



What is changing in the handling of sexualised violence?

An overview of recent developments in state law, in particular the UBSKM Act

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Zusammenfassung: *Die Aufarbeitung sexualisierter Gewalt bleibt eine Herausforderung für Staat und Gesellschaft. Der Beitrag gibt einen Überblick über neuere Rechtsentwicklungen in Deutschland und benennt Herausforderungen, die insbesondere die Kirchen betreffen.*

Abstract: *Dealing with the consequences of sexual violence remains a challenge for both the state and society. The article gives an overview of the most recent legal developments in Germany and highlights challenges that particularly affect the churches in Germany.*

Schlagwörter: Aufarbeitung in Institutionen – Kinderschutz – Kirchen – sexueller Missbrauch – sexualisierte Gewalt

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Introduction

The issue of child sexual abuse has been a persistent challenge for the German state and society since 2010. The Catholic Church and other religious institutions have been criticized for their handling of the problem, which has led to widespread outrage and demands for greater transparency and accountability. Despite efforts to address the issue, many victims still face significant obstacles in seeking justice and compensation. The German state's response to the crisis has been slow, and many institutions have been accused of covering up cases of child sexual abuse.

Federal Law on Strengthening Structures against Child Sexual Abuse

In response to these concerns, the German parliament has enacted a new law aimed at strengthening structures against child sexual abuse. The law establishes an Independent Federal Commissioner against Sexual Abuse of Minors (UBSKM¹) and a National Council for Victims of Child Sexual Abuse. The UBSKM is responsible for promoting prevention and support for victims, as well as monitoring the progress of institutional investigations. The commissioner will also provide guidance on best practices for preventing and responding to child sexual abuse. Additionally, the law introduces changes to the Social Code, including the creation of a medical child protection hotline and improved access to documents for victims.

Key Components of the Law

The law includes several key components, including:

- The establishment of the UBSKM, which will serve as a central point of contact for victims
- The establishment of an Independent Federal Commission for the Investigation of Child Sexual Abuse. In particular, it conducts hearings with victims, promotes research on issues related to sexual abuse, and monitors the efforts of institutions to address the issue.
- The creation of a National Council for Victims of Child Sexual Abuse, which will advise the UBSKM and provide input from victims and their representatives
- Improved access to documents and records for victims, allowing them to better understand what happened to them and to seek justice
- The development of guidelines and standards for preventing and responding to child sexual abuse in institutions

¹ Unabhängige Beauftragte gegen sexuellen Missbrauch von Kindern und Jugendlichen.

State-Level Initiatives

Some German states, such as North Rhine-Westphalia and Bavaria, have launched their own initiatives to improve the handling of child sexual abuse cases. These initiatives include the establishment of state-level commissions to investigate cases and provide support to victims. The commissions will work closely with the UBSKM and other stakeholders to develop best practices and ensure that institutions are held accountable for their actions.

Challenges in Seeking Justice and Compensation

Many victims of child sexual abuse face significant challenges in seeking justice and compensation. Civil lawsuits can be lengthy, costly, and traumatic, with many cases being dismissed due to statutes of limitations or lack of evidence. Even when cases do go to trial, victims may face aggressive defense tactics and hostile questioning. Furthermore, the process of seeking compensation through the social compensation law can be complex and difficult to navigate, with many victims facing rejection or inadequate support.

Alternative Forms of Compensation

Some victims have turned to alternative forms of compensation, such as applying for benefits under the statutory accident insurance scheme. However, even these alternatives are often fraught with difficulties and uncertainties. The application process can be lengthy and bureaucratic, and victims may face challenges in proving that their injuries or illnesses are related to the abuse they suffered.

Conclusion

Despite some progress in addressing child sexual abuse, much work remains to be done to ensure that victims receive the support and compensation they deserve. The German state and society must continue to work towards creating a more just and supportive environment for those affected by child sexual abuse. This includes improving access to justice and compensation, increasing transparency and accountability, and developing effective prevention

strategies. While the new federal law and state-level initiatives are steps in the right direction, more needs to be done to address the systemic issues that have allowed child sexual abuse to persist for so long.