

Introductory Statement
by the Head of Delegation of Austria
Christian Manquet

49th Session of the Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Madam Chair,
Distinguished Members of the Committee,
Distinguished Members of the UN Secretariat,
Distinguished Delegates,
Ladies and Gentlemen,

I consider it an honour and a pleasure to head a delegation that is happy to discuss with you today the initial report of Austria on the measures taken to implement the provisions of the Protocol on the Sale of Children, Child Prostitution and Child Pornography and to reply to your questions. We believe that there is no country, including Austria, that can rightfully claim to having achieved all goals of the Protocol. This encounter with the Committee is, therefore, a highly valuable occasion for us to further improve the Austrian policies on the basis of all the efforts invested and achievements made so far.

Please allow me to first introduce to you my fellow colleagues from the Austrian delegation: Ambassador Strohal, the Permanent Representative of Austria to the UN in Geneva, Ms Orthofer is expert i.a. on childrens' rights in the Federal Ministry for Health, Family and Youth, Ms Ruzs is i.a: on childrens' rights in the Federal Ministry of European and International Affairs and Ms Wieselthaler-Buchmann is head of the department of the Federal Criminal Investigation Service in the Federal Ministry of the Interior dealing i.a. with the investigation of criminal offences established in accordance with the Protocol and Ms Schöfer, First Secretary from the Austrian Permanent Mission here in Geneva.

Being a member of both the European Union and the Council of Europe Austria is also bound by the relevant legal instruments of those organisations, in particular the Framework Decisions on the position and rights of victims in criminal proceedings of 2001, on combating trafficking in human beings of 2002 and on combating the sexual exploitation of children and child pornography of 2003 as well as the Council of Europe Convention on Action against Trafficking in Human Beings of 2005 and most recently the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 2007 (although the latter one so far has only been signed and not yet ratified by Austria). The Optional Protocol, however, has not only been the first binding legal instrument in this field, but – together with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention against Transnational Organized Crime also of 2000 – has also already set the standards on a worldwide basis.

Whereas the EU-Framework Decisions only provide for a reporting obligation to the European Commission and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse leaves the task of monitoring to its Committee of the Parties, the institution to monitor the implementation of the Council of Europe Convention against Trafficking in Human Beings, GRETA, has not yet become operational. But again, it's not only the fact that there is no other institution that makes the Committee's achievements most valuable; this Committee clearly assembles the most outstanding expertise, experience and global overview our delegation can draw upon. We will, therefore, try to make optimal use of this meeting with you.

Austria has signed the Optional Protocol on 6 September 2000 and ratified it on 6 May 2004 without any reservation. Although the legal standard in Austria concerning the combat against sexual and other exploitation of children as well as victims' rights

in criminal and civil proceedings had already been rather high at the time Austria became a Party to the Protocol, the obligations stemming from the Protocol constituted an important contribution to further improving the situation. Most of the implementation legislation has been done with the Criminal Law Amendment Act of 2004, and as the person responsible for drafting this (criminal) implementation legislation I can only assure you that we have done this with a view to fully comply with the Protocol. Being aware of the chances as well as of the limits of making use of criminal law measures in combating not only undesirable but totally intolerable behaviour such as the sexual exploitation of children I think that we have found a reasonable way to transpose the well-balanced provisions of the Protocol into domestic law appropriately. In some instances we have even done more than required by the literal text of the Protocol but – as we think – fully in line with its spirit, for instance when it comes to the punishability of the consumers of child prostitution, which goes beyond the requirement to criminalize the offering, obtaining, procuring or providing of a child for child prostitution as prescribed by Art 3 1 (b) of the Protocol. We have described the legal situation in Austria in our written report in great detail – hopefully in an understandable way and to your satisfaction. We are, of course, ready to answer any further questions you may have concerning the achievements in this area.

If one bears in mind the list of issues you presented to us after having received the written report one can easily see that you are also very much interested in how things work in reality.

One instrument to figure out how things work or what works and what does not work, of course, are statistics. Therefore, you have rightfully, put the question of statistics on the top of your list of issues. We have provided you in our written statement with some statistics, being fully aware that still some data is missing. Unfortunately we are

at this moment not yet in a position to collect all the data you have been asking for. Let me, at least, assure you that this is an important issue for us as well and that we really intend to improve the situation. The question of the improvement of the quality of statistics in all criminal matters, therefore, has also found entrance into the Programme of our government for the years 2007 to 2010. Working groups dealing with this issue have already been established and have already shown first results. One important aspect in the ongoing considerations is the availability of data particularly in fields where international monitoring takes place, for which your request may serve as a pre-eminent example. Although we will have early elections in September, two years ahead of the scheduled end of the legislative period, I am convinced that the efforts undertaken so far will continue and that the question of statistics will also be of significant importance for the newly elected government.

Another issue that unfortunately has fallen victim to the premature termination of the legislative period is the project of enshrining childrens' rights into our constitution, which has also been part of the government's agreed work programme for the timespan until 2010. Again, I am convinced that endeavours in this direction will continue, no matter how the political landscape will look like after the September elections.

Let me also inform you that a package for the further improvement of the protection of children against violence, in particular sexual violence, has been drafted and may have a chance to be concluded by parliament even despite the breaking up of the government.

One issue that has not only been beyond any debate but also sailed through the parliamentary voting procedure in due time and which we can proudly announce right now because it will become relevant for the first time on the occasion of the September elections is that the voting age for national elections has been

lowered to sixteen. Previously eighteen at national level and sixteen only very recently at some regional level, there has not been much experience to draw upon about the voting behaviour of the 16-to-18-year old. Irrespective of the question, how the ballots will turn out in that age group, there is general consensus that it has been a major step in improving children's opportunities to participate in political and everyday life's matters that they have the right to vote.

Ladies and gentlemen, let me once again appreciate this opportunity to engage in a fruitful dialogue for the sake of improving children's rights not only in Austria but also – being part of a global evaluation procedure – worldwide.

Thank you!