

5 Sexuality and boundaries, sexual offences

5.1 Endangerment of the best interest of the child. Burden for adolescents concerned

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The condemnation of violence, as a method of education is a historically new phenomenon. The best interest of the child and its endangerment are vague legal concepts. This makes the competence of all professional groups working with boys and girls, particularly necessary. The article deals with the concept of child welfare and child endangerment. The concept of child well-being aims at a balance between the needs for care, attention and guidance of children on the one hand, and child's striving for freedom and autonomy on the other. An extreme form of hurting children and exploiting their specific vulnerability is child abuse in the family, in family-like institutions such as state permanent home education facilities and in educational institutions.

Furthermore, the article refers to empirical findings and the data available on the »educational assistance«. The results of a representative study from the year 2014 show that events such as ill-treatment, violence (including sexual violence) and neglect of children lead to mental impairments. An expertise on current frequency data on sexual abuse in Germany showed 1.0% for boys and 5.0% for girls (with body contact) up to 14 years of age.

In conclusion, the article outlines four action-guiding perspectives.

1. Design the framework conditions to improve the assessment of the vulnerability of children
2. Designing the principle of advocative ethics, which takes account of the interests of children
3. Improvement of the basic conditions for the assistance and counseling of children affected – disclosure. At present, only 2% of affected children turn to pedagogical specialists.
4. Politics, research and practice should agree on the general conditions.

5.2 Perspectives on sexual violence and sexual transgressions among adolescents – Peer Violence

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Peer Violence, i.e. sexual violence among adolescents, is an extended unknown territory of the violence and health research. There is an increasing number of public debates and reports on sexting, cyber-mobbing and dating violence of a supposedly »sexually neglected youth«, but hardly any research exists that focuses on young people's views on sexualized violence among young people. What do young people see and define in their daily life experience a sexualized violence?

In this contribution, perceptions of sexual violence of adolescents are presented and in particular the question is focused, whether there are different perceptions of everyday situations as sexual transgression in relation to the self-awareness of the adolescent being a »typical boy«, »rather a typical boy« or »somehow between typical boy and typical girl«. The lower sensitivity to everyday transgression noticed by those adolescents, who evaluated themselves as »typical boy«, is placed in the context of current theories of masculinity. A higher sensitivity, regarding to sexualized violence were more frequently found at those young people who define themselves »somehow between« and »rather a typical boy« – probably due to their experience of sexual and gender discrimination and hate-speech. Peer violence can therefore be seen as an argument of the struggle with a fierce masculinity, which must be defended.

Finally, a »culture of a closer look and a better listening« is promoted, which includes a not self-evident, denaturalized and queered view on masculinity and violence.

5.3 »Offender« and »victim« too: Boys and young men with a sexual assaulting behavior

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There is a distinction between sexualized border violations resulting from ignorance or misjudgment, and sexual assaults that do not happen accidentally. Sexual assaults are aggressive and violating sexual acts against the will of those affected.

From the German criminal statistics it can be seen that about 14,000 children are affected by sexual abuse annually, among them 25% are male and 75% are female.

Contrary to the often practiced approach that takes boys and young men showing sexual assaulting exclusively as perpetrators, this article examines the topic in a multidimensional manner. For this purpose, the dispute is first approached on a notional level. Sexual assaulting is not regarded as fixed behavior as behavior is subject to change. The point is not finding a binding guiding principle but to act with adequate linguistic care, both in scientific discourse as well as in the fields of practical work. This primarily serves the purpose to avoid stigmatising the children and adolescents concerned. This paper intends to discuss the possible ratio between former victims and future offenders taking into regard the appropriate differentiation and the risk of revictimisation. A central concern of the article is to look at each individual boy in his diversity in the work with boys and young men with sexually transcendent behavior while moving away from the closely delioriented work towards holistic approaches.

5.4 Pedophilia and sexual abuse of children: psychological and neuroscientific perspectives

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The public debate regarding the sexual abuse of children and adolescents has resulted in the past several years in the development and intensification of preventative- and research-related projects that focus not only on victims, but also on potential offenders. Of particular interest for diagnosis, prevention, treatment, and prognosis are assessments that allow a better understanding of sexual preference disorders, as well as offending behavior punishable by law. With a better understanding of how these disorders and behaviors develop come also opportunities to develop better treatments and prognosis, especially for those who have already offended or those who are at high risk of doing so.

New prevention-based projects and the research of sexual offending against children and the related preference of pedophilia, examining primarily the clinical, neuropsychological, and neurobiological correlates thereof over the last 10 years in Germany, have taken a primary role worldwide in the development of other projects. The Prevention Project »Dunkelfeld« (EN: Dark Field), with over 11 clinics in Germany, is a primary example for treating pedophilic men in the Dark Field (those who have not offended or not yet judicially known) in order to prevent future offenses (see Figure 7).

The BMBF-financed multi-center research project NeMUP (Neuronal Mechanisms underlying Pedophilia and Child Sexual Abuse) dedicated itself to examining the neurobiological mechanisms and correlates of pedophilia and sexual offending against children. Besides the identification of pedophilia and offender

subtypes, especially in differentiating risk, NeMUP also aims at identifying neurobiological markers for behavioral control as it relates to committing offenses.

This article introduces a neglected and simultaneously problematic topic. Overall, it can be extrapolated that perhaps 1% of adult men have a pedophile preference that would meet the diagnostic criteria of the classification systems. In their own NeMUP study, 62% of pedophile men had heterosexual orientation and 38% of men had a homosexual orientation. The contribution summarizes the initial experiences and knowledge from two preventative and research projects in Germany, from which the first report for recommendations can be made.

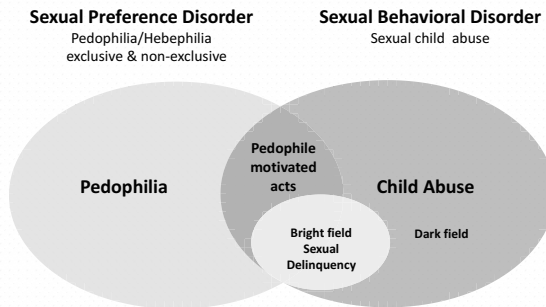


Figure 7: Differentiation of pedophilia (sexual preference disorder) and sexual child abuse (sexual behavior disorder)

5.5 How to deal with sex offenders?

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For over 50 years the development of the numbers of sexual offences shows a rather slightly decreasing trend with some fluctuations- contrary to the image which mass media often propagates and which is perceived in the population, and presumably due to increased social attention, a better understanding of sexual assault and higher willingness to report offences. Unfortunately, still exists a considerable number of unreported cases against sexual self-determination, concerning both adults, as well as – in particular – children (mainly in the family setting). Sex offences are mainly committed by men, victims are mainly girls and women. It is only in the last few years that the theme was discussed that also boys and men are victims of sexual violence exerted also here mostly by men.

The number of offenders who remain in preventive detention after release from prison has more than doubled over the past ten years. Likewise, the number of sexual offenders, which are due to mental illness or addiction in custody and which then end up in a psychiatric institution has doubled. Criminal offenders are not allowed to leave the institution (Maßregelvollzug) unless they are judged to be healthy enough to be released. They used to stay four years, now it is an average of six years.

In 2003 a treatment obligation was introduced in a social therapy institute for sex offenders.

Sex offenders are normally transferred from the detention facilities to special social therapeutic institutions. Here, the focus is increasingly laid upon a cognitive-behavioral treatment program. Treating sex offenders in these social therapeutic institutions lowers the relapse rate considerably (only about 20% relapse in a relevant matter). Therefore, offers for social therapy should be made to as many sex offenders as possible. At present, the available places do not yet meet the demand.

5.6 Male sexuality in prison

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This article ponders how duration of imprisonment may affect the sexual behavior of men. The number of prisoners was reversed from 2011 to 2014 (Table 10). There are mainly men in the prisons. Usually a confinement is carried out. The duration of the stay in prison is for the most part up to 5 years.

As an initial point, the actual framework is presented, consisting of firstly legal and organizational conditions and followed by voluntary and involuntary forms of male sexuality as far as they are possible and take place in detention. The state of research on this subject shows to be insufficient. There are only a few studies which tackle sexuality in custody. Usually they are based on a small sample because a greater number of respondents couldn't be reached due to structural particularities existing for surveys in prison.

Therefore, generalisation cannot be made so far. Studies with a sufficient number of participants, using suitable methods for valid results, are still missing. At the end of the article recommendations for action are given, which discuss some conditions for a self-determined and fair sexuality in prison and which claim an adequate contemplation by politics and society.

Table 10: Prisoners by sex, age and type of penal system (Strafvollzug), estimated duration of the sentence, Germany, 2011–2014

Prisoners/Duration of the sentence	Deadline of 31st March			
	2011	2012	2013	2014
Total number of prisoners	60 067	58 073	56 641	54 515
According to gender				
Men	56 746	54 765	53 433	51 419
Women	3 321	3 308	3 208	3 096
According to age-groups				
14 up to 18 years	587	581	518	500
18 up to 21 years	3 110	2 916	2 748	2 341
21 up to 30 years	19 186	18 432	17 801	16 658
30 up to 50 years	29 536	28 494	27 837	27 191
50 years and older	7 648	7 650	7 737	7 825
According to the nature of the penal system				
Confinement (Geschlossener Vollzug)	50 307	48 451	47 374	45 574
Non-confinement (Offener Vollzug)	9 760	9 622	9 267	8 941
Prison sentence (Freiheitsstrafe)	53 464	51 811	50 631	49 097
Juvenile correction (Jugendstrafe)	6 099	5 796	5 518	4 910
Preventive detention (Sicherungsverwahrung)	504	466	492	508
According to estimated duration of the sentence				
Up to 3 months	6 165	5 852	5 716	5 854
3 months up to 1 year	19 876	19 180	18 835	18 345
More than 1 year up to 5 years	26 273	25 680	25 065	23 583
More than 5 years up to 15 years	5 201	4 864	4 539	4 272
Life long	2 552	2 497	2 486	2 461

