

## **Session I "Juveniles as perpetrators and victims"**

### **Address by the Federal Minister for Justice**

Ladies and Gentlemen,

The 31st Conference of Ministers of Justice is addressing key topical issues. I believe that this international exchange of experience offers us the opportunity to gather valuable information on the subject of juvenile delinquency.

I would therefore like to take this opportunity to look at the theme of this session, "Juveniles as perpetrators and victims", from the Austrian standpoint to give you an overview of the situation and the way in which we deal with juvenile offenders in Austria.

Some newspapers give the impression that the number of indictable offences is on the rise. Violence is a theme that always attracts special attention in discussions about juvenile delinquency. There are currently two contradictory developments in society: on the one hand the use of force is becoming less and less tolerated by broad sections of the population, while on the other hand a small percentage of young people have increasingly fewer inhibitions about resorting to savage and brutal violence and even cause serious injury without any misgivings.

However, if we look beyond our national borders and compare the situation our country to that in others, we must consider ourselves fortunate that there have been no extremely negative developments in Austria.



It is impossible to conclude from **a number of individual cases of** serious crime that security is deteriorating in Austria as a whole. Although the level of juvenile delinquency may be slightly higher in the cities than in rural areas, I have no hesitation in saying that **juvenile delinquency is of no real threat to Austrian society**. That does not however mean that there is no room for improvement in some fields. The very purpose of today's discussion is, through exchange with other countries, to identify "**best practices**", ascertain our position from an international standpoint and see where improvements need to be made.

In his keynote address, Professor Ulrich Wagner said that:

- approximately a third of all convicted juvenile offenders do not commit further offences;
- another third are reconvicted for less serious offences;
- and the remaining third commit further similar or more serious offences

These findings are consistent with the statistics at my disposal, showing that in Austria **62% of juvenile offenders who have been released from prison after serving a prison sentence re-offend within five years of their release and are given fresh sentences**. This figure is particularly striking if you consider that, in comparison, the rate of recidivism among **young adults** – those between 18 and 21 years of age – is **52%**, and among **adults** only **36%**.

The rate of recidivism among juvenile delinquents is therefore almost twice as high as among adults.

These figures give us cause to a close look at the problem of juvenile delinquency from the judicial standpoint: for one thing, young people are more malleable and



therefore much easier to rehabilitate than adults. Nor should we underestimate the fact that many young people commit offences when they are going through the difficult period of adolescence but find their way back on to the straight and narrow when they become adults.

Given the many special circumstances surrounding juvenile delinquency, it is extremely important **to consider each case individually**. The Austrian Juvenile Court Act includes numerous provisions for dealing with juvenile delinquency, which differ from the general criminal code, for example:

- there is now more scope for deciding to drop the charges without any further consequences;
- similarly, there is greater room for manoeuvre in the application of an alternative penalty;
- if it appears necessary, for general or special preventive reasons, to convict a juvenile delinquent, this can be done either without imposing a sentence or by giving the young person a suspended sentence;
- the penalties for such offences have also been substantially reduced.

In practice, the greatest problem is that of young people who commit particularly serious offences, which are subject to **unconditional prison sentences**. In such cases the problem is that the **State must respond appropriately** to the crime so that the offender and the public at large understand the seriousness of the offence, while, on the other hand it is obvious that, particularly in the case of juveniles, **servicing a prison sentence often has a negative effect on the person's development and character**; a prison sentence may make it more difficult to **rehabilitate** the offender.



Although young people are given concrete assistance after release in the form of probation, it is still necessary to find alternatives to prison sentences for juveniles. One possibility is to place them in special institutions as is advocated under Swiss juvenile criminal law. Such treatment is intended to ensure that – where necessary – young people are separated from the environment that has had a negative influence on their behaviour. It is also important to ensure that they have a structured daily routine and a meaningful occupation, in particular educational activities. These are important issues mentioned by Professor Ulrich Wagner in his introductory speech as measures to prevent young people from re-offending.

Although we make constant efforts to ensure that such requirements are met in special institutions for young offenders, there are always isolated cases in which a custodial sentence has negative effects. In order to reduce the number of cases in which juvenile offenders are given prison sentences, it is also necessary in times of budgetary constraints to find an alternative way of dealing with the problem which lies somewhere between unconditional prison sentences and other forms of punishment.

