

The English Version is for reading purpose only. The German text takes precedence and is the legally valid document (Translated with DeepL.com)

Criminal Code

in the version published on November 13, 1998 (BGBl. I p. 3322), which was last amended by Article 2 (2) of the Act of November 7, 2024 (BGBl. 2024 I No. 351) (<https://www.gesetze-im-internet.de/stgb/>)

§ Section 171 Breach of the duty of care or education

Anyone who grossly violates their duty of care or upbringing towards a person under the age of sixteen and thereby puts the person under their protection at risk of being seriously harmed in their physical or mental development, leading a criminal lifestyle or engaging in prostitution is liable to a custodial sentence not exceeding three years or a monetary penalty.

§ Section 174 Sexual abuse of wards

(1) Whoever engages in sexual acts

1. on a person under the age of eighteen who is entrusted to him for education or care in the conduct of his life,
2. on a person under the age of eighteen who is subordinate to him in the context of a training, service or employment relationship, abusing a dependency associated with the training, service or employment relationship, or
3. on a person under the age of eighteen who is his natural or legal descendant or that of his spouse, partner or a person with whom he lives in a marriage-like or life partnership-like relationship,

or has it performed on him or her by the person under his or her protection shall be punished with a custodial sentence of three months to five years. Likewise, anyone who, under the conditions of sentence 1, instructs a person under protection to perform sexual acts on or in front of a third person or to have a third person perform sexual acts on them shall be punished.

(2) A custodial sentence of three months to five years shall be imposed on any person who is entrusted with the education, training or care of persons under the age of eighteen in a designated institution and who engages in sexual acts

1. performs or allows to be performed on a person under the age of sixteen who has a legal relationship with this institution that serves to educate, train or care for the person's lifestyle, or
2. takes advantage of their position to perform or have performed on a person under the age of eighteen who is in a legal relationship with this institution that serves their upbringing, education or care in their lifestyle.

Likewise, anyone who, under the conditions of sentence 1, instructs a person under protection to perform sexual acts on or in front of a third person or to have a third person perform sexual acts on them shall be punished.

(3) Anyone who, under the conditions of paragraph 1 or 2

1. performs sexual acts in front of the person under their protection in order to sexually arouse themselves or the person under their protection, or
2. determines the person under his protection to perform sexual acts in front of him,

is punishable by imprisonment of up to three years or a fine.

(4) The attempt is punishable.

(5) In the cases referred to in subsection (1) sentence 1 number 1, subsection (2) sentence 1 number 1 or subsection (3) in conjunction with subsection (1) sentence 1 number 1 or with subsection (2) sentence 1 number 1, the court may refrain from imposing a penalty under this provision if the wrongfulness of the offense is minor.

§ Section 174a Sexual abuse of prisoners, persons detained by the authorities or sick and needy persons in institutions

(1) Any person who performs sexual acts on a prisoner or person held in custody by order of the authorities who is entrusted to him for education, training, supervision or care, abusing his position, or has sexual acts performed on him by the prisoner or person held in custody, or orders the prisoner or person held in custody to perform or tolerate sexual acts on or by a third person, shall be liable to a custodial sentence of three months to five years.

(2) Any person who abuses a person who is admitted to an institution for sick persons or persons in need of assistance and entrusted to his care or supervision by performing sexual acts on that person or having sexual acts performed on him or by a third person, taking advantage of that person's illness or need for assistance, or by ordering that person to perform or tolerate sexual acts on or by a third person, shall also be punished.

(3) The attempt is punishable.

§ Section 174b Sexual abuse using an official position

(1) Any public official appointed to participate in criminal proceedings or in proceedings for the ordering of a detention order or an administrative detention order who, abusing the dependency established by the proceedings, performs sexual acts on the person against whom the proceedings are directed or has them performed on him or her by the other person or orders the person to perform or tolerate sexual acts on or by a third person shall be liable to a custodial sentence of three months to five years.

(2) The attempt is punishable.

§ Section 174c Sexual abuse by exploiting a counseling, treatment or care relationship

(1) Any person who performs sexual acts on a person entrusted to him/her for counseling, treatment or care on account of a mental or psychological illness or disability, including addiction, or on account of a physical illness or disability, or has such acts performed on him/her by a third person, by abusing the relationship of counseling, treatment or care, or orders such person to perform or tolerate sexual acts on or by a third person, shall be liable to a custodial sentence of three months to five years.

(2) Any person who performs sexual acts on a person entrusted to him/her for psychotherapeutic treatment, or has such acts performed on him/her by such a person, by abusing the treatment relationship, or who instructs such a person to perform or tolerate sexual acts on or by a third person, shall also be punished.

(3) The attempt is punishable.

§ Section 176 Sexual abuse of children

(1) A custodial sentence of not less than one year shall be imposed on any person who

1. performs sexual acts on a person under the age of fourteen (child) or allows the child to perform sexual acts on them,
2. a child is determined to perform sexual acts on a third person or to have a third person perform sexual acts on them,
3. offers or promises to offer a child for an offense under number 1 or number 2.

(2) In the cases referred to in subsection 1 number 1, the court may refrain from imposing punishment in accordance with this provision if the sexual act is consensual between the offender and the child and the difference in age as well as in the level of development or maturity is minor, unless the offender exploits the child's lack of capacity for sexual self-determination.

§ Section 176a Sexual abuse of children without physical contact with the child

(1) A custodial sentence of six months to ten years shall be imposed on any person who

1. performs sexual acts in front of a child or has a third person perform sexual acts in front of a child,
2. determines a child to perform sexual acts, unless the act is punishable under section 176(1)(1) or (2), or
3. influences a child through pornographic content (§ 11 paragraph 3) or through corresponding speech.

(2) Anyone who offers or promises to offer a child for an offense under paragraph 1 or who conspires with another to commit such an offense shall also be punished.

(3) Attempt is punishable in the cases of paragraph 1 numbers 1 and 2. In the case of offences under subsection (1) number 3, attempt is punishable in those cases in which completion of the offence fails solely because the perpetrator erroneously assumes that his action relates to a child.

§ Section 176b Preparation of the sexual abuse of children

(1) A custodial sentence of three months to five years shall be imposed on anyone who influences a child by means of content (section 11(3)) in order to

1. to make the child perform sexual acts on or in front of the perpetrator or on or in front of a third person or to have the perpetrator or a third person perform such acts on the child, or
2. to commit an offense under Section 184b (1) sentence 1 number 3 or under Section 184b (3).

(2) Anyone who offers or promises to offer a child for an offense under paragraph 1 or who conspires with another to commit such an offense shall also be punished.

(3) In the case of acts under subsection (1), the attempt is punishable in cases in which the completion of the act fails solely because the perpetrator erroneously assumes that his actions relate to a child.

§ Section 176c Serious sexual abuse of children

(1) The sexual abuse of children in the cases of section 176(1)(1) and (2) shall be punishable by a custodial sentence of not less than two years if

1. the offender has been convicted of such an offense within the last five years,
2. the offender is at least eighteen years old and
 - a) engages in sexual intercourse with the child or performs similar sexual acts on the child or has the child perform similar sexual acts on him/her which involve penetration of the body, or
 - b) the child is intended to have sexual intercourse with a third party or to perform similar sexual acts involving penetration of the body on the third party or to have the third party perform such acts on him/her,
3. the act is committed jointly by several persons or
4. the offender puts the child at risk of serious damage to health or considerable damage to physical or mental development as a result of the offense.

(2) Likewise, anyone who, in the cases of Section 176 (1) No. 1 or No. 2, Section 176a (1) No. 1 or No. 2 or (3) sentence 1, acts as a perpetrator or other participant with the intention of making the act the subject of pornographic content (Section 11 (3)) to be distributed in accordance with Section 184b (1) or (2) shall be punished.

(3) Any person who, in the cases referred to in section 176 subsection (1) number 1 or number 2, seriously physically abuses the child during the act or puts the child in danger of death as a result of the act shall be liable to a custodial sentence of not less than five years.

(4) The period specified in subsection (1) number 1 shall not include the time during which the offender has been detained in an institution by order of the authorities. In the cases referred to in subsection (1) number 1, an offense that has been sentenced abroad shall be deemed equivalent to an offense sentenced in Germany if, under German criminal law, it would be such an offense under section 176 (1) number 1 or number 2.

§ Section 176d Sexual abuse of children resulting in death

If the perpetrator causes the death of a child through sexual abuse (Sections 176 to 176c) at least recklessly, the penalty is life imprisonment or imprisonment for not less than ten years.

§ Section 176e Distribution and possession of instructions for the sexual abuse of children

(1) Anyone who disseminates or makes available to the public content (section 11(3)) that is likely to serve as an instruction to commit an unlawful act referred to in sections 176 to 176d and that is intended to encourage or arouse the willingness of others to commit such an act shall be liable to a custodial sentence not exceeding three years or to a monetary penalty.

(2) The following shall also be punished

1.
disseminates or makes available to the public content (Section 11 (3)) that is likely to serve as an instruction to commit an unlawful act referred to in Sections 176 to 176d, or

2.
gives instructions publicly or in an assembly to commit an unlawful act referred to in sections 176 to 176d,

to encourage or arouse the willingness of others to commit such an act.

(3) Anyone who retrieves, possesses, makes accessible to another person or procures possession of content referred to in paragraph 1 shall be liable to a custodial sentence not exceeding two years or to a monetary penalty.

(4) Paragraph 3 shall not apply to actions that serve exclusively the lawful fulfillment of the following:

1.
governmental tasks,
2.
Tasks arising from agreements with a competent government agency, or
3.
official or professional duties.

(5) Paragraphs 1 and 3 shall not apply to official acts in the context of criminal investigations if

1.
no child pornography content that depicts an actual event or that has been produced using an image of a child or adolescent is made available to another person or the public, distributed or possessed by another person, and
2.
the clarification of the facts would otherwise be futile or considerably more difficult.

(6) Objects to which an offense under paragraph 3 relates shall be confiscated. § Section 74a shall apply.

§ Section 177 Sexual assault; sexual coercion; rape

(1) Anyone who, against the recognizable will of another person, performs sexual acts on that person or has sexual acts performed by that person or causes that person to perform or tolerate sexual acts on or by a third party shall be liable to a custodial sentence of six months to five years.

(2) Any person who performs sexual acts on another person or has them performed by another person, or who instructs this person to perform or tolerate sexual acts on or by a third party, shall also be punished if

1.
the offender takes advantage of the fact that the person is incapable of forming or expressing a contrary will,
2.
the offender takes advantage of the fact that the person is considerably restricted in the formation or expression of his will due to his physical or mental condition, unless he has secured the consent of this person,
3.
the perpetrator exploits an element of surprise,
4.
the offender exploits a situation in which the victim is threatened with serious harm if they resist, or
5.
the offender has coerced the person to perform or tolerate the sexual act by threatening them with a serious evil.

(3) The attempt is punishable.

(4) A custodial sentence of not less than one year shall be imposed if the inability to form or express a will is due to an illness or disability of the victim.

(5) A custodial sentence of not less than one year shall be imposed if the offender

1. uses violence against the victim,
2. threatens the victim with present danger to life or limb or
3. takes advantage of a situation in which the victim is defencelessly at the mercy of the perpetrator.

(6) In particularly serious cases, a custodial sentence of not less than two years shall be imposed. As a rule, a particularly serious case exists if

1. the offender performs sexual intercourse with the victim or has it performed, or performs similar sexual acts on the victim or has them perform similar sexual acts on the victim which are particularly humiliating, especially if they involve penetration of the body (rape), or
2. the offense is committed jointly by several persons.

(7) A custodial sentence of not less than three years shall be imposed if the offender

1. is carrying a weapon or other dangerous instrument,
2. otherwise carries a tool or means to prevent or overcome the resistance of another person by force or threat of force, or
3. puts the victim at risk of serious damage to health.

(8) A custodial sentence of not less than five years shall be imposed if the offender

1. used a weapon or other dangerous instrument in the offense or
2. the victim
 - a) physically abused during the crime or
 - b) puts him in danger of death through the act.

(9) In less serious cases under subsections 1 and 2, a custodial sentence of three months to three years shall be imposed; in less serious cases under subsections 4 and 5, a custodial sentence of six months to ten years shall be imposed; in less serious cases under subsections 7 and 8, a custodial sentence of one year to ten years shall be imposed.

§ Section 178 Sexual assault, sexual coercion and rape resulting in death

If the perpetrator causes the death of the victim through sexual assault, sexual coercion or rape (Section 177) at least recklessly, the penalty is life imprisonment or imprisonment for not less than ten years.

§ Section 179 (deleted)

§ Section 180 Promotion of sexual acts by minors

(1) Anyone who commits sexual acts by a person under sixteen years of age on or in front of a third party or sexual acts by a third party on a person under sixteen years of age

1. through his mediation or
2. by granting or providing opportunities

shall be liable to a custodial sentence not exceeding three years or to a monetary penalty. Sentence 1 no. 2 shall not apply if the person entitled to care for the person acts; this shall not apply if the person entitled to care for the person grossly violates his or her duty to educate the child by abetting.

(2) Anyone who induces a person under the age of eighteen to perform sexual acts on or in front of a third party or to have a third party perform such acts on him or her in return for payment, or who facilitates such acts through his or her agency, shall be liable to a custodial sentence not exceeding five years or to a monetary penalty.

(3) In the case of paragraph 2, the attempt is punishable.

§ Section 180a Exploitation of prostitutes

(1) Anyone who commercially maintains or manages a business in which persons engage in prostitution and in which they are kept in personal or economic dependence shall be liable to a custodial sentence not exceeding three years or to a monetary penalty.

(2) The following shall also be punished

1. provides a person under the age of eighteen with a home, commercial accommodation or commercial residence for the purpose of engaging in prostitution, or
2. entices another person into prostitution or exploits them for the purpose of prostitution.

§ Section 181a Pimping

(1) A custodial sentence of six months to five years shall be imposed on any person who

1. exploits another person engaged in prostitution or
2. supervises another person in the exercise of prostitution for financial gain, determines the place, time, extent or other circumstances of the exercise of prostitution or takes measures to prevent them from giving up prostitution,

and maintains relationships with it that go beyond the individual case.

(2) Anyone who impairs the personal or economic independence of another person by commercially promoting the prostitution of the other person by arranging sexual intercourse and, with this in mind, maintaining relationships with the other person that go beyond the individual case shall be liable to a custodial sentence not exceeding three years or a monetary penalty.

(3) Pursuant to subsections (1) and (2), anyone who carries out the acts referred to in subsection (1) nos. 1 and 2 or the promotion referred to in subsection (2) towards his/her spouse or partner shall also be punished.

§ 182 Sexual abuse of juveniles

(1) Anyone who abuses a person under the age of eighteen by taking advantage of a coercive situation

1. performs sexual acts on her or has sexual acts performed on her, or
2. intended to perform sexual acts on a third party or to have a third party perform sexual acts on them,

is punishable by imprisonment of up to five years or a fine.

(2) A person over the age of eighteen who abuses a person under the age of eighteen by performing sexual acts on them or having them perform sexual acts on them in return for payment shall also be punished.

(3) A person over the age of twenty-one who abuses a person under the age of sixteen by

1. performs sexual acts on her or has sexual acts performed on her, or
2. intended to perform sexual acts on a third party or to have a third party perform sexual acts on them,

and exploits the victim's lack of sexual self-determination is punishable by imprisonment of up to three years or a fine.

(4) The attempt is punishable.

(5) In the cases referred to in paragraph 3, the offense shall be prosecuted only upon application, unless the prosecuting authority deems it necessary to intervene ex officio because of the special public interest in the prosecution.

(6) In the cases referred to in subsections (1) to (3), the court may refrain from imposing punishment under these provisions if, taking into account the conduct of the person against whom the offense is directed, the wrongfulness of the offense is minor.

§ Section 183 Exhibitionist acts

(1) A man who harasses another person through an exhibitionist act shall be liable to a custodial sentence not exceeding one year or to a monetary penalty.

(2) The offense shall be prosecuted only upon application, unless the prosecuting authority deems it necessary to intervene ex officio due to the special public interest in the prosecution.

(3) The court may also suspend the execution of a custodial sentence on probation if it is to be expected that the offender will no longer engage in exhibitionist acts until after a longer period of treatment.

(4) Paragraph 3 shall also apply if a man or woman is convicted of an exhibitionist act.

1.
under any other provision that carries a maximum penalty of imprisonment of up to one year or a fine, or

2.
pursuant to section 174 (3) no. 1 or section 176a (1) no. 1

is punished.

§ Section 183a Excitement of public nuisance

Anyone who performs sexual acts in public and thereby intentionally or knowingly causes a nuisance is liable to a custodial sentence not exceeding one year or a monetary penalty if the offense is not punishable under Section 183.

§ Section 184 Distribution of pornographic content

(1) Anyone who creates pornographic content (§ 11 paragraph 3)

1.
offers, provides or makes available to a person under the age of eighteen,

2.
in a place that is accessible to or can be viewed by persons under the age of eighteen,

3.
in the retail trade outside business premises, in kiosks or other sales outlets which the customer is not in the habit of entering, by mail order or in commercial lending libraries or reading circles,

3a.
by way of commercial letting or comparable commercial granting of use, except in stores which are not accessible to persons under the age of eighteen and cannot be viewed by them, offers or makes available to another person,

4.
by way of mail order,

5.
publicly in a place that is accessible to or can be viewed by persons under the age of eighteen, or by distributing writings outside the course of business with the relevant trade,

6.
to another without being requested to do so by the latter,

7.
in a public film screening for a fee that is charged wholly or mainly for this screening,

8.
manufactures, procures, supplies, holds in stock or undertakes to import in order to use it within the meaning of points 1 to 7 or to enable another person to make such use, or

9.
in order to distribute it abroad in violation of the criminal provisions applicable there or to make it accessible to the public or to enable such use,

is punishable by imprisonment of up to one year or a fine.

(2) Paragraph 1 numbers 1 and 2 shall not apply if the person entitled to care for the person acts; this shall not apply if the person entitled to care for the person grossly violates his or her duty to raise the child by offering, transferring or making it available. Paragraph 1 no. 3a shall not apply if the act is carried out in the course of business with commercial borrowers.

(3) to (7) (deleted)

Footnote

§ Section 184 (1) No. 7: Compatible with the Basic Law, BVerfGE v. 17.1.1978 I 405 - 1 BvL 13/76 -

§ Section 184a Distribution of violent or animal pornographic content

A custodial sentence not exceeding three years or a monetary penalty shall be imposed on anyone who publishes pornographic content (Section 11 (3)) that involves violence or sexual acts between humans and animals,

1. distributes or makes available to the public or
2. manufactures, procures, supplies, holds in stock, offers, advertises or undertakes to import or export in order to use it within the meaning of point 1 or to enable another person to do so.

In the cases of sentence 1 number 1, the attempt is punishable.

§ Section 184b Distribution, acquisition and possession of child pornography content

(1) A custodial sentence of six months to ten years shall be imposed on any person who

1. distributes child pornographic content or makes it accessible to the public; pornographic content is child pornographic (Section 11 (3)) if its subject matter is child pornography:
 - a) sexual acts by, on or in front of a person under the age of fourteen (child),
 - b) the depiction of a fully or partially unclothed child in a provocatively sexualized posture or
 - c) the sexually provocative depiction of the unclothed genitals or unclothed buttocks of a child,
2. undertakes to make child pornographic content depicting an actual or realistic event accessible to another person or to obtain possession of it,
3. produces child pornographic content that depicts an actual event, or
4. produces, obtains, supplies, keeps in stock, offers, advertises or undertakes to import or export child pornography content in order to use it as defined in number 1 or number 2 or to enable another person to make such use, unless the offense is punishable under number 3.

If the child pornographic content in the cases of paragraph 1 sentence 1 numbers 1 and 4 does not depict an actual or realistic event, a custodial sentence of three months to five years shall be imposed.

(2) If the offender in the cases of subsection (1) sentence 1 acts commercially or as a member of a gang that has joined together for the continued commission of such acts, and if the content in the cases of subsection (1) sentence 1 numbers 1, 2 and 4 reflects an actual or realistic event, a custodial sentence of not less than two years shall be imposed.

(3) Anyone who undertakes to retrieve child pornographic content depicting an actual or realistic event or who obtains possession of such content or who possesses such content shall be punished with imprisonment from three months to five years.

(4) The attempt is punishable in the cases of subsection (1) sentence 1 numbers 1 and 3 and in the cases of subsection (1) sentence 2 in conjunction with sentence 1 number 1.

(5) Paragraph 1 sentence 1 number 2 and paragraph 3 shall not apply to actions that serve exclusively the lawful fulfillment of the following:

1. governmental tasks,
2. Tasks arising from agreements with a competent government agency, or
3. official or professional duties.

(6) Paragraph 1 sentence 1 numbers 1, 2 and 4 and sentence 2 shall not apply to official acts in the context of criminal investigations if

1. the act relates to child pornography content that does not depict an actual event and has not been produced using an image of a child or adolescent, and
2. the clarification of the facts would otherwise be futile or considerably more difficult.

(7) Objects relating to an offense under subsection (1) sentence 1 numbers 2 or 3 or subsection (3) shall be confiscated. § Section 74a shall apply.

§ Section 184c Distribution, acquisition and possession of pornographic content for minors

(1) A custodial sentence not exceeding three years or a monetary penalty shall be imposed on any person who

1. distributes or makes available to the public content that is pornographic for minors; content that is pornographic for minors (Section 11 (3)) is pornographic if its subject matter is pornographic:
 - a) sexual acts by, on or in front of a person who is fourteen but not yet eighteen years old,
 - b) the depiction of a fully or partially unclothed fourteen but not yet eighteen-year-old person in a provocative, sexually emphasized posture or
 - c) the sexually provocative depiction of the unclothed genitals or the unclothed buttocks of a person who is fourteen but not yet eighteen years old,
2. undertakes to make available to another person, or to obtain possession of, child pornography depicting an actual or realistic event,
3. produces a juvenile pornographic content that depicts an actual event or
4. produces, obtains, supplies, keeps in stock, offers, advertises or undertakes to import or export child pornography content in order to use it as defined in number 1 or 2 or to enable another person to make such use, unless the offense is punishable under number 3.

(2) If the offender in the cases of subsection (1) acts commercially or as a member of a gang that has joined together for the continued commission of such acts, and if the content in the cases of subsection (1) numbers 1, 2 and 4 reflects an actual or realistic event, a custodial sentence of three months to five years shall be imposed.

(3) Anyone who undertakes to retrieve youth pornographic content depicting an actual event or obtains possession of such content, or who possesses such content, shall be liable to a custodial sentence not exceeding two years or to a monetary penalty.

(4) Paragraph 1 number 3, also in conjunction with paragraph 5, and paragraph 3 shall not apply to acts of persons in relation to such youth pornographic content which they have produced exclusively for personal use with the consent of the persons depicted.

(5) Attempts are punishable; this does not apply to offenses under paragraph 1 numbers 2 and 4 and paragraph 3.

(6) Section 184b (5) to (7) shall apply accordingly.

§ Section 184d (deleted)

§ Section 184e Organization and attendance of child and youth pornographic performances

(1) Pursuant to Section 184b (1), anyone who organizes a child pornography performance shall also be punished. Pursuant to Section 184c (1), anyone who organizes a juvenile pornographic performance shall also be punished.

(2) Pursuant to Section 184b (3), anyone who visits a child pornography presentation shall also be punished. Pursuant to Section 184c (3), anyone who attends a juvenile pornographic performance shall also be punished. § Section 184b(5)(1) and (3) shall apply mutatis mutandis.

§ Section 184f Practice of prohibited prostitution

Anyone who persistently violates a prohibition issued by statutory order to engage in prostitution in certain places at all or at certain times of day shall be punished with imprisonment of up to six months or a fine of up to one hundred and eighty daily rates.

§ Section 184g Prostitution harmful to minors

Who is involved in prostitution

1. in the vicinity of a school or other place intended for attendance by persons under the age of eighteen, or
2. in a house where persons under the age of eighteen live,

in a way that morally endangers these persons is punishable by imprisonment of up to one year or a fine.

§ Section 184i Sexual harassment

(1) Anyone who physically touches another person in a sexually explicit manner and thereby harasses that person shall be liable to a custodial sentence not exceeding two years or to a monetary penalty, unless the offense is punishable by a more severe penalty under other provisions of this section.

(2) In particularly serious cases, the custodial sentence shall be from three months to five years. As a rule, a particularly serious case exists if the offense is committed jointly by several persons.

(3) The offense shall only be prosecuted upon application, unless the prosecuting authority deems it necessary to intervene ex officio due to the special public interest in prosecution.

§ Section 184j Offenses from groups

Anyone who promotes a criminal offense by participating in a group of persons who urge another person to commit a criminal offense against them shall be punished with imprisonment of up to two years or a fine if a criminal offense pursuant to Sections 177 or 184i is committed by a participant in the group and the offense is not punishable by a more severe penalty under other provisions.

§ Section 184k Violation of private life through image recordings

(1) A custodial sentence not exceeding two years or a monetary penalty shall be imposed on any person who

1. intentionally or knowingly makes or transmits an unauthorized image of the genitals, buttocks, female breasts or underwear covering these parts of the body of another person, insofar as these areas are protected from view,
2. uses or makes available to a third person an image recording made as a result of an act under number 1 or
3. knowingly makes an authorized image recording of the type referred to in number 1 available to a third person without authorization.

(2) The offense shall only be prosecuted upon application, unless the prosecuting authority deems it necessary to intervene ex officio due to the special public interest in prosecution.

(3) Paragraph 1 shall not apply to acts carried out in the pursuit of overriding legitimate interests, namely art or science, research or teaching, reporting on current events or history or similar purposes.

(4) The image carriers and image recording devices or other technical means used by the offender or participant may be confiscated. § Section 74a shall apply.

§ Section 184l Placing on the market, acquisition and possession of sex dolls with a childlike appearance¹

(1) A custodial sentence not exceeding five years (1) or a monetary penalty shall be imposed on any person who

1. manufactures, offers or advertises a physical replica of a child or a part of a child's body which by its nature is intended for the performance of sexual acts, or
2. trades in a replica described in number 1 or brings it into or through the territorial scope of this Act for this purpose, or
3. sells, transfers or otherwise places on the market a replica described in number 1 without trading.

Sentence 1 shall not apply if the offense is punishable by a more severe penalty under Section 184b.

- (2) A custodial sentence not exceeding three years or a monetary penalty shall be imposed on anyone who acquires or possesses a replica described in subsection (1) sentence 1 number 1 or brings it into or through the territorial scope of this Act. Paragraph 1 sentence 2 shall apply accordingly.
- (3) In the cases of subsection (1) sentence 1 numbers 2 and 3, the attempt is punishable.
- (4) Paragraph 1 sentence 1 number 3 and paragraph 2 shall not apply to acts that serve exclusively the lawful fulfillment of state tasks or official or professional duties.
- (5) Objects to which the offense relates shall be confiscated. § Section 74a shall apply.

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Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of September 9, 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services (OJ L 241, 17.9.2015, p. 1).

§ 201 Violation of the confidentiality of the word

(1) A custodial sentence not exceeding three years or a monetary penalty shall be imposed on any person who, without authorization

1. records the non-publicly spoken word of another person on a sound recording or
2. uses a recording made in this way or makes it accessible to a third party.

(2) Likewise, anyone who, without authorization

1. listens to the non-publicly spoken word of another person not intended for his knowledge with a listening device or
2. publicly communicates the wording or essential content of the non-publicly spoken word of another person recorded in accordance with paragraph 1 no. 1 or intercepted in accordance with paragraph 2 no. 1.

The act referred to in sentence 1 no. 2 is only punishable if the public communication is likely to prejudice the legitimate interests of another person. It is not unlawful if the public communication is made to protect overriding public interests.

(3) A custodial sentence not exceeding five years or a monetary penalty shall be imposed on any person who, as a public official or as a person with a special duty in the public service, violates the confidentiality of words (subsections (1) and (2)).

§ 225 Maltreatment of persons under protection

(1) Any person under the age of eighteen or a person who is defenceless due to infirmity or illness who

1. is under its care or custody,
2. belongs to his household,
3. has been left under the control of the person responsible for care or
4. is subordinate to him within the framework of a service or employment relationship,

tortures or cruelly maltreats them, or whoever harms their health by maliciously neglecting his duty to care for them, shall be liable to imprisonment for a term of six months to ten years.

(2) The attempt is punishable.

(3) A custodial sentence of not less than one year shall be imposed if the perpetrator puts the person in need of protection in danger by committing the offense.

1. death or serious damage to health, or
2. significant damage to physical or mental development

brings.

(4) In less serious cases under paragraph 1, a custodial sentence of three months to five years shall be imposed; in less serious cases under paragraph 3, a custodial sentence of six months to five years shall be imposed.

§ Section 232 Trafficking in human beings

(1) A custodial sentence of six months to five years shall be imposed on anyone who recruits, transports, passes on, harbors or receives another person by taking advantage of his or her personal or economic predicament or helplessness associated with residence in a foreign country, or who recruits, transports, passes on, harbors or receives another person under the age of twenty-one if

1.
this person is to be exploited
 - a)
in the exercise of prostitution or in the performance of sexual acts on or in front of the perpetrator or a third person or in the toleration of sexual acts on oneself by the perpetrator or a third person,
 - b)
through employment,
 - c)
in the exercise of begging or
 - d)
in the event of the commission of punishable acts by this person,
2.
that person is to be held in slavery, servitude, debt bondage or in conditions corresponding or similar to these, or
3.
an organ is to be removed from this person unlawfully.

Exploitation through employment within the meaning of sentence 1 number 1 letter b exists if the employment is carried out in a ruthless pursuit of profit under working conditions that are conspicuously disproportionate to the working conditions of such employees who are in the same or comparable employment (exploitative employment).

(2) Anyone who exploits another person in the manner described in subsection (1) sentence 1 numbers 1 to 3 shall be liable to a custodial sentence of six months to ten years,

1.
recruits, transports, passes on, harbors or receives by force, by threat of serious harm or by trickery, or
2.
abducts or seizes them or facilitates their seizure by a third person.

(3) In the cases referred to in subsection (1), a custodial sentence of between six months and ten years shall be imposed if

1.
the victim is under the age of eighteen at the time of the offense,
2.
the offender seriously physically abuses the victim during the offense or at least recklessly puts the victim at risk of death or serious harm to health through the offense or an act committed during the offense, or
3.
the offender is acting commercially or as a member of a gang that has joined together to commit such offenses on an ongoing basis.

In the cases referred to in subsection (2), a custodial sentence of one to ten years shall be imposed if one of the circumstances specified in sentence 1 numbers 1 to 3 applies.

(4) In the cases of subsections 1, 2 and 3 sentence 1, the attempt is punishable.

§ Section 232a Forced prostitution

(1) Anyone who causes another person to stay in a foreign country by taking advantage of their personal or economic predicament or their helplessness, or who causes another person under the age of twenty-one to stay in a foreign country, shall be liable to a custodial sentence of six months to ten years,

1.
to take up or continue prostitution or

2.
to perform sexual acts on or in front of the perpetrator or a third person or to have the perpetrator or a third person perform such acts on her.

(2) The attempt is punishable.

(3) Any person who induces another person to engage in or continue prostitution or the sexual acts referred to in subsection 1 number 2 by force, threat of a serious evil or trickery shall be liable to a custodial sentence of one to ten years.

(4) In the cases referred to in subsection (1), a custodial sentence of one to ten years and in the cases referred to in subsection (3) a custodial sentence of not less than one year shall be imposed if one of the circumstances specified in section 232 (3) sentence 1 numbers 1 to 3 applies.

(5) In less serious cases under subsection 1, a custodial sentence of three months to five years shall be imposed; in less serious cases under subsections 3 and 4, a custodial sentence of six months to ten years shall be imposed.

(6) A custodial sentence of between three months and five years shall be imposed on any person who

1.
human trafficking pursuant to Section 232 (1) sentence 1 number 1 letter a, also in conjunction with Section 232 (2), or
2.
an offense under paragraphs 1 to 5

and engages in prostitution, performs sexual acts in return for payment or has them performed on him/her and in doing so exploits his/her personal or economic predicament or helplessness associated with his/her residence in a foreign country. If the offender at least recklessly disregards the circumstances of sentence 1 number 1 or 2 or the personal or economic predicament of the victim or her helplessness when committing the sexual act, the penalty shall be a custodial sentence of up to three years or a monetary penalty. Pursuant to sentences 1 and 2, any person who voluntarily reports an act pursuant to sentence 1 number 1 or 2 committed to the detriment of the person engaging in prostitution pursuant to sentence 1 to the competent authority or voluntarily initiates such a report shall not be punished unless this act had already been discovered in whole or in part at that time and the perpetrator knew this or should have expected it on a reasonable assessment of the facts.

§ Section 232b Forced labor

(1) Anyone who causes another person to stay in a foreign country by taking advantage of their personal or economic predicament or their helplessness, or who causes another person under the age of twenty-one to stay in a foreign country, shall be liable to a custodial sentence of six months to ten years,

1.
to take up or continue exploitative employment (Section 232 (1) sentence 2),
2.
to enter into slavery, servitude, debt bondage or into conditions corresponding or similar to these, or
3.
to take up or continue the begging in which she is exploited.

(2) The attempt is punishable.

(3) Any person who induces another person by force, by threat of a serious evil or by trickery shall be liable to a custodial sentence of between one and ten years,

1.
to take up or continue exploitative employment (Section 232 (1) sentence 2),
2.
to enter into slavery, servitude, debt bondage or into conditions corresponding or similar to these, or
3.
to take up or continue the begging in which she is exploited.

(4) Section 232a (4) and (5) shall apply accordingly.

§ Section 233 Exploitation of labor

(1) A custodial sentence not exceeding three years or a monetary penalty shall be imposed on any person who exploits another person by taking advantage of his or her personal or economic predicament or helplessness associated with residence in a foreign country, or who exploits another person under the age of twenty-one

1. through employment in accordance with section 232 (1) sentence 2,
2. in the exercise of begging or
3. in the event of the commission of punishable acts by this person.

(2) A custodial sentence of six months to ten years shall be imposed if

1. the victim is under the age of eighteen at the time of the offense,
2. the perpetrator seriously physically abuses the victim during the crime or at least recklessly puts the victim at risk of death or serious injury to health through the crime or an act committed during the crime,
3. the offender causes the victim economic hardship by withholding all or part of the usual consideration for the victim's work or significantly increases an existing economic hardship, or
4. the perpetrator acts as a member of a gang that has joined together to continue committing such acts.

(3) The attempt is punishable.

(4) In less serious cases under paragraph 1, a custodial sentence of up to two years or a monetary penalty shall be imposed; in less serious cases under paragraph 2, a custodial sentence of three months to five years shall be imposed.

(5) A custodial sentence not exceeding two years or a monetary penalty shall be imposed on anyone who abets an offense under subsection 1 number 1 by

1. Procurement of exploitative employment (Section 232 (1) sentence 2),
2. Renting of business premises or
3. Renting rooms for living to the person to be exploited.

Sentence 1 shall not apply if the offense is already punishable by a more severe penalty under other provisions.

§ Section 233a Exploitation by taking advantage of a deprivation of liberty

(1) Any person who imprisons or otherwise deprives another person of their liberty and exploits them in this situation shall be liable to a custodial sentence of between six months and ten years

1. in the exercise of prostitution,
2. through employment in accordance with section 232 (1) sentence 2,
3. in the exercise of begging or
4. in the event of the commission of punishable acts by this person.

(2) The attempt is punishable.

(3) In the cases referred to in subsection (1), a custodial sentence of between one and ten years shall be imposed if one of the circumstances specified in section 233(2) nos. 1 to 4 applies.

(4) In less serious cases under paragraph 1, a custodial sentence of three months to five years shall be imposed; in less serious cases under paragraph 3, a custodial sentence of six months to ten years shall be imposed.

§ Section 234 Abduction of human beings

(1) Anyone who takes possession of another person by force, by threatening them with a serious evil or by trickery in order to expose them to a helpless situation or to force them to serve in a military or military-like institution abroad shall be liable to a custodial sentence of one to ten years.

(2) In less serious cases, the penalty shall be imprisonment from six months to five years.

§ Section 234a Abduction

(1) Anyone who, by means of trickery, threats or violence, takes another person to a territory outside the territorial scope of this Act or causes him to go there or prevents him from returning from there, thereby exposing him to the risk of being persecuted on political grounds and, in so doing, suffering harm to life or limb through violent or arbitrary measures contrary to the principles of the rule of law, being deprived of his liberty or having his professional or economic position seriously impaired, shall be liable to a custodial sentence of not less than one year.

(2) In less serious cases, the penalty shall be imprisonment from three months to five years.

(3) Anyone who prepares such an act shall be liable to a custodial sentence not exceeding five years or to a monetary penalty.

§ Section 234b Enforced disappearance of persons

(1) A custodial sentence of not less than one year shall be imposed on any person who, as a public official or on behalf of or with the approval of a state

1.
a person is abducted or otherwise deprived of their physical liberty and subsequently denied information about their fate or whereabouts, or

2.
conceals or refuses to disclose the fate or whereabouts of a person who has been abducted or otherwise deprived of his or her physical liberty by a public official or on behalf of or with the consent of a state,

and thereby removes them from the protection of the law.

(2) In less serious cases, the penalty shall be imprisonment from three months to five years.

§ Section 235 Deprivation of minors

(1) A custodial sentence not exceeding five years or a monetary penalty shall be imposed on any person who

1.
a person under the age of eighteen by force, by threat of serious harm or by trickery or

2.
a child without being its relative,

deprives or withholds from the parents, a parent, guardian or custodian.

(2) Likewise, anyone who leaves a child to its parents, a parent, guardian or custodian shall be punished.

1.
in order to take it abroad, or

2.
abroad after it has been taken there or has traveled there.

(3) In the cases of subsection (1) no. 2 and subsection (2) no. 1, the attempt is punishable.

(4) A custodial sentence of one to ten years shall be imposed if the offender

1.
puts the victim at risk of death or serious damage to health or significant damage to physical or mental development as a result of the offense, or

2.
commits the act in return for payment or with the intention of enriching himself or a third party.

(5) If the offender causes the death of the victim as a result of the offense, the penalty shall be imprisonment for not less than three years.

(6) In less serious cases under paragraph 4, a custodial sentence of between six months and five years shall be imposed; in less serious cases under paragraph 5, a custodial sentence of between one year and ten years shall be imposed.

(7) In the cases referred to in subsections 1 to 3, the deprivation of minors shall be prosecuted only on application, unless the prosecuting authority deems it necessary to intervene ex officio because of the special public interest in prosecution.

§ Section 236 Child trafficking

(1) Anyone who leaves their child under the age of eighteen or their ward or foster child under the age of eighteen to another person on a permanent basis in gross neglect of their duty of care or upbringing and acts in return for payment or with the intention of enriching themselves or a third party shall be liable to a custodial sentence not exceeding five years or to a monetary penalty. Likewise, anyone who, in the cases referred to in sentence 1, takes in the child, ward or foster child on a permanent basis and pays a fee for doing so shall be liable to a custodial sentence not exceeding five years or a monetary penalty.

(2) Whoever without authorization

1.

arranges the adoption of a person under the age of eighteen, or

2.

carries out an intermediary activity with the aim of a third party taking in a person under the age of eighteen on a permanent basis,

and acts in return for payment or with the intention of enriching himself or a third party shall be liable to a custodial sentence not exceeding three years or to a monetary penalty. Any person who, as an intermediary for the adoption of a person under the age of eighteen, grants a person a fee for giving the necessary consent to the adoption shall also be liable to punishment. If, in the cases referred to in the first sentence, the offender causes the procured person to be removed to Germany or abroad, the penalty shall be a custodial sentence not exceeding five years or a monetary penalty.

(3) The attempt is punishable.

(4) A custodial sentence of six months to ten years shall be imposed if the offender

1.

acts for profit, commercially or as a member of a gang that has joined together to continue to commit child trafficking, or

2.

puts the child or the placed person at risk of significant harm to their physical or mental development as a result of the act.

(5) In the cases of subsections (1) and (3), the court may, at its discretion, mitigate the penalty (section 49 (2)) or refrain from imposing a penalty in accordance with subsections (1) to (3) in the case of participants and in the cases of subsections (2) and (3) in the case of participants whose culpability is minor taking into account the physical or psychological well-being of the child or the procured person.