

Annex 6

Number of convictions in accordance with section 86 of the Criminal Code

Year	Convicted persons by age groups									
	Adults			Adolescents			Juveniles			total
	total	male	female	total.	male	female	total	male	female	
2012	684	662	22	112	105	7	62	61	1	858
2013	743	706	37	95	92	3	40	39	1	878
2014	764	726	38	85	80	5	62	59	3	911
2015	858	823	35	70	65	5	44	41	3	972
2016	1.022	982	40	66	65	1	44	43	1	1.132
2017	893	847	46	48	45	3	37	37	0	978

Year	Convicted persons by criminal law applied									Judgments under juvenile criminal law	
	general criminal law				juvenile criminal law				total		discontinuation
	total	of which receiving the most serious sentence			total	of which receiving the most serious sentence					
		Imprisonment		criminal fine		youth custody	disciplinary measures	Socio-educational measures			
		total	Of these cases: with suspension of sentence on probation								
2012	724	82	56	642	134	9	101	24	235	89	
2013	775	80	48	695	103	3	86	14	199	90	
2014	799	69	40	730	112	10	86	16	184	68	
2015	887	96	63	791	85	3	64	18	170	76	
2016	1.042	102	68	940	90	8	60	22	163	69	
2017	910	80	55	830	68	4	51	13	146	73	

Source: Federal Statistical Office, Subject-Matter Series 10, Series 3, 2012-2017 (Tab. 2.1, 2.2 and 2.3)

Convictions in accordance with section 86a of the Criminal Code

Year	Convicted persons by age groups									
	Adults			Adolescents			Juveniles			total
	total	male	female	total	male	female	total	male	female	
2012	535	516	19	98	90	8	79	73	6	712
2013	531	505	26	84	80	4	55	50	5	670
2014	534	514	20	71	68	3	75	73	2	680
2015	578	550	28	79	73	6	53	49	4	710
2016	782	735	47	71	69	2	59	54	5	912
2017	767	723	44	50	44	6	51	50	1	868

Year	Convicted persons by criminal law applied								Judgments under juvenile criminal law		
	general criminal law				juvenile criminal law						
	total	of which receiving the most serious sentence			criminal fine	total	of which receiving the most serious sentence			total	discontinuation
		Imprisonment		Of these cases: with suspension of sentence on probation			youth custody	disciplinary measures	Socio-educational measures		
		total									
2012	558	66	42	492	154	10	132	12	226	68	
2013	555	70	53	485	115	10	90	15	219	92	
2014	559	60	32	499	121	11	92	18	220	93	
2015	614	54	31	560	96	7	77	12	183	80	
2016	812	85	58	727	100	4	90	6	171	64	
2017	782	112	63	670	86	3	77	6	181	92	

Source: Federal Statistical Office, Subject-Matter Series 10, Series 3, 2012-2017 (Tab. 2.1, 2.2 and 2.3)

For offences under section 86 of the German Criminal Code (Strafgesetzbuch, StGB), Germany has experienced a continuous increase in the number of convicted persons from 858 in 2012 to 978 in 2017, i.e. by approximately 14%. A comparable development is also observed for section 86a StGB. From 712 convicted persons in 2012, the number rose by 21.9% to 868 in 2017. However, this number in 2017 did represent a decline compared to the previous year. For convictions for criminal offences under both sections 86 and 86a StGB, it was observed that, amongst adults and adolescents convicted under general criminal law, fines were imposed in the vast majority of cases. Where sanctions were imposed on juveniles and adolescents under juvenile criminal law, the majority of cases involved means of correction (juvenile detention, imposing conditions, issuing warnings).

Convictions in accordance with section 130 subs. 1 of the Criminal Code

Year	Convicted persons by age groups									total
	Adults			Adolescents			Juveniles			
	total	male	female	total	male	female	total	male	female	
2012	93	87	5	14	13	1	9	9	0	116
2013	109	104	5	18	18	0	11	10	1	138
2014	162	147	15	13	13	0	13	12	1	188
2015	294	260	34	20	18	2	16	16	0	330
2016	706	619	87	39	31	8	19	14	5	764
2017	601	533	68	37	32	5	17	17	0	655

Year	Convicted persons by criminal law applied								Judgments under juvenile criminal law	
	general criminal law				juvenile criminal law					
	total	of which receiving the most serious sentence			total	of which receiving the most serious sentence			total	discontinuation
		Imprisonment		criminal fine		youth custody	disciplinary measures	Socio-educational measures		
		total	Of these cases: with suspension of sentence on probation							
2012	96	38	34	58	20	4	14	2	36	15
2013	114	46	37	68	24	9	13	2	37	11
2014	164	46	41	118	24	2	18	4	35	11
2015	300	69	61	231	30	2	26	2	37	6
2016	716	141	122	575	47	3	39	5	75	27
2017	609	172	120	437	46	6	32	8	65	18

Source: Federal Statistical Office, Subject-Matter Series 10, Series 3, 2012-2017 (Tab. 2.1, 2.2 and 2.3)

Convictions in accordance with section 130 subs. 2 of the Criminal Code

Year	Convicted persons by age groups									
	Adults			Adolescents			Juveniles			total
	total	male	female	total	male	female	total	male	female	
2012	27	23	4	11	11	0	1	1	0	39
2013	21	19	1	3	3	0	1	1	0	25
2014	38	36	2	1	1	0	4	4	0	43
2015	51	46	5	2	1	1	0	0	0	53
2016	188	163	25	11	10	1	0	0	0	199
2017	140	124	16	3	1	2	1	1	0	144

Year	Convicted persons by criminal law applied								Judgments under juvenile criminal law	
	general criminal law				juvenile criminal law					
	total	of which receiving the most serious sentence			total	of which receiving the most serious sentence			total	discontinuation
		Imprisonment		criminal fine		youth custody	disciplinary measures	Socio-educational measures		
		total	Of these cases: with suspension of sentence on probation							
2012	30	2	2	28	9	2	7	0	11	2
2013	22	2	1	20	3	1	2	0	6	3
2014	38	3	2	35	5	0	5	0	8	2
2015	52	3	2	49	1	0	1	0	7	6
2016	194	5	3	189	5	2	3	0	9	4
2017	142	5	3	137	2	0	2	0	5	3

Source: Federal Statistical Office, Subject-Matter Series 10, Series 3, 2012-2017 (Tab. 2.1, 2.2 and 2.3)

Convictions in accordance with section 130 subs. 3 of the Criminal Code

Year	Convicted persons by age groups									
	Adults			Adolescents			Juveniles			total
	total	male	female	total	male	female	total	male	female	
2012	43	38	5	5	4	1	3	3	0	53
2013	39	38	1	5	4	1	1	1	0	45
2014	58	54	4	3	2	1	1	1	0	62
2015	84	76	8	7	6	1	2	2	0	93
2016	176	156	20	6	6	0	5	5	0	187
2017	173	144	29	0	0	0	1	1	0	174

Year	Convicted persons by criminal law applied								Judgments under juvenile criminal law	
	general criminal law				juvenile criminal law					
	total	of which receiving the most serious sentence			total	of which receiving the most serious sentence			total	discontinuation
		Imprisonment		criminal fine		youth custody	disciplinary measures	Socio-educational measures		
		total	Of these cases: with suspension of sentence on probation							
2012	44	7	2	37	7	1	6	0	9	2
2013	40	8	7	32	5	0	4	1	11	6
2014	60	15	12	45	2	1	1	0	6	3
2015	84	6	5	78	9	1	6	2	10	1
2016	179	15	13	164	8	1	6	1	12	4
2017	173	13	3	160	1	0	1	0	9	8

Source: Federal Statistical Office, Subject-Matter Series 10, Series 3, 2012-2017 (Tab. 2.1, 2.2 and 2.3)

Convictions in accordance with section 130 subs. 4 of the Criminal Code

Year	Convicted persons by age groups									total
	Adults			Adolescents			Juveniles			
	total	male	female	total	male	female	total	male	female	
2012	22	21	1	1	1	0	1	1	0	24
2013	3	3	0	0	0	0	1	1	0	4
2014	2	2	0	0	0	0	0	0	0	2
2015	6	5	1	0	0	0	0	0	0	6
2016	4	3	1	0	0	0	0	0	0	4
2017	4	3	1	0	0	0	0	0	0	4

Year	Convicted persons by criminal law applied								Judgments under juvenile criminal law	
	general criminal law				juvenile criminal law					
	total	of which receiving the most serious sentence			total	of which receiving the most serious sentence			total	discontinuation
		Imprisonment		criminal fine		youth custody	disciplinary measures	Socio-educational measures		
		total	Of these cases: with suspension of sentence on probation							
2012	22	0	0	22	2	0	2	0	2	0
2013	3	0	0	3	1	0	1	0	1	0
2014	2	0	0	2	0	0	0	0	2	2
2015	6	1	1	5	0	0	0	0	0	0
2016	4	0	0	4	0	0	0	0	0	0
2017	4	0	0	4	0	0	0	0	0	0

Source: Federal Statistical Office, Subject-Matter Series 10, Series 3, 2012-2017 (Tab. 2.1, 2.2 and 2.3)

As regards the number of persons convicted for incitement of masses (section 130(1) StGB), a significant increase was recorded in the years 2015 and 2016. From a total of 188 persons convicted in 2014, the figure increased by 75.5 % in 2015 to 330, and then again by 131.5 % in 2016 to 764. In 2017, however, a slight decline was seen with 655 convicted persons. At the same time, the proportion of custodial sentences imposed among the total of all sanctions imposed under general criminal law fell from approximately 40 % in 2012 and 2013 down to 28.2 % in 2017. The majority of those convicted under juvenile criminal law were sentenced to means of correction. The proportion of juvenile sentences for this offence also decreased, with the absolute number of juvenile sentences imposed remaining consistently in the single-digit range.

Section 130(2) StGB makes it a punishable offence to disseminate material that incites hatred, and to make content that incites hatred available to the public through broadcasting or telemedia services. Here too, the total number of convictions in the observation period between 2012 and 2017 rose from 39 to 144. However, this trend did include a decrease in 2017 by 55 convictions from the 199 convictions in 2016. As with section 130(1) StGB, however, the decisive increase of 275.5% from 53 to 199 did not occur until 2016. With the exception of the year

2012, approximately 89 to 98% of all convictions were under general criminal law, of which over 90% resulted in a fine.

Section 130(3) StGB criminalises the approval, denial or downplaying of an act committed under the rule of National Socialism of the kind indicated in section 6(1) of the Code of Crimes against International Law. This includes Holocaust denial. The number of convictions developed in parallel to the convictions under the first two subsections of section 130 StGB, with an increase of 50% to 93 in 2015 compared to 62 convictions in 2014, and a further increase of 101.1% to 187 convictions in 2016. With 174 convictions in 2017, the numbers dropped slightly once again. Convictions under general criminal law with fines being imposed are again the predominant sanction.

Section 130(4) StGB makes the glorification of the National Socialist tyranny and arbitrary rule a punishable offence. After 24 convictions under this provision in 2012, convictions for this offence were only in the low single-digit range in the following years. A prison sentence was imposed only once in 2015. Convictions under section 130(4) StGB have been included in criminal prosecution statistics since 2006. The total number of convicted persons has been at virtually the same level of between three and eight since 2006.