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Opening statement at the Conference

"Violence against children"

20./21.Mai 2010

Madame BOER-BUQUICCHIO (Deputy Secretary General of the Council of Europe),

Madame SANTOS PAIS (UN special representative on violence against children),

Dear Excellencies, distinguished guests,

I have the great pleasure to welcome you cordially in Vienna to this conference organised by the Council of Europe in cooperation with the UN special representative on violence against children, Mme. Santos-Pais.

Austria is proud to host this conference which will deal with the demanding aspirations of the political decision makers and the civil society in Europe and elsewhere to eradicate any forms of "Violence against children" in the near future.

Committing acts of violence against children is not only inhuman and degrading by nature, and it does not only demonstrate disrespect of children, but violence against children constitutes

an unjustifiable violation of the physical and psychological integrity of children. The fact that it is – still – widely seen as permissible to ill-treat children in manners which by no means would be accepted in relations between adults, constitutes a breach of the fundamental principle of equality of children in terms of human dignity.

These arguments surfaced in the late 1980's in Austria, following a heated-up debate on the alleged justification of "*healthy smacking*" of mal-behaving children fuelled by diehards. The Parliament responded to this discussion by banning any forms of violence against children: On March 15 1989 the Austrian Parliament voted to amend regulations of the family law and the Youth Welfare Act to state explicitly that in bringing up children "*using violence and inflicting physical or mental pain is unlawful*".

This new law having come into force, my predecessor in office, the former Austrian Minister for Youth and Family Affairs, gave the following explanation on this occasion: "*The motive for this reform is our knowledge of the immeasurable harm children suffer when parents are not willing or able to avoid physical punishment as a way of educating their children. I hope other countries will follow us in ruling out physical punishment.*"

Worldwide, Austria was the fourth country (after Sweden, Norway and Finland) declaring unmistakably that violence against children within the family is not being acceptable.

Unfortunately, violence as an educational method is not yet eradicated. According to a recent research investigating the effects of the legal ban on corporal punishment in Sweden, Austria and Germany – in spite of the general achievements – a considerably high level of violence against children still may be observed.

While "only" 14% of the Swedish parents admitted "slightly smacking" their children now and then, the proportion of 50% of Austrian and 43% of the German parents smacking their children occasionally outweighed the Swedish level by far, not to speak of parents in Spain and France with 55% or 72% smacking their children every now and then.

While in Sweden 4%, in Austria 16% and in Germany 17% of the parents admitted spanking their children once in a while, more than half of the parents in Spain and France resorted to this kind of corporal punishment.

On the other hand, about 30 % of the young people in Austria answer in the affirmative to being brought up free of violence – this is, indeed, a lot more than just one generation before.

The comparative research carried out in the mentioned European countries – Sweden, Germany, France, Spain and Austria – demonstrates in an impressive way that in those countries where a ban of corporal punishment exists, children

face less physical violence at home in comparison with countries such as France or Spain lacking such a legal regulation.

Fortunately, the comparison of data gathered in Austria by a former research done in 1991 with the data of the recent research in 2008 shows a significant reduction of violence against children:

- The proportion of mothers resorting to **minor forms** of corporal punishment decreased from **31%** (in 1991) to "only" **4%** (in 2008).
- The proportion of fathers committing minor forms of corporal punishment against children was reduced from **17%** (in 1991) to "only" **2%** (in 2008).

But even more the prevalence of more **severe forms** of physical violence against children did decrease between 1991 and 2008:

- Whereas in **1991** "only" **68%** of mothers had stated they "**never**" would resort to such draconian forms of corporal punishment such as beating, the proportion of mothers who would fully refrain from any severe form of punishment went up to **78%** in **2008**.
- Whereas "only" **69%** of the interviewed fathers had refrained from severe forms of punishment in the year **1991**, this figure also increased to **78%** in the year **2008**.

Thus, the findings of the recent research carried out by Prof. Bussmann demonstrates impressively that the introduction of a legal ban of corporal punishment does produce positive results not only in terms of a change of people´s mindset, but also in terms of a change of parental behaviour towards a "positive parenting"-strategy, using the title of a Council of Europe-guideline.

Despite of the remarkable accomplishments achieved since the incorporation of the legal ban of corporal punishment in 1989, Austria – like other countries in Europe and elsewhere – has not been spared from recent revelations about cases of grave ill-treatment of children and sexual abuse which had occurred in boarding homes and other institutional settings in the past.

In order to cope with these occurrences of the past, but also in order to prevent such sad events from happening ever again, I commenced an invitation to a Round Table discussion with the result of establishing an interdisciplinary expert group aiming at the improvement of the protection of children by the enhancement of the co-operation mechanisms between various stakeholders, such as schools, the medical system and the youth welfare authorities.

Moreover, an expert committee has been established with the mandate to analyse the specific problems of sexual abuse in institutions (e.g. schools, boarding schools etc.) and to forward recommendations for improvements in this particular field with

the aim of preventing sexual abuse to the furthestmost extent in all spheres of life.

Austria has a well established system of **Ombudsmen for Children and Young Persons** in all nine provinces which have an important part to play in the joint efforts of the government, the NGO´s to eradicate violence in today´s society. One of their prominent tasks is to raise awareness for violent-free education and for the rights of the child and to avail immediate support for children seeking help.

Since the knowledge of the law in the public proves to be an important element in the general efforts to eliminate violence against children, the ministry´s activities to raise the awareness of children´s rights have focussed on the abolition of any form of violence against children ever since.

Moreover, children in need of help may seek information and support free of charge by contacting the telephone-help-line "Rat auf Draht - 147".

Worth mentioning in the framework of recent endeavours to adopt protective and effective measures for children at risk is the upgrading and the further promotion of the Austria-wide child protection hotline run by the child protection agency **"Möwe"**.

With regard to our commitment to comply with **international obligations**, Austria has signed the ***"Convention on the protection of children against sexual exploitation and sexual abuse"*** in October 2007.

The ratification-process of the Convention will be finalised shortly. To this end, I am glad to inform you that the Austrian Council of Ministers in its meeting of 11 May 2010 has adopted the proposal to ratify the mentioned Convention.

This convention is an important complement to existing conventions, particularly in the field of prevention of sexual violence against children, prosecution of perpetrators und the protection of victims.

Since the manifold of the crimes covered by the convention are cross-border crimes, it is very important to act together on a multilateral basis – the initiatives of the Council of Europe foster a common strategy.

In order to implement the **"Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography"**,² two high-profile interdisciplinary working groups have been established.

To coordinate activities in this issue another working group has been established in the ministry, which is the **focal point** for Austria initiated by the Council of Europe.

The "***working group on child trafficking***" has distributed information to assist youth welfare authorities, police forces, aliens' authorities etc. in identifying victims of child trafficking.

I wish you great success and I have high hopes that this conference will be a significant contribution to a Europe, in which violence against children does not find tolerance anymore.

Thank you for your attention!