



Lanzarote Convention and its shadow report

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The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (so-called Lanzarote Convention) was adopted by the Council of Europe on October 25, 2007. Austria ratified the Convention in 2011 and it came into force in the same year. This means that the Lanzarote Convention is law in Austria and must be observed by judges.

When children are sexually abused, their own father is most often the perpetrator! There is therefore an urgent need for better protection in family law!

The aim of the convention is to protect children comprehensively from sexual abuse, both in the family environment and in professional care. Background: A study from 2011 shows that more than one in four women and almost one in eight men in Austria suffered sexual violence in childhood (before the age of 16). [1] The Independent Commission for the Investigation of Child Sexual Abuse estimates that 80% to 90% of perpetrators are male, come from all social classes, can be of any sexual orientation and do not differ from non-abusive men in any other external characteristic. Furthermore, most victims who contact the Independent Commission for the Investigation of Child Sexual Abuse state that the sexual abuse took place within the family. The most frequent perpetrators are fathers. [2] According to the Independent Commissioner for Child Sexual Abuse Issues in Germany, the main scene of child sexual abuse is the children's own home, i.e. the nuclear family. [3]

We assume that the number of unreported cases is particularly high when one parent becomes the perpetrator: the abused child, but also the other parent, usually the mother, are particularly dependent on the perpetrator. The pressure to maintain secrecy is also increased by the particularly close relationship. Many victims are afraid that a perpetrator-victim reversal will occur. They are afraid of being accused of destroying the family if they do not accept the sexual abuse in silence. In addition, it is particularly difficult for children to recognize sexual abuse as such: They trust their parents and are initially guileless towards them. In addition, perpetrators are often careful not to leave any visible injuries due to the special bond they have with their own child. This makes sexual abuse particularly difficult to prove, as it is often word against word. In addition, in contrast to abuse outside the home, the child cannot easily be protected from the potential perpetrator: If a father abuses a child in the shared household, there is the possibility of removal. However, if the father cannot be convicted due to a lack of evidence or if criminal proceedings are discontinued as a result, the father is returned to the household with the child.

Children of separated parents are in a particularly dangerous situation: if the parents live in the same household as the child, it can be assumed that the mother has some control over the child. In the event of separation, many children find themselves completely alone with their father for the first time. Some sex offenders only begin to sexually abuse their own child after a separation because they have unrestricted access to the child for the first time.

In our counseling work, we repeatedly observe that in legal practice, mothers who want to protect their children from sexual abuse by the father are exposed to particular institutional violence: Regardless of whether they are still living in a relationship with the perpetrator or were already separated at the time of the offense against the child. They and their children are very often not believed. Mothers are often accused by institutions to which they turn in confidence that they would manipulate their own child into

claiming to have been sexually abused. They are accused of wanting to alienate the child from the father. This even goes so far that some lawyers have to advise mothers not to use the sexual abuse reported by the child in the custody proceedings because otherwise they risk losing custody to the perpetrator. Some mothers have already lost custody to the perpetrator and only have the option of seeing their child during visits. This is possible because perpetrators usually have more financial means to be represented by a lawyer. In addition, numerous pseudo-scientific fake diagnoses have spread which, together with misogynistic prejudices, discredit women and children in court: False memory syndrome (false memories), for which there is no scientific evidence, is even propagated by the managing director of the child protection association "Die Möwe", Hedwig Wölfl, who is a psychologist herself (for example in the article in Ö1-Morgenjournal, "Immer mehr Gewalt- und Missbrauchsvorwürfe in Obsorgeverfahren" from 09.08.2023: https://verein-fema.at/wp-content/uploads/2023/08/Oe1-Morgenjournal_2023-08-09.pdf). Such articles help to create the appearance of scientific rigor among the public.

Other unscientific concepts such as parental alienation syndrome and "attachment intolerance", which are also bogus diagnoses, not only aim to discredit children and mothers, but also, in the case of sexual abuse of the child by the father, to give him sole custody and hand the child over to him completely. There are therefore children who are victims of sexual abuse and have to grow up with their abuser as a result of a court order.

In addition, abuse in the nuclear family is often difficult to imagine - not only for the family itself, but also for employees of institutions. It cannot be what must not be! Most people find it easier to imagine "strangers", i.e. people outside the family, sexually abusing a child. Parents in particular are not believed to sexually abuse their own child because it is unimaginable for most people. However, this perception clearly contradicts the statistics!

Almost all sexual abuse of children without penetration leaves no injuries. The only evidence is often the child's testimony. In this case, the proceedings are usually discontinued due to a lack of evidence. Sexual abuse then becomes a civil law matter: family law. Children must be better protected against sexual abuse by family law!

If we seriously want to better protect children from sexual abuse, the focus must be placed on the No. 1 crime scene: The family! This is exactly what the independent Commission for the Investigation of Child Sexual Abuse in Germany called for in a press release back in 2021. The commission had conducted a comprehensive study on sexual violence in the family, which examined the problematic dynamics surrounding the protection of children from sexual violence in the family in detail. 4]

Prof. Dr. Sabine Andresen, Chairwoman of the Independent Commission for the Investigation of Child Sexual Abuse (DE): "There is a great need among those affected from the family sphere to tell the Commission what happened to them in childhood and adolescence. Many also associate this with the social concern that the family should be investigated as a scene of sexualized violence and that families themselves should come to terms with it. In most cases, the people affected remain alone with their experiences of family violence and the consequences because no one feels responsible. All too often, the private space of the family is valued more highly than the protection of affected children."

In order to protect the largest group of sexually abused children, namely children who have been abused by their own father, a solid legal framework is needed above all. Although the aim of the Lanzarote Convention is to protect children from sexual abuse at every crime scene and regardless of who the perpetrator is, the

focus of the Convention is on criminal law. Only in Article 14 (3) does it address the situation where the perpetrator is a parent:

Lanzarote Convention, Article 14:

(3) Where the parents or persons responsible for the welfare of the child are involved in sexual exploitation or sexual abuse of the child, the intervention measures taken in application of article 11 (1) shall include

- the possibility of removing the suspect from the child's environment
- the possibility of removing the victim from his or her family environment. The modalities and duration of this measure shall be determined according to the best interests of the child.

The main focus of the Lanzarote Convention is on criminal law, which, as discussed, only applies when clear evidence can be provided. However, most criminal proceedings for child sexual abuse are dropped due to a lack of evidence. The rule is: When in doubt, give the accused the benefit of the doubt! However, if the sexual abuse of the child takes place within the family, the principle of "In case of doubt for the child" should apply - the child must be protected, even if the sexual abuse cannot be clearly proven!

The NGO Shadow Report on the Lanzarote Convention

In order to monitor the implementation of all countries that have adopted the Lanzarote Convention, the Lanzarote Commission of the European Council evaluates the countries on a regular basis. This also means that NGOs can submit their report. FEM.A has therefore drawn up a shadow report on the implementation of the Lanzarote Convention for the 3rd evaluation round. We have included a number of points of criticism to ensure that the largest group of victims of sexual abuse in Austria receives protection: Children who have been abused by their fathers! The entire NGO shadow report by FEM.A can be read in English on the website of the European Council: <https://www.coe.int/en/web/children/3rd-monitoring-round-civil-society-replies>

The German translation can be found here.

The report was compiled on the basis of a questionnaire provided by the European Council. The questionnaire can be found here:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804703b3>

It should be noted that the report was written before the publication of the Ministry of Justice's "Handbook" on dealing with violence in connection with custody and contact rights". Some of the points of criticism that FEM.A addresses in the shadow report were clarified in the handout. However, as the handout is not legally binding, FEM.A's demands regarding the legal framework remain unchanged.

FEM.A's main criticisms of the implementation of the Lanzarote Convention

Criticism: Child and youth welfare services are not legally obliged to report sexual abuse to the police or the public prosecutor's office if a report of suspected sexual abuse is received. It is at the discretion of the social workers to investigate and weigh up whether a report would improve the welfare of the child. If no report is made, the police, public prosecutor's office, forensic medicine and child psychiatrists cannot

investigate or secure evidence. Important evidence is thus lost. The chances of a criminal conviction and consequences under family law are reduced.

FEM.A demands: A legally binding report must be made to the police or public prosecutor's office by the child and youth welfare services for every report of suspected child sexual abuse! It must not be left to the discretion of individuals as to whether they consider the allegations to be credible or whether they consider the proceedings to have a chance of success. If someone brings a suspicion of child sexual abuse, the child and youth welfare service must report it to the police in all cases!

Criticism: Child and youth welfare services are not legally obliged to file an application with the court to suspend the right of contact and custody in the event of a risk report with suspicion of sexual child abuse by the child's father. It is at the discretion of the social workers to file an application. However, they do not have the specialist knowledge to be able to assess whether child sexual abuse has taken place.

FEM.A demands: An application for suspension of the right of contact and custody must be submitted by the child and youth welfare service for every endangerment report with suspicion of child sexual abuse! Only when it has been established that there is no doubt that the child has not been sexually abused can custody and contact rights be exercised again by the previously accused person!

Criticism: There is no transparent, public procedure for child and youth welfare services in the event of a report of suspected child sexual abuse. Mothers are often not sufficiently informed about the rights of their children or the procedure.

FEM.A demands: A standardized, public and transparent guideline on how to proceed in the event of a report of endangerment with suspected child sexual abuse. Part of this guideline must be the mandatory and immediate referral of the child to a child psychiatric outpatient clinic specializing in child sexual abuse in order to secure evidence and provide immediate help for the child. In addition, there must be uniform information for mothers and children regarding the process, their rights and options.

Criticism: The Lanzarote Convention stipulates that investigations must be carried out by persons specialized in combating the sexual exploitation and sexual abuse of children or by persons who have been trained for this purpose. Article 35 also stipulates that the questioning of the child must be carried out without delay and by trained, competent personnel. As far as possible, the Lanzarote Convention also stipulates that the child should always be questioned by the same person. Although there are some specialized outpatient clinics and police units in Austria, there is no nationwide service.

FEM.A demands: It must be ensured that there is a nationwide offer of outpatient clinics specialized in child sexual abuse (forensic medicine and child psychiatry). In addition, victims must have the opportunity to be interviewed by police officers specializing in child sexual abuse throughout the country.

Criticism: The protection of children in proceedings (e.g. adversarial questioning) only exists in criminal law. There is no such protection in civil law. Many cases of child sexual abuse first come to light in guardianship proceedings. As already discussed, the largest group of victims is children who have been abused by their own fathers. Nevertheless, children must repeatedly meet with the potential perpetrator as part of the proceedings, and even speak directly to the accused about the allegations as part of family

psychological assessments. We are aware of one case in which the child was asked to sit on the perpetrator's lap during the assessment and repeat the accusations.

FEM.A demands: The already existing protective measures for children that are provided for in criminal law must also become mandatory in civil law, even if there have been criminal proceedings and these have ended without a conviction or have been discontinued. The principle of "in dubio pro reo" (in case of doubt, the accused should be acquitted) does not apply in family law. The rule here is: when in doubt, protect the child! Interaction observations must be decidedly excluded if there is a suspicion of sexual abuse of the child, regardless of the outcome of any criminal proceedings that may have been concluded or are ongoing!

Criticism: In the event of a complaint or a report of endangerment with suspicion of pictorial depiction of child sexual abuse, electronic devices such as cell phones and/or computers are not systematically secured in order to secure evidence. House searches are also not carried out systematically. This reduces the chances of a conviction. These perpetrator-friendly procedures discourage victims or the relatives of victims from pressing charges.

FEM.A demands: In the event of a complaint or a report of endangerment with suspicion of pictorial depiction of child sexual abuse, a house search and securing of the accused's electronic devices must take place automatically!

Criticism: Evidence is not appreciated, especially in custody proceedings. Despite all the efforts of the victims or the victims' relatives, doctors, psychologists and other actors, the evidence is often simply not viewed during the proceedings.

FEM.A demands: There must be an obligation in both criminal and civil law to sift through and assess all evidence introduced in cases of suspected child sexual abuse!

Criticism: There is too little violence protection training for judges, especially family court judges, children's guardians, family court support workers, parent counselors, visiting counselors, child and youth welfare workers, doctors and other medical staff, psychologists and experts and all other professions who interact in the broadest sense with children who may have been sexually abused.

FEM.A demands: In Germany, there is a learning platform for medical personnel that is also open to Austria: <https://kinderschutzhotline.de/>. There is also a 24-hour hotline where medical staff can get advice from specialists. We call for a learning platform for Austria for all professions that interact with children who may have been sexually abused, as well as a 24-hour hotline where they can get precise instructions from specialists.

Criticism: While victims are usually examined in order to secure evidence, perpetrators are not systematically examined - neither psychiatrically nor physically. This means that valuable evidence is lost, for example if the victim has fought back and there are bite or scratch marks on the perpetrator.

FEM.A demands: In order to guarantee the preservation of evidence, perpetrators must be compulsorily and immediately (within 48 hours of the incident) assessed by medical professionals specializing in child sexual abuse - both psychiatrically and physically!

Criticism: Case conferences, as they are intended for cases of domestic violence, do not exist for suspected cases of child sexual abuse.

FEM.A demands: There must also be case conferences with child sexual abuse specialists for cases of suspected child sexual abuse immediately after receiving a report or a report of danger.

Criticism: There are no guidelines for children of separated parents who are suspected victims of sexual violence by their father.

FEM.A demands: There is an urgent need for a legal (binding) regulation that custody and contact rights must be suspended immediately after a suspicion arises, until it has been established beyond doubt that the suspicion of child sexual abuse is unfounded.

Criticism: An acquittal or discontinuation of proceedings by the criminal court in cases of child sexual abuse does not mean that no sexual abuse has taken place. It may be that there was simply too little evidence or that the evidence did not allow a conviction beyond reasonable doubt. There is no systematic investigation by the family court into the allegations. Victims are thus potentially returned to the perpetrator, which is a violation of human rights and a threat to the welfare of the child!

FEM.A demands: With every report, endangerment report or in criminal proceedings due to suspected child sexual abuse, a family court must conduct its own mandatory investigation to ensure that the child is not once again in danger or retraumatized in their home or during (accompanied) visiting contacts. The rule is not "in doubt for the accused", but "in doubt for the child"!

Criticism: According to the Lanzarote Convention, the removal of a child by child and youth welfare services should be the last resort to protect the child from sexual abuse. It explicitly states that other options should be exhausted first, such as removing the perpetrator from the child's place of residence. FEM.A has cases in which the children were taken away from their mother, who was separated from their father, even though the father had sexually abused the children during visits. The children were further traumatized by the separation from their caregiver.

FEM.A demands: Child abduction by child and youth welfare services in cases of sexual abuse of children may only take place if the child's main place of residence is in the same household as the perpetrator and all other means have already been exhausted (for example, removal of the perpetrator from the shared household).

Criticism: In the case of child abduction, there is no transparent procedure, no public guidelines for child and youth welfare. Parents have no right to inspect child and youth welfare files. The period within which the youth welfare agency must report the removal of a child to a court is eight days, which is far too long, especially in the case of young children. Although the court also has a recommended period of four weeks to start proceedings, this is not binding.

FEM.A demands: In the best interests of the child, FEM.A demands that the child and youth welfare services must report a child removal to the court immediately, i.e. within 24 hours, and that a judge (on journal duty if necessary) must hear the parents concerned immediately, i.e. within 48 hours. Child abduction is a serious intrusion into family life! There is also an urgent need for a neutral ombudsman's office to which parents can turn in the event of what they consider to be an unjustified removal of a child - unlike other institutions or authorities, there is no possibility of lodging a complaint against child and youth welfare services.

Criticism: If the court takes too long to assess the legality of the removal of the child, in some cases the child is awarded to the foster parents even if it turns out that the removal of the child was unlawful. This is justified with the argument that, particularly in the case of young children, the foster parents have already become the social parents and a further change of caregiver back to the parents would be contrary to the child's welfare. This is probably the worst form of institutional violence and one of the worst violations of human and children's rights, when children are unjustly torn from their parental home and are not allowed to return.

FEM.A demands: If it turns out that the removal of the child was wrongful, the child must be returned to the family of origin in any case and regardless of the duration of the removal. In addition, the court must conclude the proceedings within a short period of time appropriate to the child's age in order to prevent a possible wrongful removal and subsequent return to the family of origin from having a negative impact on the child's welfare.

Criticism: Child and youth welfare services may only remove a child if there is imminent danger. If there is no imminent danger, i.e. no danger to life and limb, a court application must first be made. However, the child and youth welfare services do not have to prove this or adhere to certain criteria. The purely subjective assessment of the social workers is sufficient.

FEM.A demands: "Danger in delay" in the context of child abduction must be regulated by law. The criteria must be precisely defined so that prejudices, be they related to the type of family (single parents), gender, ascribed origin, religion, culture, poverty or other characteristics, do not contribute to discrimination against families. Child and youth welfare services must be able to prove that there is imminent danger, otherwise the child must be returned to the family of origin immediately! Removal from the main caregiver can mean further traumatization, especially for a child who has suffered sexual abuse and is in a particularly vulnerable situation in which it needs special attention from its caregiver! Above all, it needs a stable environment!

Criticism: Parents are not transparently "surprised" by the child and youth welfare services when the child is taken away. They are not informed in good time that the child and youth welfare services are planning to remove the child. This suggests that child abduction is not the last resort to protect the child's welfare.

FEM.A demands: As soon as doubts arise as to whether a child's life is in danger, child and youth welfare services must inform the parents that they are planning to remove the child and inform the parents of how the removal of the child can be averted. Child abduction is one of the most serious interventions in family life there is! Family life is protected by human rights!

There also needs to be a transparent and nationwide standardized procedure for child abductions so that the parents and possibly also the children know at all times what is happening and what rights they have.

Criticism: Child abductions are also carried out against the child's will and even with police force. This traumatizes children!

FEM.A demands: Child abductions must be carried out with the child's consent and without violence!

Criticism: The statements of mothers and children are regularly classified as untrustworthy for no good reason. This is based on the often prevalent misogynistic myths that women lie and manipulate their children. Not only are bogus diagnoses made that have no medical or scientific basis, mothers are even accused of manipulating their own child into making up accusations of sexual abuse against the father.

The mother is then accused of doing this to alienate the child from the father out of malice, vindictiveness or jealousy. Pseudo-diagnoses such as parental alienation, alienation syndrome or attachment intolerance are often used and even recognized by the court, although these diagnoses are in fact fictitious. The court often assumes that the child's memories of the abuse by the father are not genuine. The memories would have been talked into the child by the mother or therapist. This is referred to as "false memories" or "false memory syndrome". False memory syndrome is also a bogus diagnosis: it is based on a scientifically unrecognized experiment that actually shows that memories are very reliable. According to studies, only 1.3% of allegations of sexual abuse made by women are false (men lie in 21% of cases). Children are generally unable to fabricate sexual abuse because they lack the relevant knowledge about adult sexuality. Children also tend to keep the sexual abuse they have experienced secret due to the pressure to keep it secret, possible threats and the conflict of loyalty.

FEM.A demands: In order to prevent mothers and children from being wrongly classified as untrustworthy and manipulative due to misogynistic myths and patriarchal attitudes, and thus not believing the accounts of children in particular, the use of bogus diagnoses in court and with other institutions must be explicitly prohibited by law. These include alienation syndrome, parent-child alienation, parental alienation syndrome, attachment intolerance, false memory syndrome, false memories and all other unscientific pseudo-diagnoses.

Criticism: Due to the widespread misconception that false memory syndrome is scientific, parents are advised not to seek therapeutic help for their child before questioning them, as this would distort their testimony. In fact, the opposite is true: children can repress their memory of the incident(s) due to the traumatization caused by the sexual abuse. Rapid therapy can help to bring the memories back to mind and thus serve as further evidence. Article 14 (4) of the Lanzarote Convention also stipulates that the child and their relatives must receive immediate psychological help!

FEM.A demands: Austria must implement the Lanzarote Convention and create a uniform nationwide approach to investigation by the executive. This includes that the victim and the relatives receive immediate therapeutic help and that the executive and the judiciary receive further training to ensure that therapy cannot falsify the child's memory! The Lanzarote Convention does not provide for a waiting period for therapy until the interrogation!

Criticism: Although the recently published "handout" on dealing with violence in connection with custody and contact rights" provides for a comparison of data between custody courts and criminal courts, this exchange is still not mandatory. Nor is there any systematic reporting of possible threats to the child's welfare to the child and youth welfare services in the event of proceedings, whether at the criminal court or the family court, even if this is provided for.

FEM.A demands: Criminal courts and guardianship courts must be obliged to inform each other immediately of any initial suspicion. In addition, the courts must be obliged to submit a risk report to the child and youth welfare services under sanctions.

Criticism: Even though the Ministry of Justice's "Handbook for dealing with violence in connection with custody and contact rights" makes it clear that contact between a child and both parents is not in the best interests of the child if the child has experienced or witnessed violence from one parent, this recommendation is not legally binding. Some courts are still of the opinion that contact with a parent who has abused or is suspected of having abused a child is in the child's best interests.

FEM.A demands: It must be enshrined in law that contact with a parent who has abused the child or is suspected of having abused the child is not in the child's best interests. In addition, the will of the child must be enshrined in such a way that a child can no longer be forced to attend contact visits against their will.

Criticism: Even if the child's father is convicted in criminal court, he can regain contact rights over time. With a recidivism rate, which according to international studies is between 40% and 50%, and according to some studies even higher, the right of contact must be permanently forfeited.

FEM.A demands: Only if the abused child explicitly states that it wants to see the convicted father AND this is in the child's best interests should accompanied contact be allowed.

Criticism: There are pedocriminals who are also fathers. Sometimes the (separated) parents do not learn of a conviction for child sexual abuse of their ex-partner and the father of their child if he has abused another child (for example in a professional context). However, abuse of their own child can no longer be ruled out in the event of a conviction for child sexual abuse.

FEM.A demands: Even if a sex offender has abused another child, the entire protection mechanism for his own children must be set in motion: a risk report must be made to the child and youth welfare service, which must submit an application for suspension of custody and contact rights or possible removal. The other parent must be informed immediately as soon as there is a suspicion of child sexual abuse, even if this suspicion does not initially concern their own child. A convicted sex offender who has abused a child is not a suitable contact for their own child! Safety cannot be guaranteed!

Future spouses must also be informed about the offense before marriage so that they can protect any planned children accordingly. In addition, a sexual offense against children must not have a statute of limitations. Studies show that the danger does not change with the passage of time!

Criticism: Mothers who believe their child was sexually abused risk being accused of defamation by the child's father. This fact is well known and discourages mothers who cannot financially afford such proceedings from reporting the sexual abuse.

FEM.A demands: In the event of a report or proceedings of child sexual abuse, it must be enshrined in law that no intimidation actions such as defamation actions or other actions may be brought against the reporting person. Whistle-blowers must be protected!

Criticism: There are too few financial resources to provide the immediate and free therapeutic help for victims and their families provided for in the Lanzarote Convention.

FEM.A demands: The budget for therapeutic help (psychiatric, child psychiatric, psychological or psychotherapeutic help) for victims of child sexual abuse and their relatives must be increased in such a way that all needs can be met!

Criticism: If children are exposed to sexual abuse in institutions (e.g. youth homes), caregivers are obliged to take the necessary protective measures immediately to protect the victim from further abuse. Unfortunately, practice has shown that this does not always happen. The Austrian Ombudsman Board has documented one case. However, the misconduct of the employees remained without consequence.

FEM.A demands: If employees of institutions violate their duty to take all precautions to protect a victim of child sexual abuse, this must be prosecuted: It is a case of complicity! In addition, an immediate professional ban must be imposed!

Criticism: Judges, children's guardians, employees of family court assistance and child and youth welfare services, judicial officers, public prosecutors, experts, psychologists, visitation supervisors, the executive and other professions are not always up to date with the latest scientific findings with regard to false diagnoses, perpetrator-victim dynamics, trauma dynamics and post-traumatic stress syndrome, etc.

FEM.A demands: All professionals who appear in the course of a report, accusation or endangerment report of suspected child sexual abuse must receive mandatory content training on pseudo-diagnoses, perpetrator-victim dynamics, dreams, post-traumatic stress syndrome, etc. In order to be able to guarantee that the training is up to date and the content is correct, the persons must provide proof of training and this must be recorded in a central register. If they cannot provide proof of up-to-date training, they should no longer be deployed in cases of suspected child sexual abuse.

Criticism: Child support is only free of charge for people living in poverty within the framework of legal aid. Mothers whose income is just above this level have to pay for it themselves.

FEM.A demands: Child assistance must be free of charge for all children! If the mother assisting the victim has to pay half of the costs, this is financial violence!

Criticism: The Lanzarote Convention demands that the child victim of sexual abuse should be interviewed by the same person if possible and that the number of interviews should be limited. In Austria, however, the child usually has to repeat the allegations over and over again: to the police, in criminal court, in family court, in family court assistance, in front of doctors, in expert opinions, etc.

FEM.A demands: The number of interviews must be limited to a single, video-documented interview!

Criticism: There is no free legal aid for children that specializes in child sexual abuse.

FEM.A demands: Legal representation in cases of suspected child sexual abuse must be free of charge for the child and the legal representative. It must not depend on the financial strength of the non-accused parent whether proceedings are initiated and the child is thus protected from further sexual abuse!

Criticism: Article 28 (d) of the Lanzarote Convention states that it must be considered an aggravating circumstance if the sexual abuse is committed by a family member.

FEM.A demands: The penalty for sexual abuse of children by a family member in Austria must be increased in order to comply with the Lanzarote Convention!

[1] Kapella, Olaf et al.: "Gewalt in der Familie und im nahen sozialen Umfeld", Austrian Institute for Family Research (ÖIF), Vienna 2011; https://www.gewaltinfo.at/dam/jcr:364f564e-a639-49fd-ade0-f5cf67455bd2/bmwfj_gewaltpraevalenz-2011.pdf

[2] Independent Commission for the Investigation of Child Sexual Abuse: "Täter und Täterinnen"; <https://www.aufarbeitungskommission.de/service-presse/service/glossar/taeter-und-taeterinnen/> (viewed on 1.2.2024)

[3] Independent Commissioner for Child Sexual Abuse Issues: "Where does abuse take place?" <https://beauftragte-missbrauch.de/themen/definition/wo-findet-missbrauch-statt> (viewed on 1.2.2024)

[4] Prof. Dr. Sabine Andresen, Marie Demant, Anna Galliker, Luzia Rott: "Sexuelle Gewalt in der Familie Gesellschaftliche Aufarbeitung sexueller Gewalt gegen Kinder und Jugendliche von 1945 bis in die Gegenwart"; https://www.aufarbeitungskommission.de/wp-content/uploads/Studie_Sexuelle-Gewalt-in-der-Familie_bf.pdf