Germany

National Child Protection Legislation

National Legislation

- **Age of Child:** Child – under 14 years of age; Adolescent – over 14 but under 18
  [Youth Protection Act 2021]
  
  **Art. 1**
  
  1. Children are persons who are not yet 14 years old,
  2. Adolescents are persons who are 14 but not yet 18 years old,

- **Age of Consent:** 16 years of age
  [Criminal Code of the Federal Republic of Germany]
  
  **Sec. 180a – Causing minors to engage in sexual activity**
  
  (1) Whosoever encourages a person under sixteen years of age to engage in sexual activity with or in the presence of a third person or whosoever encourages sexual acts of a third person on a person under sixteen years of age
  
  1. By acting as an intermediary; or
  2. By creating an opportunity
  
  Shall be liable to imprisonment not exceeding three years or a fine. The 1st sentence No 2 above shall not apply if the offender is the person responsible for the care of the minor unless the offender, if responsible for the care of the minor, grossly violates his duty of education.

  (2) Whosoever induces a person under eighteen years of age to engage in sexual activity with or in the presence of a third person or to suffer sexual acts by a third person for a financial reward, or whosoever encourages such acts by acting as an intermediary, shall be liable to imprisonment not exceeding five years or a fine.

  (3) Whosoever induces a person under eighteen years of age who is entrusted to him for upbringing, education or care or who is his subordinate within an employment or a work relationship, by abusing the dependence associated with the upbringing, educational, care, employment or work relationship to engage in sexual activity with or in the presence of a third person or to suffer sexual acts by a third person shall be liable to imprisonment not exceeding five years or a fine.

- **Age of Marriage:** 18 years of age; 16 years of age with permission
  [Germany Civil Code]
  
  **Sec. 2 - Beginning of majority**
  
  Majority begins at the age of eighteen.

  **Sec. 1303 - Marriageable age**
  
  A marriage should not be entered into before the parties reach the age of majority.
  [Act of Combat Child Marriage]
The Civil Code in the version published on January 2, 2002, which was last amended by article 1 of the law of July 17, 2017, is amended as follows: Worded as follows: Marriage may not be entered into before the age of majority. Marriage cannot be validly entered into with a person who has not reached the age of 16.

- **Age of Criminal Responsibility:** 14 years of age
  
  **Criminal Code of the Federal Republic of Germany**

  **Sec. 19 – Lack of criminal capacity of children**
  Persons who have not attained the age of fourteen at the time of the commission of the offence shall be deemed to act without guilt.

- **Extraterritoriality**
  
  **Criminal Code**

  **Sec. 3 – Application to offences committed on German territory**
  German criminal law shall apply to acts committed on German territory.

  **Sec. 5 – Offences committed abroad against domestic legal interests**
  German criminal law shall apply, regardless of the law applicable in the locality where the act was committed, to the following acts committed abroad:
  6a. abduction of minors in cases under section 235(2) No 2, if the act is directed against a person who has his domicile or usual residence in Germany;
  8. offences against sexual self-determination:
     (a) in cases under section 174(1) and (3), if the offender and the victim are German at the time of the offence and have their main livelihood in Germany; and
     (b) in cases under sections 176 to 176b and section 182, if the offender is German;

  **Sec. 6 – Offences committed abroad against internationally protected legal interests**
  German criminal law shall further apply, regardless of the law of the locality where they are committed, to the following offences committed abroad:
  4. human trafficking for the purpose of sexual exploitation, for the purpose of work exploitation, and assisting human trafficking
  6. distribution of pornography under sections 184a, 184b (1) to (3) and section 184c (1) to (3), also in conjunction with section 184d, 1st sentence;
  9. Offences which on the basis of an international agreement binding on the Federal Republic of Germany must be prosecuted even though committed abroad

- **Dual Criminality**
  
  **Criminal Code of The Federal Republic of Germany**

  **Sec. 7 – Offences committed abroad – other cases**
  (1) German criminal law shall apply to offences committed abroad against a German, if the act is a criminal offence at the locality of its commission or if that locality is not subject to any criminal jurisdiction.
  (2) German criminal law shall apply to other offences committed abroad if the act is a criminal offence at the locality of its commission or if that locality is not subject to
any criminal law jurisdiction, and if the offender:
1. was German at the time of the offence or became German after the commission; or
2. was a foreigner at the time of the offence, is discovered in Germany and, although the Extradition Act would permit extradition for such an offence, is not extradited because a request for extradition within a reasonable period of time is not made, is rejected, or the extradition is not feasible.

- **Mandatory reporting requirements**

**The Federal Children Protection Act 2011**

Art. 4.5

If a local institution becomes aware of important indications that the well-being of a child or young person is endangered, the local institution responsible for granting benefits must be informed of the data, the knowledge of which is required to carry out the protection mandate in the event of a threat to the welfare of the child pursuant to Section 8a. The notification should be made in the context of a discussion between the specialists of the two local carriers, in which the legal guardians and the child or young person should be involved, insofar as this does not call into question the effective protection of the child or young person.

**Youth Protection Act, 2021**

Sec. 8

If a child or young person is in a place where he or she is in imminent danger to his or her physical, mental or psychological well-being, the competent authority or agency must take the necessary measures to avert the danger. If necessary, she has the child or young person

**Social Security Code (SGB) Fifth Book (V) - Statutory health insurance - (SGB V)**

Sec. 294a - Notification of causes of illness and damage to health caused by third parties

1) 1. If there are indications that an illness is an occupational disease within the meaning of the statutory accident insurance or its long-term consequences or the consequence or long-term consequence of an accident at work, another accident, physical injury, damage within the meaning of the Federal Health Care Act or vaccination damage within the meaning of the Infection Protection Act if there is or is evidence of damage to health caused by third parties, the doctors and facilities participating in contract medical care as well as the hospitals are obliged under Section 108 to provide the health insurance companies with the necessary data, including information on the causes and possible polluters.
2. If there are indications of damage to health caused by third parties, which may be the result of abuse, sexual abuse, sexual assault, sexual
coercion, rape or neglect of children and young people, there is no obligation to notify under sentence 1.

3. If there are indications of damage to health caused by third parties, the As a result of mistreatment, sexual abuse, sexual assault, sexual coercion or rape of an insured person of legal age, the obligation to notify pursuant to sentence 1 only applies if the insured person has expressly consented to the notification.

(2) If there are indications that the requirements of Section 52 (2) are met, the physicians and facilities participating in contract medical care and the hospitals are obliged under Section 108 to provide the health insurance companies with the necessary data. 2 The insured are to be informed of the reason for the notification pursuant to sentence 1 and the reported data.

- **Obligations of Educational Institutions**
  - **Criminal Code, 2019**
  - **Sec. 171 – Breach of duty to care or upbringing**
    Whosoever grossly neglects his duty to provide care or education for a person under the age of sixteen and thereby creates a danger that the person’s physical or mental development could be seriously damaged, that the person will engage in crime or in prostitution, shall be liable to imprisonment not exceeding three years or a fine.

- **Prohibition to hold certain positions**
  - **Criminal Code, 2019**
  - **Sec. 70 – Order for professional disqualification**
    (1) If a person has been convicted of an unlawful act he committed in abuse of his profession or trade or in gross violation of the attendant duties, or has not been convicted merely because he was proven to have acted in a state of insanity or his having so acted could not be excluded the court may make an order disqualifying him from engaging in that profession, branch of profession, trade or branch of trade, for a period from one year to five years, if a comprehensive evaluation of the offender and the offence shows that by further engagement in the profession, branch of profession, trade or branch of trade there is a danger that he will commit serious unlawful acts of the kind indicated above. The disqualification order may be made in permanence if there is reason to believe that the statutory maximum period will not suffice to avert the danger posed by the offender.

    (2) If the offender had been provisionally disqualified from engaging in a profession, branch of profession, trade or branch of trade (section 132a of the Code of Criminal Procedure), the minimum term of disqualification shall be reduced by the time during which the provisional disqualification was in effect. In no case may it be less than three months.

    (3) For the duration of the disqualification the offender must neither engage in the profession, branch of profession, trade or branch of trade on behalf of another nor have a person who is subject to his instructions engage in it on his behalf.
(4) The disqualification shall commence when the judgment becomes final. Any period of a provisional disqualification imposed because of the act shall be credited to the disqualification period to the extent it has run following the date on which the judgment in those proceedings in which the factual findings underlying the measure could last have been examined was pronounced. Any period during which the offender was kept in detention by order of a public authority shall not be so credited.

- Employment Law

**Protection against Dismissal Act**

**Art. 15 – inadmissibility of termination**

1. The termination of a member of a works council, a youth and trainee representative, an onboard representative or a maritime works council is inadmissible unless there are facts that entitle the employer to terminate the contract for good cause without observing a period of notice, and that the § 103 of the Works Constitution Act is available or has been replaced by a court decision. After the end of the term of office, the termination of a member of a works council, a youth and trainee representative or a maritime works council is within one year, the termination of a member of an on-board representative within six months, in each case from the time of termination counted against the term of office, unless there are facts that entitle the employer to terminate the contract for good cause without observing a period of notice; this does not apply if the termination of membership is based on a court decision.

**Works Constitution Act**

**Sec. 102 – Co-determination in the case of dismissal**

(5) The works council shall be consulted before every dismissal. The employer shall indicate to the works council the reasons for dismissal. Any notice of dismissal that is given without consulting the works council shall be null and void.

(6) If the works council has objections to a routine dismissal, it shall notify the employer in writing within a week giving its reasons. If it does not report its objections within the said time limit, it shall be deemed to have given its consent to the dismissal. If the works council has objections against an exceptional dismissal, it shall notify the employer in writing immediately and at any rate not later than within three days, giving its reasons. The works council shall consult the employee concerned before it takes a stand, in so far as this appears necessary. The third sentence of section 99 (1) shall apply, mutatis mutandis.

(7) The works council may oppose a routine dismissal within the time limit specified in the first sentence of subsection (2) in the following cases:

1. if the employer in selecting the employee to be dismissed disregarded or did not take sufficient account of social aspects;
2. if the dismissal amounted to non-observance of a guideline covered by section 95;
3. if the employee whose dismissal is being envisaged could be kept on at another job in the same establishment or in another establishment of the same company;
4. if the employee could be kept on after a reasonable amount of retraining or further training; or
5. if the employee could be kept on after a change in the terms of his contract and he has indicated his agreement to such change.

Sec. 104 – Removal of employees causing trouble in the establishment
If an employee through unlawful conduct or gross violation of the principles laid down in section 75 (1), in particular, through racist or xenophobic activities, repeatedly causes serious trouble in the establishment, the works council may request the employer to dismiss or transfer him. If the labour court upholds an application by the works council to enjoin the employer to dismiss or transfer the said employee and the employer does not dismiss or transfer him in violation of a mandatory court order, the labour court shall, on application by the works council, compel the employer to comply with the order by the imposition of fines. The maximum fine shall be EUR 250 in respect of each day on which the violation continues.

- Private Fostering
  German Civil Code
  Sec. 1741 – Admissibility of the adoption
  1. Adoption is admissible if it serves the best interests of the child and it is to be expected that a parent-child relationship will arise between the adoptive parent and the child. A person who has taken part for the purpose of adoption in a procurement or transportation of a child that is unlawful or contrary to public policy or who has commissioned a third party with this or rewarded him for this should adopt a child only if this is necessary for the best interests of the child.
  2. A person who is not married may adopt a child only alone. A married couple may adopt a child only jointly. A spouse may adopt a child of his spouse alone. He may also adopt a child alone if the other spouse cannot adopt the child because he is incapable of contracting or has not yet reached the age of twenty-one.

- Criminal Law – Defamation
  Criminal Code, 2019
  Sec. 185 – Insult
  The penalty for insult is imprisonment for a term not exceeding one year or a fine and, if the insult is committed by means of an assault, imprisonment for a term not exceeding two years or a fine.

  Sec. 186 – Malicious gossip
  Whoever asserts or disseminates a fact about another person which is suitable for degrading that person or negatively affecting public opinion about that person, unless this fact can be proved to be true, incurs a penalty of imprisonment for a term not exceeding one year or a fine and, if the offence was committed publicly or by
disseminating material (section 11(3)), a penalty of imprisonment for a term not exceeding two years or a fine.

Sec. 187 – Intentional defamation
Whosoever intentionally and knowingly asserts or disseminates an untrue fact related to another person, which may defame him or negatively affect public opinion about him or endanger his creditworthiness shall be liable to imprisonment not exceeding two years or a fine, and, if the act was committed publicly, in a meeting or through dissemination of written materials (section 11(3)) to imprisonment not exceeding five years or a fine.

- Case Law
  https://justiz.de/onlinedienste/rechtsprechung/index.php

**Sexual offences against children**

German Criminal Code, 2019 Amendment

Sec. 173 – Sexual Intercourse between relatives
(2) Whosoever performs an act of sexual intercourse with a consanguine descendant shall be liable to imprisonment not exceeding three years or a fine.

(3) Whosoever performs an act of sexual intercourse with a consanguine relative in an ascending line shall be liable to imprisonment not exceeding two years or a fine; this shall also apply if the relationship as a relative has ceased to exist. Consanguine siblings who perform an act of sexual intercourse with each other shall incur the same penalty.

(4) Descendants and siblings shall not be liable pursuant to this provision if they were not yet eighteen years of age at the time of the act.

Sec. 174 – Abuse of Position of Trust
Whosoever engages in sexual activity
1. with a person under sixteen years of age who is entrusted to him for upbringing, education or care;
2. with a person under eighteen years of age who is entrusted to him for upbringing, education or care or who is his subordinate within an employment or a work relationship, by abusing the dependence associated with the upbringing, educational, care, employment or work relationship; or
3. with his biological or adopted child not yet eighteen years of age, or allows them to engage in sexual activities with himself, shall be liable to imprisonment from three months to five years.
Whosoever, under the conditions of subsection (1) Nos 1 to 3 above
1. Engages in sexual activity in the presence of the person; or
2. Induces the person to engage in sexual activity in his presence, in order to obtain sexual gratification for himself or the person shall be liable to imprisonment not exceeding three years or a fine.
   (1) The attempt shall be punishable.
   (2) In cases under subsection (1) No 1 above, or subsection (2) above in conjunction with subsection (1) No 1, the court may order a discharge under this provision if taking into consideration the conduct of the person the harm of the offence is of a minor nature.

Sec. 176 – Sexual Abuse of children
1) Whosoever engages in sexual activity with a person under 14 years of age (child) or allows the child to engage in sexual activity with himself shall be liable to imprisonment from 6 months to 10 years.
2) Whosoever induces a child to engage in sexual activity with a third person or to allow third persons to engage in sexual activity with the child shall incur the same penalty.
3) In especially serious cases, the penalty shall be imprisonment of not less than one year.
4) Whosoever
   1. engages in sexual activity in the presence of a child;
   2. induces the child to engage in sexual activity, unless the act is punishable under subsection (1) or subsection (2) above;
   3. influences a child by way of material (section 11(3)) or information and communication technologies
      a) in order to induce the child to perform sexual acts on or in the presence of the offender or a third person or allow the offender or a third person to perform sexual acts on the child; or
      b) in order to commit an offence under section 184(b)(1) no. 3 or under section 184(b)(3) or
   4. influences a child by showing pornographic images or depictions, by playing audio recordings, making pornographic content available by way of information and communication technologies or pornographic speech shall be liable to imprisonment from three months to five years.
5. Whosoever supplies or promises to supply a child for an offence under subsections (1) to (4) above or who agrees with another to commit such an offence shall be liable to imprisonment from three months to five years.
6. The attempt shall be punishable; this shall not apply to offences under subsection (4) Nos 3 and 4 and subsection (5) above.

Sec. 176a – Aggravated Sexual Abuse of Children
(1) The sexual abuse of children under § 176(1) and (2) shall entail a sentence of imprisonment of not less than one year if the offender was convicted of such an offence by final judgment within the previous five years.
(2) The sexual abuse of children under § 176(1) and (2) shall entail a sentence of imprisonment not less than 2 years if
   1. A person over 18 years of age performs sexual intercourse or similar sexual acts with the child which includes a penetration of the body, or allows them to be performed on himself by the child
   2. The offence is committed jointly by more than one person; or
   3. The offender by the offence places the child in danger of serious injury or substantial impairment of his physical or emotional development

(3) Whosoever under section 176(1) to (3), (4) Nos 1 or 2 or section 176(6) acts as a principal or secondary participant with the intent of making the act the object of a pornographic medium (section 11(3)) which is to be disseminated pursuant to section 184b(1) to (3) shall be liable to imprisonment of not less than two years.

(4) In less serious cases under subsection (1) above the penalty shall be imprisonment from three months to five years, in less serious cases under subsection (2) above imprisonment from one to ten years.

(5) Whosoever under section 176(1) to (3) seriously physically abuses the child or places the child in danger of death shall be liable to imprisonment of not less than five years.

(6) Any period during which the offender was detained in an institution pursuant to an order of a public authority shall not be credited to the term indicated in subsection (1) above. An offence resulting in a conviction abroad shall be equivalent, under subsection (1) above, to an offence resulting in a domestic conviction if under German criminal law it would have been an offence under section 176(1) or (2).

Sec. 176b – Sexual abuse of children resulting in death
If, by committing sexual abuse (sections 176 and 176a), the offender causes the child’s death at least recklessly, the penalty is imprisonment for life or imprisonment for a term of at least 19 years.

Sec. 177 – Sexual assault by use of force or threats; rape
(1) Whosoever coerces another person
   1. by force;
   2. by threat of imminent danger to life or limb; or
   3. by exploiting a situation in which the victim is unprotected and at the mercy of the offender, to suffer sexual acts by the offender or a third person on their own person or to engage actively in sexual activity with the offender or a third person, shall be liable to imprisonment of not less than one year.

(2) In especially serious cases the penalty shall be imprisonment of not less than two years. An especially serious case typically occurs if
   1. the offender performs sexual intercourse with the victim or performs similar sexual acts with the victim, or allows them to be performed on himself by the victim, especially if they degrade the victim or if they entail penetration of the body (rape); or
   2. the offence is committed jointly by more than one person.

(3) The penalty shall be imprisonment of not less than three years if the offender
   1. carries a weapon or another dangerous instrument;
2. otherwise carries an instrument or other means for the purpose of preventing or overcoming the resistance of another person through force or threat of force; or
3. by the offence places the victim in danger of serious injury.

(4) The penalty shall be imprisonment of not less than five years if
1. the offender uses a weapon or another dangerous instrument during the commission of the offence; or if
2. the offender
   a) seriously physically abuses the victim during the offence; or
   b) by the offence places the victim in danger of death.

(5) In less serious cases under subsection (1) above the penalty shall be imprisonment from six months to five years, in less serious cases under subsections (3) and (4) above imprisonment from one to ten years.

Sec. 179 – Abuse of persons who are incapable of resistance
(1) Whosoever abuses another person who is incapable of resistance
   1. because of a mental illness or disability including an addiction or because of a profound consciousness disorder; or
   2. is physically incapable, and by exploiting the incapability to resist engages in sexual activity with the person or allows them actively to engage in sexual activity on his person shall be liable to imprisonment from six months to ten years.

(2) Whosoever abuses a person incapable of resistance (subsection (1) above), by inducing the person, under exploitation of the incapability of resistance, to engage actively in sexual activity with a third person or to allow a third person to engage in sexual activity with them, shall incur the same penalty.

(3) In especially serious cases the penalty shall be imprisonment of not less than one year.

(4) The attempt shall be punishable.

(5) The penalty shall be imprisonment of not less than two years if
   1. the offender performs sexual intercourse or similar sexual acts with the victim which include penetration of the body, or allows them to be committed on himself by the victim;
   2. the offence is committed jointly by more than one person; or
   3. by the offence the offender places the victim in danger of serious injury or substantial impairment of his physical or emotional development.

(6) In less serious cases under subsection (5) above the penalty shall be imprisonment from one to ten years.

(7) Section 177(4) No 2 and section 178 shall apply mutatis mutandis.

Sec. 180 – Causing minors to engage in sexual activity
(1) Whosoever encourages a person under 16 years of age to engage in sexual activity with or in the presence of a third person or whosoever encourages sexual acts of a third person on a person under 16 years of age
   1. By acting as an intermediary; or
   2. By creating an opportunity shall be liable to imprisonment not exceeding three years or a fine. The 1st sentence No 2 above shall not apply if the offender is
the person responsible for the care of the minor unless the offender, if responsible for the care of the minor, grossly violates his duty of education.

(2) Whosoever induces a person under 18 years of age to engage in sexual activity with or in the presence of a third person or to suffer sexual acts by a third person for a financial reward, or whosoever encourages such acts by acting as an intermediary shall be liable to imprisonment not exceeding five years or a fine.

(3) Whosoever induces a person under 18 years of age who is entrusted to him for upbringing, education, or care, or who is subordinate within an employment or a work relationship by abusing the dependence associated with the upbringing, educational, care, employment, or work relationship to engage in sexual activity with or in the presence of a third person or to suffer sexual acts by a third person shall be liable to imprisonment not exceeding five years or a fine.

(4) In cases under subsections (2) & (3) above the attempt shall be punishable.

Sec. 182 – Abuse of juveniles

(1) Whosoever abuses under 18 years of age by taking advantage of an exploitative situation by

1. Engaging in sexual activity with the person or suffering the person to engage actively in sexual activity with him or
2. Inducing the person to engage in sexual activity with a third person or to suffer sexual acts committed on their own body by a third person, shall be liable to imprisonment not exceeding 5 years

(2) The same penalty shall apply to a person over 18 years of age who abuses a person under 18 years of age by engaging in sexual activity with him or to by inducing the person to suffer sexual acts committed by him on their own body for a financial reward.

(3) A person over 21 years of age who abuses a person under 16 years of age by

1. Engaging in sexual activity with the person or causing the person to engage actively in sexual activity with him or
2. Inducing the person to engage in sexual activity with a third person or to suffer sexual acts committed on their own body by a third person, and thereby exploits the victims lack of capacity for sexual self-determination shall be liable shall be liable to imprisonment not exceeding three years or a fine.

(4) The attempt shall be punishable

Sec. 184(b): Distribution, Acquisition, and Possession of Child Pornography

(1) Whosoever

1. Disseminates;
2. Publicly displays, presents, or otherwise makes accessible; or
3. Produces, obtains, supplies, stocks, offers, announces, commends, or undertakes to import or export in order to use them or copies made from them within the meaning of Nos 1 or 2 above or facilitates such use by another pornographic written materials (section 11(3)) related to sexual activities performed by, on, or in the presence of children (section 176(1)) (child pornography) Shall be liable to imprisonment from three months to five years.

(2) Whosoever undertakes to obtain possession for another of child pornography reproducing an actual or realistic activity shall incur the same penalty.
(3) In cases under subsection (1) or subsection (2) above the penalty shall be imprisonment of six months to ten years if the offender acts on a commercial basis or as a member of a gang whose purpose is the continued commission of such offences and the child pornography reproduces an actual or realistic activity.

(4) Whosoever undertakes to obtain possession of child pornography reproducing an actual or realistic activity shall be liable to imprisonment not exceeding two years or a fine. Whosoever possesses the written materials set forth in the 1st sentence shall incur the same penalty.

(5) Subsections (2) and (4) above shall not apply to acts that exclusively serve the fulfilment of lawful official or professional duties.

(6) In cases under subsection (3) above section 73d shall apply. Objects to which an offence under subsection (2) or (4) above relates shall be subject to a deprivation order. Section 74a shall apply.

**Sec. 184c: Distribution, acquisition, and possession of juvenile pornography**

1. **Whosoever**
   1. Disseminates;
   2. Publicly displays, presents, or otherwise makes accessible; or
   3. Produces, obtains, supplies, stocks, offers, announces, commends, or undertakes to import or export in order to use them or copies made from them within the meaning of Nos 1 or 2 above or facilitates such use by another pornographic written materials (section 11(3)) related to sexual activities performed by, on, or in the presence of persons between the ages of fourteen to eighteen years (juvenile pornography) shall be liable to imprisonment not exceeding three years or a fine.

2. Whosoever undertakes to obtain possession for another of juvenile pornography reproducing an actual or realistic activity shall incur the same penalty.

3. In cases under subsection (1) or subsection (2) above the penalty shall be imprisonment of three months to five years if the offender acts on a commercial basis or as a member of a gang whose purpose is the continued commission of such offences and the juvenile pornography reproduces an actual or realistic activity.

4. Whosoever undertakes to obtain possession of child pornography reproducing an actual or realistic activity shall be liable to imprisonment not exceeding one year or a fine. The 1st sentence shall not apply to acts of persons related to juvenile pornography produced by them while under eighteen years of age and with the consent of the persons therein depicted.

5. Section 184b (5) and (6) shall apply mutatis mutandis.

**Sec. 236 – Child trafficking**

1. Whosoever in gross neglect of his duties of care and education leaves his child, ward or foster child under eighteen years of age with another for an indefinite period for material gain or with the intent of enriching himself or a third person shall be liable to imprisonment not exceeding five years or a fine. Whosoever in cases under the 1st sentence above takes the child, ward or foster child into his home for an indefinite period and awards compensation for it shall incur the same penalty.
2) Whosoever unlawfully
   1- procures the adoption of a person under eighteen years of age; or
   2- engages in procurement activity with the aim of a third person taking a person
      under eighteen years of age into his home for an indefinite period,
      and acts for consideration or with the intent of enriching himself or a third person shall be
      liable to imprisonment not exceeding three years or a fine. Whosoever, as an agent for the
      adoption of a person under eighteen years of age, grants a financial reward to a person
      in exchange for the required consent to the adoption shall incur the same penalty. If the
      offender in cases under the 1st sentence above causes the procured person to be brought
      into Germany or abroad the penalty shall be imprisonment not exceeding five years or a
      fine.
3) The attempt shall be punishable.
4) The penalty shall be imprisonment from six months to ten years if the offender
   1- seeks profit or acts on a commercial basis or as a member of a gang whose
      purpose is the continued commission of child trafficking or
   2- by the act places the child or the procured person in danger of a substantial
      impairment of his physical or mental development.
5) The court may in its discretion mitigate the sentence (section 49(2)) for accomplices in
     cases under subsections (1) and (3) above and for secondary participants in cases
     under subsections (2) and (3) above, or order a discharge under subsections (1) to (3),
     if their guilt, taking into consideration the physical or mental welfare of the child or the
     procured person, is of a minor nature.

Sec. 240 – Using threats or force to cause a person to do, suffer or omit an act
1. Whosoever unlawfully with force or threat of serious harm causes a person to commit,
   suffer or omit an act shall be liable to imprisonment not exceeding three years or a fine.
2. The act shall be unlawful if the use of force or the threat of harm is deemed
   inappropriate for the purpose of achieving the desired outcome.
3. The attempt shall be punishable.
4. In especially serious cases the penalty shall be imprisonment from six months to five
   years. An especially serious case typically occurs if the offender
   a. causes another person to engage in sexual activity;
   b. causes a pregnant woman to terminate the pregnancy; or
   c. abuses his powers or position as a public official.

German Civil Code
Sec. 2 - Beginning of majority
Majority begins at the age of eighteen.

Sec. 1632 - Surrender of the child; determination of contact; order that child remains in
foster care
1. The care for the person of the child includes the right to require surrender of the child
   from every person who is unlawfully withholding it from the parents or from one
   parent.
Sec. 1303 - Marriageable age
1. A marriage should not be entered into before the parties reach the age of majority.

- Female genital mutilation
  German Criminal Code
  Sec. 226A – FGM
  1. Whoever mutilates the external genitalia of a female person incurs a penalty of imprisonment for a term of at least one year.
  2. In less serious cases, the penalty is imprisonment for a term of between six months and five years.

- Child Marriage
  Act of Combat Child Marriage
  The Civil Code in the version published on January 2, 2002, which was last amended by article 1 of the law of July 17, 2017, is amended as follows: Worded as follows: Marriage may not be entered into before the age of majority. Marriage cannot be validly entered into with a person who has not reached the age of 16.

  German Criminal Code
  Sec. 237 – Forced marriage
  1. Whosoever unlawfully with force or threat of serious harm causes a person to enter into a marriage shall be liable to imprisonment from six months to five years. The act shall be unlawful if the use of force or the threat of harm is deemed inappropriate for the purpose of achieving the desired outcome.
  2. The same penalty shall apply to a person who, for the purposes of committing an offence under subsection (1) above, with force or threat of serious harm or through deception, transports that person, or causes that person to travel, to a territory outside the Federal Republic of Germany, or prevents that person from returning from there.
  3. The attempt shall be punishable.
  4. In less serious cases the penalty shall be imprisonment not exceeding three years or a fine.