



ESF

Child Protection

Policy

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Content

As part of its work, the ESF is committed to strengthening children's rights ¹ and protecting them from violence. The aim is to create an environment that is safe for children and in which respect for children's rights and human rights is guaranteed.

1 Introduction

Many cases of violence are not reported at all or only at a very late stage. In addition, children who are supported in institutions or otherwise cared for in an institution are at an increased risk of becoming victims of violence. Regardless of the different risk factors, all children have the same right to protection. It also happens that potential perpetrators seek access to children via childcare facilities. They have a special responsibility to ensure that all children (including particularly vulnerable groups) with whom they work directly, with whom they have contact or who are affected by their work are safe and protected. If, despite all preventive measures, cases of violence occur, it is up to them to ensure that the child concerned receives the support they need. In addition, they must take appropriate steps to bring the perpetrators to appropriate sanctions or criminal prosecution. The ESF therefore takes extensive measures to effectively protect children from violence. It supports children in discovering and developing their potential and exercising their rights. ESF is committed to ensuring the protection of children from violence within its own organization. The aim is to minimize the risk of violence. Clear rules of conduct and responsibilities through the appointment of a person responsible for child protection, a child protection team and the establishment of case management teams and functioning, transparent monitoring and complaints mechanisms are intended to ensure a high level of protection for children ².

Every ESF employee is obliged to point out potential dangers to children and to respond appropriately to any cases of violence immediately in accordance with the child protection policy.

1.1 General overview

Declaration of commitment

The ESF establishes the protection of children and the following standards as a quality feature of its work. Together with its employees (employees, freelancers, members of the Board of Directors), it undertakes to the best of its ability to strengthen children in their rights and to protect them from sexual, emotional or physical violence, exploitation as well as neglect. Children must always be treated with respect, dignity, justice and empathy. Principles of non-discrimination must be upheld when dealing with children. Children must be involved in measures that affect them directly or indirectly and their interests must be taken into account in the planning and implementation of project activities. ESF and its partners/service providers must be made aware of this and sensitized to the issue.

¹ The ESF follows the definition of the UN Convention on the Rights of the Child: children are people who have not yet reached the age of eighteen, unless age, unless the age of majority is reached earlier under the law applicable to the child.

² Transparency in the child protection system is the general disclosure of information, whereby the confidential handling of sensitive information and the protection of information and the protection of persons involved is always guaranteed.

The aim and scope of ESF's child protection policy is to protect children from violence, stigmatization and violation of their personal rights in all its activities. In order to reduce the risk of violence against children, ESF raises awareness of this issue among its own employees and the staff of service providers/parent associations. In addition, the child protection policy and the clearly defined procedures and conduct guidelines therein help to protect employees from unfounded accusations and ESF as an organization from loss of reputation. The confidential handling of sensitive information and the protection of persons involved are always ensured. As a learning organization, the ESF adopts an error-friendly approach and is also committed to rehabilitating the person concerned in the event of suspicious reports that turn out to be unfounded.

Legal framework

Children have a right to be protected from violence. The UN Convention defines "every human being under the age of eighteen as a child."³ The Convention on the Rights of the Child contains several fundamental principles that are of particular importance in the area of child protection. These include the principle of the best interests of the child, the principle of non-discrimination, the right to life and development and respect for the views of the child.

1.2 Definition and types of violence against children

The child protection policy is based on the following five main categories of violence against children, which are increasingly being committed online:

Physical violence is the actual or potential physical injury of a child or the failure to protect the child from physical injury.

Sexual violence is the actual or threatened sexually motivated touching of a child, i.e. all forms of sexual activities such as indecent touching, sexual intercourse etc. as well as activities without physical contact such as the showing of pornographic material. The defining characteristics of sexual violence are:

Perpetrator proceeds strategically

The perpetrator exploits a relationship of power and dependency

The perpetrator obliges the victim to remain silent through manipulation and/or threats.

There are no clear signs. Those affected react very differently to these stressful experiences. Some reactions are noticeable to parents and other caregivers. You notice that

- The child behaves completely differently than before or has slowly changed completely. Some become very anxious and withdraw into themselves.
- Others lash out and hurt others to compensate for their experience of powerlessness.
- Some find it difficult to concentrate and have problems at school.
- Still others try to do everything right and behave very inconspicuously.
- Many children and young people become ill. For example, they suffer from headaches or stomach aches, develop skin diseases or have trouble sleeping.
- Some young people injure themselves.

³ According to German criminal law, children are persons up to the age of 14, juveniles are persons aged 14-18 and adolescents Persons up to the age of 21 for whom juvenile criminal law still applies.

- Others eat very little or far too much. Others take drugs, drink alcohol or develop other addictions.
- Some children and adolescents react with sexualized behaviour themselves: behaviour that is not appropriate for their age and/or is perceived by others as transgressive.

Each of these abnormalities can of course also have other causes. It is important that adults consider sexual violence as a possible cause in the first place. Only then do children and young people have a chance of getting help.

Psychological violence includes persistent or severe verbal abuse, humiliation, discrimination, stigmatization, devaluation or rejection that has a negative impact on a child's mental and behavioural development, as well as the deprivation of an environment that is appropriate for the child's age and promotes its psychosocial development.

Exploitation includes the sexual or other exploitation of a child through activities carried out by the child for the benefit of a third party. These activities include exploitative pornographic exploitation of children and any other activity that results in the economic exploitation of the child, impairs the child's physical and/or mental health, and interferes with the child's moral and/or psychosocial development.

Neglect begins as soon as a child is deprived of basic care for their psychosocial development - for example in the areas of health, nutrition, clothing, shelter and education, lack of supervision and control, and emotional neglect and omission.

The ESF's child protection policy addresses all of these forms of violence with its various measures.

2 Preventive measures

ESF's preventive measures include behavioral guidelines for various groups of people, standards in the context of personnel policy and standards for the various forms of communication. If there is a breach of the preventative measures guidelines, the ESF school management must be informed and the case management system comes into force (see chapter 4).

2.1 Code of conduct for ESF employees

The aim of the code of conduct for dealing with children is to take responsibility for the safety of children. At the same time, employees and persons who have access to children via the ESF are to be protected from false accusations.

The undersigned employees of ESF undertake,

- ... to comply with ESF's rules for the Protection of Children.
- to comply with the Code of Conduct (Annex 2).
- to ensure that the rules of conduct are observed, publicized and disseminated in the respective working environment.

- to respond immediately to all incidents and report them directly to the child protection team or the ESF child protection officer. If the persons responsible are themselves involved or biased, the case should be escalated to the Secretary-General of the European Schools.
- contribute to creating a safe, nurturing and encouraging environment for children.
- take children's opinions and concerns seriously and support them as individuals.
- treat all children equally, with dignity and respect.
- to follow the "two-adult rule". Therefore, if possible, ensure that another adult is present or within sight or earshot during personal encounters, interviews etc. with a child.
- respect the human dignity and need for protection of all persons, especially children, when photographing, filming or reporting for public relations purposes (e.g. by not photographing unclothed or suffering children).
- written permission must be obtained for the use of photographic material by the ESF.
- when presenting the ESF's project work, to ensure that all media content is based on the values of respect and equality, to preserve the dignity of the person portrayed and to describe the life situation of the children and their environment in a differentiated and truthful manner. Children are portrayed as personalities and actors with many facets and potentials. Reduction to a victim or other stereotypical role in the portrayal should be avoided.
- handle children's personal data with the utmost care and demand the same from third parties who receive information about children from the ESF or partner organizations (in accordance with the data protection guidelines signed by all).
- refrain from any kind of sexual approach or violence toward children. Perceiving something as harassment is subjective. Even if the child wants contact or even initiates it, it is the adult's duty to block these attempts.

Employees are all persons employed by or working for ESF.

Each signatory undertakes never to

- ... humiliate, discriminate against, threaten or deliberately intimidate children.
- abuse the power conferred by position or office.
- hit children or otherwise physically assault them.
- sexually, physically or emotionally abuse or exploit a child.
- in particular, never engage in sexual activity with or on a child or expose a child to pornographic material.
- hold, fondle, kiss or touch children in an inappropriate⁴ or culturally insensitive manner, use improper, indecent or abusive language.
- make sexual innuendos or ambiguous comments to a child.

⁴ Inappropriate is not only indecent touching, but also touching that is not necessary. Comforting the child, i.e. giving them a hug if they have hurt themselves, would be ok. Otherwise, however, touching should be avoided.

- helping a child with intimate tasks (such as going to the toilet, bathing or changing clothes if they can do it on their own).
- spending an excessive amount of time with a single child away from the other children.
- establish a relationship with a child that could be considered exploitative or violent.
- asking children for a service or favor that is abusive or exploitative.
- support illegal, dangerous and violent behavior towards children.

2.2 Code of conduct for other groups of people

The same behavioral guidelines apply to them as to ESF employees.

2.3 Personnel policy standards

The ESF is aware that no matter how prudent the recruitment and selection process, it cannot offer 100% protection against potential perpetrators. To minimize risk, ESF's personnel policy is designed to create the safest possible environment for children through whom they have contact in the course of their work. This is achieved through a series of basic preventative measures and ongoing awareness-raising among employees.

2.3.1 Recruitment and selection of employees

All employees contribute to a culture of safety and security for the children they come into contact with in the course of their work. When recruiting new employees, a consistent recruitment practice is followed, with a clear focus on child protection issues.

Job advertisements

All ESF job advertisements contain a reference to ESF's clearly formulated voluntary commitment to the protection of children.

Interview guide The interview, regardless of the position to be filled, contains the following sections that must be adhered to:

Explanation and examination of the application documents for frequent changes of field of work or employer for no apparent reason.

Question about personal interests in the work environment and the advertised work context.

Question about the candidate's attitude towards the ESF's child protection measures.

Extended certificate of good conduct

Every employee is obliged to submit an extended certificate of good conduct. The extended certificate of good conduct is updated every five years by all employees and submitted to the HR department.

Recruitment

All newly hired and contracted employees receive the Child Protection Policy in its current version and are obliged to comply with the principles described therein. In addition, the

"Code of Conduct for ESF Employees" (Annex 1) must be signed at the same time as the contract and present an extended certificate of good conduct.

Recruitment and selection of volunteers and temporary staff

If the position and the agreed tasks involve contact with children, the same standards apply to recruitment as for the employment of permanent staff.

2.3.2 Staff development

Employees are adequately informed about the topic of child protection. In addition, the person responsible for child protection is always available to answer questions and offers special training if required.

2.4 Communication standards

The ESF works to ensure that any production and dissemination of media content respects the dignity and protection of children and protects their identity. The ESF therefore obliges every visitor and reporter to observe the general communication standards for child protection.

2.4.1 General communication standards for child protection

The written consent of the relevant legal representatives and the verbal consent of the children must be obtained for the creation of all media content.

2.4.2 Further measures to protect children in communication

In case of doubt, the best interests of the child are decisive in public reporting. In principle, the persons responsible must check whether the best interests of the child have been safeguarded when creating and before each publication (image, audio and text formats). In case of doubt, the advice of the child protection officer must be sought.

2.5 Digital communication

In order to protect children, specific guidelines for digital communication apply in addition to the general communication standards and the ESF's "Guidelines on the creation and use of images". These are aimed at full-time and voluntary employees of the ESF for their use of social media as well as other groups of people for their digital reporting on children.

2.5.1 Guidelines for the use of social media and image material for ESF employees

As the use of image material generally only requires a declaration of consent between the ESF and the legal representatives or the children depicted, distribution is only permitted via ESF media channels. Any violation of children's rights in social media must be reported immediately to the operator of the platform and, if necessary, to the responsible authorities (e.g. youth welfare office, police).

3 Players in the child protection system

The child protection team

The child protection team consists of the child protection officer and two other employees with the relevant specialist knowledge. If there is a particular need, this team is expanded to include employees from other work units. The members of the child protection team are responsible for the ESF's child protection case management system (see chapter 4) and, as

part of this, for supporting the investigation of reported cases. The child protection team is also available to answer any questions about the ESF's child protection system in order to ensure the active implementation and further development of the ESF's internal child protection system in all areas of work.

The child protection officer

The ESF child protection officer appointed by the school management heads the child protection team. The child protection officer is the contact person for all matters relating to child protection. This applies to all external and internal cases. In cooperation with the child protection team, his/her tasks include the implementation and further development of the ESF's internal child protection system, case management in the event of suspected cases and the monitoring and ongoing quality development of child protection activities. This includes the further training of employees and monitoring compliance with child protection standards.

The Secretary-General of the European Schools

Cases of violence against children can also be reported outside the structures of the ESF, namely to the Secretary General of the European Schools.

The involvement of the Secretary General is primarily intended for cases in which persons at the management and leadership level of the ESF, the partner organizations and/or the child protection team are involved in suspected cases or in which suspected cases are not or only insufficiently investigated. This instance should therefore prevent the investigation of suspected cases from being made more difficult or prevented due to existing hierarchies and relationships of dependency.

Contact details:

Office of the Secretary-General of the European Schools

Rue de la Science 23
B-1040 Brussels, Belgium
Phone: +32 (0)2 895 26 11
osg-contact@eursc.eu

The case management team

The child protection case management team is case-related and is constituted when suspected cases are reported. It is made up of the child protection officer, a member of the child protection team and an employee of the respective work unit. This means that at least three people are involved in monitoring the case. The case management team is responsible for recording the facts of the case as far as possible in order to initiate all further necessary steps. Depending on the individual case, other people may also be appointed to the case management team. These may be employees or members of the ESF school management team. Members of the school management team can join the case management team themselves at any time. In the event of suspected cases against ESF employees, the employee's disciplinary superior, the HR department and the staff representatives must be represented on the case management team. If there is a risk that members of the child protection team are biased, for example because they have a close personal relationship

with the person under suspicion, they will be replaced by a representative from the relevant work unit. Decisions in the case management team are made by simple majority, whereby the aim is to reach consensual decisions. Each member of the case management team has the same voting rights. If no majority is reached, the vote of the child protection officer counts twice.

4 Case management system

With its child protection policy and case management system, the ESF has a procedure for dealing with and following up suspected cases of violence against children. The aim is to enable an adequate and rapid investigation of the situation in question and to identify and prevent cases of violence against children at an early stage. All decisions within the case management system are based on the welfare and protection of the child. Access to special support services is ensured in order to prevent further harm to affected children. This system is known to all school management and board members as well as employees of the ESF, as they are informed in writing by the school management when the current version of the child protection policy comes into force. All persons involved in reporting, investigating and processing cases undertake to treat the reported cases as strictly confidential and to protect the identity of affected children, informants and accused persons in an appropriate manner. The flow of information to the child or their immediate environment must be ensured.

4.1 Reporting and notification of suspected cases

In principle, anyone can report a suspected case to the ESF. It is also possible for the report to be made directly to ESF employees. In the case of suspected cases involving ESF employees or persons who have access to children via the ESF, the ESF's case management system comes into play. The child protection policy also applies in cases of suspicion against employees of a service provider or other persons who have access to children. The ESF can assist the service provider or parents' association and regularly review the current development of the case. If it is to be feared that the objective handling of the case by the service provider or parents' association is not sufficiently guaranteed due to bias, lack of willingness or inadequate structures, the ESF reserves the right to pursue the case further on its own initiative. Particularly in cases where suspicions become more serious, the primary goal is to ensure the protection of the child and, if possible, to report the case to the police.

4.2 Investigation of suspected cases

The case management team is free to call in external support at any time. This can be experts who interview the persons involved or provide the team with legal advice. The individual steps of the investigation are

- 1** Convening of the case management team by the child protection officer (possibly involving the Secretary General of the European Schools)
- 2** Review of the available information in suspected cases
- 3** Decision as to which other persons should be involved in the investigation

4 Clarification of roles and responsibilities

5 Determining the scope of the investigation (in terms of time and content)

6 Identification of the persons to be interviewed (person who reported the case, project environment, affected child and accused person, etc.) and their interview - if necessary

7 Assessment of the situation by the case management team with the possible outcomes: Suspicion is not substantiated, violation of internal guidelines or suspicion is confirmed

8 Documentation of the investigation (content: summary, description of the context, course of the investigation with members, roles, responsibilities and communication processes, results, findings, recommendations and action plan)

9 Informing the persons involved about the investigation results and measures

The following guiding principles must be observed during investigations:

All incoming reports are taken seriously and processed quickly. The case management team maintains the greatest possible discretion. The protection of the victim must be guaranteed. This includes taking into account the exceptional situation in which victims of violence find themselves, the provision of adequate help and information about their rights and the course of any subsequent proceedings. The victim can be accompanied by a supportive person of trust during any questioning and is entitled to translation assistance. The needs of the child must be taken into account. The accused person is presumed innocent until proven otherwise. They have the right to legal counsel, to be accompanied by a trusted person during questioning and, if necessary, to translation assistance. Children are interviewed in a sensitive manner by trained and experienced specialists (e.g. psychologists, social workers or police officers) in order to protect the welfare of the children and to collect qualitative and admissible statements from the children that are relevant under criminal law and can be used in court.

4.3 Various case constellations

4.3.1 Suspected cases involving ESF employees or persons who have access to children via the ESF

In the event of suspected cases against employees or persons who have access to children via the ESF, the case management team must involve the disciplinary superior, the staff representatives and the HR department in the case processing. In addition, an external specialist organization can be consulted for advice.

The following case assessments can be made based on the results of the individual facts:

Suspicion is not substantiated

It may be necessary to initiate rehabilitation measures for the wrongly suspected person.

Violation of internal guidelines

If there has been a breach of the Code of Conduct or other internal guidelines of the ESF, but which definitely does not constitute a criminal offense, the offender will be informed,

sensitized or sanctioned in accordance with his or her relationship to the ESF. In the case of ESF employees, this may involve disciplinary measures (e.g. critical discussion, training, warning). The staff representatives will be involved in this process in an appropriate manner. Persons who have access to children via the ESF may, for example, be subject to an informative discussion or a ban on future project visits.

Suspicion is confirmed

If it turns out that the suspicion is confirmed and could relate to a criminal offense, the case is usually forwarded to the competent state prosecution authorities. In exceptional cases and taking into account the national legal context, it may be necessary to refrain from filing a criminal complaint for reasons of victim protection. In addition to the consequences under criminal law, the ESF will initiate (labor) law measures against employees (e.g. leave of absence, warning, dismissal). ESF-specific sanctions for persons who have access to children via the ESF may include, for example, termination of cooperation.

[4.3.2 Suspected case involving employees of a service company or persons who have access to children](#)

If a suspected case relating to the above-mentioned groups of people is reported directly to the ESF, it is obliged to process the case. If the objective handling of the case by the service provider or parents' association is not assured, the ESF reserves the right to investigate the case on its own initiative. If the suspicion is confirmed, the ESF has various options for action. Depending on the severity of the violation and the willingness of the external parties involved to cooperate, these may include clarification, awareness-raising or sanctions (e.g. suspension of payments, termination of cooperation). If it turns out that a criminal offense may have been committed, the case will be forwarded directly to the responsible state prosecution authorities, taking into account the best interests of the child.

[4.4 Documentation obligation of the ESF](#)

All persons involved are informed of the outcome of the investigation and the measures taken. Each individual case handled by the ESF case management team is documented. The duty of documentation is the responsibility of the child protection officer.

[4.5 Reporting obligation of service providers or the parents' association](#)

Suspected cases of criminal conduct must be reported to the ESF by the service provider or parents' association immediately at the beginning of the investigation. The ESF must also be informed immediately if there is an accumulation of suspected cases or violations of internal guidelines. The children affected by suspected cases require immediate protection by the employees or by trusted persons from their environment. To this end, as far as possible, those persons and bodies are identified, informed and supported who contribute directly and immediately to the protection and well-being of the child through various necessary measures and ensure access to special support services. Trained specialists, e.g. psychologists, are called in if necessary, medical care measures are initiated and other governmental or non-governmental institutions are involved in order to ensure the greatest possible protection of the child. It is always ensured that the person under suspicion can no longer have any contact with the child. If necessary, the ESF provides the necessary financial resources for protective measures in favor of the child. In every suspected case, the child is

the focus of interest. The child should be consulted on all planned protective measures and their opinion should be taken into account in all further agreements and protective measures.

5 Implementation with the partner organizations

5.1 Requirements for service providers or the parents' association

Before starting cooperation with a new partner organization, the ESF carries out an assessment of the provider, as part of which the partner organization must also ensure that it meets the ESF's child protection requirements.

5.2 Support and advice for partner organizations

If it emerges during the assessment that a partner organization has not yet been able to fully implement certain requirements in the area of child protection for understandable reasons, the ESF supports its partner organizations in this process if required. This is done, among other things, through a proven training program. It aims to ensure that the employees of the partner organizations

- ... are familiar with the legal framework of children's rights, can classify child protection within this framework and understand how the topic is presented in their national and local context.
- are familiar with the various forms of violence against children and relevant prevention strategies. are able to develop a comprehensive child protection policy for their respective organization.
- put the child protection policy into practice in their organizations and are able to empower children.

The ESF coordination structures support the partner organizations in capacity building in the area of child protection and also advise them on the practical implementation of child protection measures.

6 Further development of the child protection policy

An annual action plan forms the basis for the topics to be addressed and the evaluation of a year's work. The purpose of this is continuous internal learning within the organization to improve the ESF's child protection system. The child protection officer is responsible for documenting the cases dealt with and is required to submit an annual status report to the ESF Executive Board in consultation with the child protection team. The report includes anonymized empirical values from ongoing work as well as suggestions for changes in the handling of future cases. Documentation and reporting ensure the transparency of the child protection team's work. The annual report is made available to ESF employees. The ESF's child protection policy is revised in a five-year cycle. Any training needs arising from this experience are documented by the child protection team and passed on to the partner organizations.

Declaration of commitment

With my signature I undertake to ...

- to comply with the ESF Child Protection Policy as amended from time to time.
- to ensure that the rules of conduct are observed, publicized and disseminated in my working environment.
- to respond immediately to all concerns, allegations and incidents and to communicate directly with the Child Protection Team or the ESF Child Protection Officer.

With this in mind, I will ...

- contribute to creating a safe, supportive and encouraging environment for children, especially in my work context.
- take children seriously as individuals with their opinions, ideas and concerns.
- treat all children equally, with dignity and respect.
- follow the "two-adult rule", i.e. ensure that another adult is present or within sight or earshot during personal encounters, conversations, interviews etc. with a child.
- respect the human dignity and need for protection of children when photographing, filming or reporting for the purpose of public relations work (e.g. by not photographing children or unclothed children) and only distribute these materials privately (e.g. on Facebook) if the respective declaration of consent also covers private use.
- when portraying the work of the ESF, ensure that all media content is based on the values of respect and equality and preserves the dignity of the person portrayed. I describe the life situation of the children and their environment in a differentiated and truthful way. I portray children as personalities with many facets and potentials. I avoid reducing them to a victim or other stereotypical role in the portrayal.
- handle children's personal data with care in accordance with the applicable data protection guidelines and the ESF's communication standards and also demand this from third parties who receive information about children from the ESF or other parties involved.

I will also refrain from any form of threat, discrimination, humiliation, physical or verbal abuse or intimidation. This means, among other things, that I will never ...

- abuse the power or influence conferred by my position or office over the life and welfare of a child.

- beat or otherwise physically abuse children. Sexually, physically or emotionally abuse or exploit a child; in particular, never engage in sexual activity with or on a child or expose a child to pornographic material.
- hold, caress, kiss or touch children in an inappropriate or culturally insensitive manner, use inappropriate, indecent or abusive language.
- make sexual innuendos or ambiguous actions towards a child.
- help a child with intimate tasks without being asked.
- establish a relationship with children that is exploitative or violent.
- spend an excessive amount of time with a single child away from the other children.
- ask for a service or favor that exploits or abuses children.
- condone or support illegal, dangerous and violent behavior towards children.

Date	Name	Position

Ort, Datum Unterschrift

All persons employed by ESF or working for it on a freelance basis are deemed to be employees.

Please return the signed Code of Conduct to the ESF Human Resources Department.

Code of Conduct

In concrete terms, this means

- Physical contact between teachers and pupils that goes beyond shaking hands and requires a certain degree of familiarity between the parties involved should generally be avoided, especially from puberty onwards. Harmless touching can trigger confusing and unpleasant feelings in pupils.
- In sports lessons, touching should be announced when assistance is given. Touching in intimate areas such as breasts, buttocks and thighs must be avoided! If this happens unintentionally, the sports teacher must apologize.
- The massaging of children and young people by teachers in sports lessons is not part of their job description. It is not appropriate, even if young people ask for it. Instructing children and young people to massage each other is unobjectionable as long as each person is allowed to refuse.
- On school trips, teachers should not enter the dormitories and changing rooms without prior notice (e.g. by knocking).
- If teachers or pupils dress in such a way that people feel harassed, they should be approached. It is generally more pleasant if female teachers point out inappropriate clothing to young women and male teachers to young men.
- Teachers should treat children and young people with respectful and clear language that is free of misleading, ambiguous expressions.
- Children and young people must not be made to feel insecure, exposed or belittled by embarrassing or ironic remarks and expressions.
- The showing of images, films or other representations that impair the dignity of women and men constitutes harassment. Teachers are obliged to intervene and confiscate the material or media (e.g. cell phone) and clarify the events.

Compliance with these agreements serves to protect teachers and staff as well as pupils.

There must be a rehabilitation procedure for cases of false suspicion against staff members and a commitment to deal with cases of sexual violence. The analysis of the conditions that made an incident possible is part of the risk analysis, which must be continuously updated.

Personnel responsibility: Submission of an extended certificate of good conduct

- The school management positions itself during recruitment interviews and addresses the issue of preventing sexualized violence.
- The submission of a declaration of commitment is required.

Rechtliche Grundlagen



Übersicht zu relevanten Gesetzestexten im Zusammenhang mit Kinderschutz und sexueller Gewalt:

Bei gewichtigen Anhaltspunkten für die **Gefährdung des Wohls eines Kindes** oder eines Jugendlichen besteht durch das KKG eine Pflicht zur Einbindung des Jugendamtes oder anderer Stellen (Polizei). Im KKG (Gesetz zur Kooperation und Information im Kinderschutz) wurde im § 4 Abs. 2 ein Anspruch auf **Beratung durch eine „insoweit erfahrene Fachkraft“** bzgl. Gefährdungseinschätzung für Berufsheimnisträger festgeschrieben. Die Daten sind zuvor zu pseudonymisieren. Die Möglichkeit zur Beratung wird über das Jugendamt gewährleistet (siehe Gesetzestext unten).

Gesetz zur Kooperation und Information im Kinderschutz (KKG)

§ 4 Beratung und Übermittlung von Informationen durch Geheimnisträger bei Kindeswohlgefährdung

(1) Werden

1. Ärztinnen oder Ärzten, Zahnärztinnen oder Zahnärzten, Hebammen oder Entbindungspflegern oder Angehörigen eines anderen Heilberufes, der für die Berufsausübung oder die Führung der Berufsbezeichnung eine staatlich geregelte Ausbildung erfordert,
2. Berufspsychologinnen oder -psychologen mit staatlich anerkannter wissenschaftlicher Abschlussprüfung,
3. Ehe-, Familien-, Erziehungs- oder Jugendberaterinnen oder -beratern sowie
4. Beraterinnen oder Beratern für Suchtfragen in einer Beratungsstelle, die von einer Behörde oder Körperschaft, Anstalt oder Stiftung des öffentlichen Rechts anerkannt ist,
5. Mitgliedern oder Beauftragten einer anerkannten Beratungsstelle nach den §§ 3 und 8 des Schwangerschaftskonfliktgesetzes,
6. staatlich anerkannten Sozialarbeiterinnen oder -arbeitern oder staatlich anerkannten Sozialpädagoginnen oder -pädagogen oder
7. Lehrerinnen oder Lehrern an öffentlichen und an staatlich anerkannten privaten Schulen in Ausübung ihrer beruflichen Tätigkeit

gewichtige Anhaltspunkte für die Gefährdung des Wohls eines Kindes oder eines Jugendlichen bekannt, so sollen sie mit dem Kind oder Jugendlichen und den Erziehungsberechtigten die Situation erörtern und, soweit erforderlich, bei den Erziehungsberechtigten auf die Inanspruchnahme von Hilfen hinwirken, soweit hierdurch der wirksame Schutz des Kindes oder des Jugendlichen nicht in Frage gestellt wird.

(2) Die Personen nach Absatz 1 haben zur Einschätzung der Kindeswohlgefährdung gegenüber dem Träger der öffentlichen Jugendhilfe Anspruch auf Beratung durch eine insoweit erfahrene Fachkraft. Sie sind zu diesem Zweck befugt, dieser Person die dafür erforderlichen Daten zu übermitteln; vor einer Übermittlung der Daten sind diese zu pseudonymisieren.

(3) Scheidet eine Abwendung der Gefährdung nach Absatz 1 aus oder ist ein Vorgehen nach Absatz 1 erfolglos und halten die in Absatz 1 genannten Personen ein Tätigwerden des Jugendamtes für erforderlich, um eine Gefährdung des Wohls eines Kindes oder eines Jugendlichen abzuwenden, so sind sie befugt, das Jugendamt zu informieren; hierauf sind die Betroffenen vorab hinzuweisen, es sei denn, dass damit der wirksame Schutz des Kindes oder des Jugendlichen in Frage gestellt wird. Zu diesem Zweck sind die Personen nach Satz 1 befugt, dem Jugendamt die erforderlichen Daten mitzuteilen. Die Sätze 1 und 2 gelten für die in Absatz 1 Nummer 1 genannten Personen mit der Maßgabe, dass diese unverzüglich das Jugendamt informieren sollen, wenn nach

deren Einschätzung eine dringende Gefahr für das Wohl des Kindes oder des Jugendlichen das Tätigwerden des Jugendamtes erfordert.

(4) Wird das Jugendamt von einer in Absatz 1 genannten Person informiert, soll es dieser Person zeitnah eine Rückmeldung geben, ob es die gewichtigen Anhaltspunkte für die Gefährdung des Wohls des Kindes oder Jugendlichen bestätigt sieht und ob es zum Schutz des Kindes oder Jugendlichen tätig geworden ist und noch tätig ist. Hierauf sind die Betroffenen vorab hinzuweisen, es sei denn, dass damit der wirksame Schutz des Kindes oder des Jugendlichen in Frage gestellt wird.

(5) Die Absätze 2 und 3 gelten entsprechend für Mitarbeiterinnen und Mitarbeiter von Zollbehörden.

(6) Zur praktischen Erprobung datenschutzrechtskonformer Umsetzungsformen und zur Evaluierung der Auswirkungen auf den Kinderschutz kann Landesrecht die Befugnis zu einem fallbezogenen interkollegialen Austausch von Ärztinnen und Ärzten regeln.

Der im Grundgesetz verankerte **Schutzauftrag für Kinder und Jugendliche** wird durch § 8a SGB VIII konkretisiert. Wie geht das Jugendamt beim Bekanntwerden einer (möglichen) **Kindeswohlgefährdung** vor und welche prinzipiellen Verfahrensschritte werden eingeleitet? Das Verfahren liegt in einer alleinigen Zuständigkeit des Jugendamtes.

Personen, die in der Jugendhilfe tätig sind und gewichtige Anhaltspunkte für eine Kindeswohlgefährdung wahrnehmen, haben über **§ 8a Absatz 4 SGB VIII** Anspruch auf eine **Beratung durch eine insoweit erfahrene Fachkraft**. Dieser Beratungsanspruch wird auf Personen außerhalb der Jugendhilfe, die in beruflichem Kontakt mit Kindern oder Jugendlichen stehen, durch § 8b SGB VIII erweitert. Dazu gehören auch alle Lehrkräfte

Sozialgesetzbuch (SGB) – Achtes Buch (VIII) – Kinder- und Jugendhilfe – (Artikel 1 des Gesetzes v. 26. Juni 1990, BGBl. I S. 1163)

§ 8a Schutzauftrag bei Kindeswohlgefährdung

(1) Werden dem Jugendamt gewichtige Anhaltspunkte für die Gefährdung des Wohls eines Kindes oder Jugendlichen bekannt, so hat es das Gefährdungsrisiko im Zusammenwirken mehrerer Fachkräfte einzuschätzen. Soweit der wirksame Schutz dieses Kindes oder dieses Jugendlichen nicht in Frage gestellt wird, hat das Jugendamt die Erziehungsberechtigten sowie das Kind oder den Jugendlichen in die Gefährdungseinschätzung einzubeziehen und, sofern dies nach fachlicher Einschätzung erforderlich ist, 1. sich dabei einen unmittelbaren Eindruck von dem Kind und von seiner persönlichen Umgebung zu verschaffen sowie

2. Personen, die gemäß § 4 Absatz 3 des Gesetzes zur Kooperation und Information im Kinderschutz dem Jugendamt Daten übermittelt haben, in geeigneter Weise an der Gefährdungseinschätzung zu beteiligen. Hält das Jugendamt zur Abwendung der Gefährdung die Gewährung von Hilfen für geeignet und notwendig, so hat es diese den Erziehungsberechtigten anzubieten.

(2) Hält das Jugendamt das Tätigwerden des Familiengerichts für erforderlich, so hat es das Gericht anzurufen; dies gilt auch, wenn die Erziehungsberechtigten nicht bereit oder in der Lage sind, bei der Abschätzung des Gefährdungsrisikos mitzuwirken. Besteht eine dringende Gefahr und kann die Entscheidung des Gerichts nicht abgewartet werden, so ist das Jugendamt verpflichtet, das Kind oder den Jugendlichen in Obhut zu nehmen.

(3) Soweit zur Abwendung der Gefährdung das Tätigwerden anderer Leistungsträger, der Einrichtungen der Gesundheitshilfe oder der Polizei notwendig ist, hat das Jugendamt auf die Inanspruchnahme durch die Erziehungsberechtigten hinzuwirken. Ist ein sofortiges Tätigwerden erforderlich und wirken die Personensorgeberechtigten oder die Erziehungsberechtigten nicht mit, so schaltet das Jugendamt die anderen zur Abwendung der Gefährdung zuständigen Stellen selbst ein.

(4) In Vereinbarungen mit den Trägern von Einrichtungen und Diensten, die Leistungen nach diesem Buch erbringen, ist sicherzustellen, dass

1. deren Fachkräfte bei Bekanntwerden gewichtiger Anhaltspunkte für die Gefährdung eines von ihnen betreuten Kindes oder Jugendlichen eine Gefährdungseinschätzung vornehmen,

2. bei der Gefährdungseinschätzung eine insoweit erfahrene Fachkraft beratend hinzugezogen wird sowie

3. die Erziehungsberechtigten sowie das Kind oder der Jugendliche in die Gefährdungseinschätzung einbezogen werden, soweit hierdurch der wirksame Schutz des Kindes oder Jugendlichen nicht in Frage gestellt wird.

In den Vereinbarungen sind die Kriterien für die Qualifikation der beratend hinzuzuziehenden insoweit erfahrenen Fachkraft zu regeln, die insbesondere auch den spezifischen Schutzbedürfnissen von Kindern und Jugendlichen mit Behinderungen Rechnung tragen. Daneben ist in die Vereinbarungen insbesondere die Verpflichtung aufzunehmen, dass die Fachkräfte der Träger bei den Erziehungsberechtigten auf die

Inanspruchnahme von Hilfen hinwirken, wenn sie diese für erforderlich halten, und das Jugendamt informieren, falls die Gefährdung nicht anders abgewendet werden kann.

(5) In Vereinbarungen mit Kindertagespflegepersonen, die Leistungen nach diesem Buch erbringen, ist sicherzustellen, dass diese bei Bekanntwerden gewichtiger Anhaltspunkte für die Gefährdung eines von ihnen betreuten Kindes eine Gefährdungseinschätzung vornehmen und dabei eine insoweit erfahrene Fachkraft beratend hinzuziehen. Die Erziehungsberechtigten sowie das Kind sind in die Gefährdungseinschätzung einzubeziehen, soweit hierdurch der wirksame Schutz des Kindes nicht in Frage gestellt wird. Absatz 4 Satz 2 und 3 gilt entsprechend.

(6) Werden einem örtlichen Träger gewichtige Anhaltspunkte für die Gefährdung des Wohls eines Kindes oder eines Jugendlichen bekannt, so sind dem für die Gewährung von Leistungen zuständigen örtlichen Träger die Daten mitzuteilen, deren Kenntnis zur Wahrnehmung des Schutzauftrags bei Kindeswohlgefährdung nach § 8a erforderlich ist. Die Mitteilung soll im Rahmen eines Gespräches zwischen den Fachkräften der beiden örtlichen Träger erfolgen, an dem die Personensorgeberechtigten sowie das Kind oder der Jugendliche beteiligt werden sollen, soweit hierdurch der wirksame Schutz des Kindes oder des Jugendlichen nicht in Frage gestellt wird.

§ 8b Fachliche Beratung und Begleitung zum Schutz von Kindern und Jugendlichen

(1) Personen, die beruflich in Kontakt mit Kindern oder Jugendlichen stehen, haben bei der Einschätzung einer Kindeswohlgefährdung im Einzelfall gegenüber dem örtlichen Träger der Jugendhilfe Anspruch auf Beratung durch eine insoweit erfahrene Fachkraft.

(2) Träger von Einrichtungen, in denen sich Kinder oder Jugendliche ganztägig oder für einen Teil des Tages aufhalten oder in denen sie Unterkunft erhalten, und die zuständigen Leistungsträger, haben gegenüber dem überörtlichen Träger der Jugendhilfe Anspruch auf Beratung bei der Entwicklung und Anwendung fachlicher Handlungsleitlinien

1. zur Sicherung des Kindeswohls und zum Schutz vor Gewalt sowie

2. zu Verfahren der Beteiligung von Kindern und Jugendlichen an strukturellen Entscheidungen in der Einrichtung sowie zu Beschwerdeverfahren in persönlichen Angelegenheiten.

(3) Bei der fachlichen Beratung nach den Absätzen 1 und 2 wird den spezifischen Schutzbedürfnissen von Kindern und Jugendlichen mit Behinderungen Rechnung getragen.

Bürgerliches Gesetzbuch (BGB)

§ 1631 Inhalt und Grenzen der Personensorge

(1) Die Personensorge umfasst insbesondere die Pflicht und das Recht, das Kind zu pflegen, zu erziehen, zu beaufsichtigen und seinen Aufenthalt zu bestimmen.

(2) Kinder haben ein Recht auf **gewaltfreie Erziehung. Körperliche Bestrafungen, seelische Verletzungen und andere entwürdigende Maßnahmen sind unzulässig.**

(3) Das Familiengericht hat die Eltern auf Antrag bei der Ausübung der Personensorge in geeigneten Fällen zu unterstützen.

Gesetz zur Stärkung von Kindern und Jugendlichen (Kinder- und Jugendstärkungsgesetz –KJSG)

Ziel des Gesetzes ist, mit einer modernen Kinder- und Jugendhilfe vor allem diejenigen Kinder, Jugendlichen und jungen Volljährigen zu stärken, die besonderen Unterstützungsbedarf haben. (siehe

www.bmfsfj.de/bmfsfj/service/gesetz/neues-kinder-und-jugendstaerkungsgesetz-162860)

Strafgesetzbuch

Das Strafgesetzbuch enthält im dreizehnten Abschnitt des Besonderen Teils die Strafvorschriften, die sich gegen die sexuelle Selbstbestimmung richten. Hierzu gehören Straftaten des Missbrauchs, der sexuellen Übergriffe oder Nötigungen. Ebenso steht der Besitz kinderpornographischer Abbildungen unter Strafe. Nachfolgend sind die wichtigsten Vorschriften gelistet. Alle Vorschriften hierzu sind im Einzelfall nachzulesen unter: <https://www.gesetze-im-internet.de/stgb/>

§ 174 Sexueller Missbrauch von Schutzbefohlenen

§ 174a Sexueller Missbrauch von Gefangenen, behördlich Verwahrten oder Kranken und Hilfsbedürftigen in Einrichtungen

§ 174b Sexueller Missbrauch unter Ausnutzung einer Amtsstellung

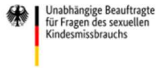
§ 174c Sexueller Missbrauch unter Ausnutzung eines Beratungs-, Behandlungs- oder Betreuungsverhältnisses

§ 176 Sexueller Missbrauch von Kindern

§ 176a Sexueller Missbrauch von Kindern ohne Körperkontakt mit dem Kind

§ 176b Vorbereitung des sexuellen Missbrauchs von Kindern

- § 177 Sexueller Übergriff; sexuelle Nötigung; Vergewaltigung
- § 180 Förderung sexueller Handlungen Minderjähriger
- § 182 Sexueller Missbrauch von Jugendlichen
- § 184 Verbreitung pornographischer Inhalte
- § 184b Verbreitung, Erwerb und Besitz kinderpornographischer Inhalte
- § 184c Verbreitung, Erwerb und Besitz jugendpornographischer Inhalte
- § 184i Sexuelle Belästigung
- § 184k Verletzung des Intimbereichs durch Bildaufnahmen (Upskirting & Downblousing)



PKS Jahresvergleich 2024

Bundesland	Missbrauch von Kindern § 176-176e StGB		Missbrauch von Jugendlichen § 182 StGB		Missbrauch von Schutz- befohlenen ab 14 Jahren § 174 StGB		Kinderpornografie § 184b StGB		Jugendpornografie § 184c StGB	
	Fälle 2024 absolut	Fälle 2024/ 100.000 Einw.	Fälle 2024 absolut	Fälle 2024/ 100.000 Einw.	Fälle 2024 absolut	Fälle 2024/ 100.000 Einw.	Fälle 2024 absolut	Fälle 2024/ 100.000 Einw.	Fälle 2024 absolut	Fälle 2024/ 100.000 Einw.
Baden-Württemberg	1.719 (*237)	15	75	1	48	0	4.958	44	1.222	11
Bayern	2.031 (*323)	15	95	1	46	0	6.829	52	1.726	13
Berlin	1.058 (*236)	29	75	2	26	1	1.272	35	341	9
Brandenburg	413 (*80)	16	39	2	20	1	812	32	208	8
Bremen	205 (*30)	29	18	3	11	2	592	84	99	14
Hamburg	225 (*35)	12	16	1	11	1	1.006	54	251	14
Hessen	1.077 (*164)	17	82	1	24	0	4.371	70	899	14
Mecklenburg-Vorpommern	302 (*55)	19	19	1	9	1	603	38	149	9
Niedersachsen	1.682 (*301)	21	148	2	52	1	5.574	70	1.191	15
Nordrhein-Westfalen	4.426 (*806)	25	387	2	103	1	9.013	50	1.755	10
Rheinland-Pfalz	790 (*130)	19	50	1	24	1	2.309	56	570	14
Saarland	127 (*19)	13	12	1	2	0	602	59	153	15
Sachsen	871 (*130)	21	64	2	27	1	1.462	36	337	8
Sachsen-Anhalt	511 (*80)	24	46	2	14	1	1.048	49	234	11
Schleswig-Holstein	474 (*61)	16	25	1	15	1	930	31	171	6
Thüringen	443 (*100)	21	40	2	14	1	1.473	70	295	14
Bund echte Zählung 2024	16.354 (*2.787)	20	1.191	1	446	1	42.854	51	9.601	12
Bund echte Zählung 2023	16.375 (*2.967)	19	1.200	1	488		45.191	54	8.851	10
	<i>* davon schwerer sexueller Missbrauch § 176c StGB</i>									

Hinweis: Die Daten sind der Polizeilichen Kriminalstatistik (PKS) 2024 entnommen. Ein Fall ist jede Handlung, zu der die Polizei strafrechtliche Ermittlungen durchgeführt hat. In einem Fall kann es mehrere Tatverdächtige und Betroffene geben. Besteht der Verdacht, dass eine Handlung mehrere Straftatbestände verletzt, so wird der Fall in der PKS unter dem schwersten Delikt erfasst. Informationen zum Verhältnis zwischen den polizeilichen Helfeldzahlen der PKS und dem Dunkelfeld siehe auch https://beauftragte-missbrauch.de/fileadmin/Content/pdf/Zahlen_und_Fakten/Sexuelle_Gewalt_gg_Kinder_und_Jugendliche_Stand_April_2025.pdf

Quelle: <https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2023/PKSTabellen/LandFalltabellen/landFalltabellen.html?nn=226064>

Stand: April 2025

