chapter 6 and 7 (Nr. 2)

Konstanzer Trainingsmodell (KTM) Tennstädt/Krause/Humpert/Dann

Source: <http://www.kriminalpraevention.de/wissen-gegen-gewalt/themenpfade/schule/programme-national/168-konstanzer-trainingsmodell-ktm.html>

Bibliographic Advice: TENNSTÄDT Kurt Ch. / KRAUSE Frank / HUMPERT Winfried / DANN Hanns D.:
Das Konstanzer Trainingsmodell (KTM) – Einführung: Bern: Huber 1990.

The so-called “Konstanz Training Model”, developed in the late eighties at the University of Konstanz, aims to strengthen and to increase the pedagogical action and social skills of teachers by a joint analysis of what happens in the classroom, the joint work on case studies as well as by specific communication training. The KTM methodology envisages including the student perspective in order to enhance the well-being of the students and to avoid solutions that might be tailored to the teacher’s needs. An essential element of the programme is the “tandem design”: two or more teachers at a school are committed to support each other for the duration of the school year. They perform visits of the lessons of the training partners (peers), identifying and reflecting with a peer review approach critical situations and development strategies as well as alternatives solutions guided by a KTM manual. During the school year the tandem-teachers are supported by KTM-trainers. After a first preparation some more six to eight training afternoon will follow during the school year. Since its development in the Constance Training Model successfully has been implemented in many schools and also in other contexts. The evaluation of training shows at least some short-term efficacy results. Evaluation results on the long-term impact are not yet available.

Addendum to the Chapter 6 and 7 (Nr. 3)

Baden-Württemberg

IN 2004 and 2006 the Federal Criminal Office (BKA) published some selected examples of projects of the so-called “Infopool Prevention” (BKA 2004a; BKA 2006). In the following an ordered shortlist is given. For more detailed information please refer to the original publications:

Drugs / Addiction:

- Night Events

Feeling of Security:

- Voluntary Police Service of Hesse

Juvenile Delinquency / Protection of Minors:

- House of Youth Law;
- Juvenile Delinquency Prevention Program (JKPP);
- Cooperation between the Police, Youth Welfare Services and Social Welfare Services (PJS) – A Joint Project of the City of Nuremberg and of the Nuremberg Police Headquarters;
- PIT - Prevention through Teamwork (1 + 2)
- Addressing endangerers
- JIT – Intervention concept for young repeat offenders
- Pilot project of the government of Lower Saxony for the prevention of unexcused absence from lessons (“progress”)
- Working together – speaking to one another – structuring lives / B44

Neighbourhood / Living :

- Integration by Means of Sports

Offenses against Property:

- Prevention Badge

Public Areas (incl. public transport)

- Stadtwache Bielefeld

Victim Help / Victim Protection:

- Witness Counselling at the Local and Regional Courts of Düsseldorf

Violence:

- BERLIN Model: Neighbourhood-Oriented Violence and Crime Prevention
- Self-Assurance/Self-Determination Training for Girls at Schools in North-Rhine-Westphalia
- “Get moving!” – violence de-escalation training for teachers and disseminators
- De-escalation / Anti-violence training “by learning to box” – crime prevention for juvenile and adolescent ethnic Germans from the former Soviet Union
- School quality as a prevention strategy – pupil disseminators against violence and crime
- We will participate – courage against violence

Witness and Helper Behaviour

- Campaign “Violence - Awareness – Help”

Xenophobia

- How to get away from right-wing extremism

In many states in Germany specific actions and preventive campaigns are organised by the Ministry of Education (and the schools), the Ministry of the Interior, the police and other institutions and organisations of civil society addressing in a specific way children and minors. The most relevant topics are:

- Drugs
- Internet use and internet crimes
- Private property
- Violence: anti-violence awareness and trainings
- Integration of migrants, Muslims, Aussiedler
- Protection of victims
- Security systems, neighbourhood watch, weapons
- Traffic

A large set of measures and media are offered: brochures, campaigns, CD/DVD, computer games, didactic materials for the school, films, games, Internet portals, manuals, printed documents, school projects, posters, theatre workshops, trainings and workshops. (LANDESBILDUNGSSERVER BADEN-WÜRTTEMBERG / SCHULE IN BADEN-WÜRTTEMBERG 2012a; BANNENBERG Britta, o. J.; FRÖHLICH-GILDHOFF Klaus 2011).

The Contact Office Prevention of the Ministry of Culture in Baden-Württemberg has collected actually 60 school projects of good practice (LANDESBILDUNGSSERVER BADEN-WÜRTTEMBERG / SCHULE IN BADEN-WÜRTTEMBERG 2012b).

Addendum to the Chapter 6 and 7 (Nr. 4)

Prevention of youth violence – What needs to change?

Recommendations for policymakers

[Source: http://www.zeit-stiftung.de/ufile/5_639_6.pdf]

1. Prevention programs and activities

- We call a professional project management for any preventive measure: well-defined objectives, analysis of the status quo, promotion plan and evaluation.
- We demand that the prevention measures are matched in a differentiated way with the individual problems, involving the children and young people themselves.
- Given that the relationship aspect is crucial for a succeeding prevention and education in all social institutions, we demand a continuous support (supervision, advisory services) of educating people.

2. Increase the skills of all stakeholders in the education and prevention

- Taking into consideration the changes in the professional profile, we require aptitude tests for all educational professionals.
- We demand that educational curricula and teaching (universities, schools) will be coordinated and matched in a way to strengthen communication skills and competences in conflict management.
- We call "social competence" for a mandatory school subject.
- For strengthening parenting skills and to increase the participation of parents we call for firm, regular meetings (in terms of education partnership) between parents and educators/teachers, based on a standardized questionnaire (not optional for teachers, but as part of their work task and work time).

3. Cooperation and networking

- We demand that every municipality is required to regularly co-operation between the different institutions and between parents and agencies implement (SGB VIII, Child and Youth Welfare Act, § 81): e. g. by cooperation agreements.
- We call for mandatory meetings at regular time return to the transitions kindergarten-school and between different types of schools.
- We call for a rapid, coordinated response to violations of the rules: expansion of Models such as “House of Juvenile Justice” (*Haus des Jugendrechts*) (juvenile court, police, prosecutors and District Court under the same roof) and “Bergedorf model” (Hamburg-Bergedorf, linking family law and juvenile justice in local courts).

Other Recommendations

- Education is Prevention: We urge the strengthening of educational and prevention tasks. Day-care centres, schools and youth welfare institutions are “*educational institutions*”. Education and prevention and their significance must be reinforced, also in terms of time reserved for.
- We urge further discussion on the protection of the family (Article 6 Constitutional Law) and the problems of data protection in sharing relevant information between the institutions.
- We remind that mutual trust between young people and carers must be constructed to achieve an effective prevention.

Stuttgart, 14 March 2012

Meent Adden (Director, Youth Center Aurich, Lower Saxony)

Dr. Roland Bertet (Uhland School principal, Kornwestheim)

Florian Gless (Journalist, Director for Germany and “society”, Der Stern)

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Gisela Mayer (Citizens' Coalition “Winnenden”, Foundation Against Violence in Schools)

Ulrich Sauter (Stuttgart Police Department, Officer of Prevention)

Eftal Sen (“Work and Box” Project, Munich)

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