

Comparative study of the legal age for sexual activities in the States Parties to the Lanzarote Convention



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**Comparative study
of the legal age for sexual activities
in the States Parties to the Lanzarote Convention**

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I. Introduction

A comprehensive study

In 2021, the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (“Lanzarote Convention” / “Lanzarote Committee”) launched a wide-ranging survey of the legal age for sexual activities – also commonly referred to as the ‘age of sexual consent’ – in the States Parties (the “States”) to the Lanzarote Convention. The goal was to foster an exchange of information, experiences and good practices across these States.

The Lanzarote Committee asked nine different questions to the States through a ‘focused questionnaire’. Since this collection of information did not take place in the context of the monitoring of the Convention, States were not obliged to respond. However, most States did provide relevant information.¹ As a consequence, this study can be considered as the most comprehensive analysis of the legal age for sexual activities ever conducted among States Parties to the Lanzarote Convention to date.

A preliminary version of this study was presented at the 37th meeting of the Lanzarote Committee, held in Strasbourg from 31 January to 2 February 2023. The Lanzarote Committee then held its annual capacity-building activity on 31 May 2023, in the form of a public seminar, dedicated to statutes of limitations and the legal age for sexual activities. The study with additional findings was presented, along with national experiences on specific aspects of the topic shared by Armenia, Croatia, Estonia, France Ireland, Luxembourg, and Malta. The event facilitated audience interventions, allowing for the exchange of promising practices, highlighting challenges, and opening a debate on the subject. On this occasion, the Lanzarote Committee agreed to explore potential measures it could take regarding the legal age for sexual activities, with a view to strengthening the protection of children against sexual exploitation and sexual abuse during its next meetings.

Protecting children while respecting their evolving capacities

Many people are likely to think of the legal age for sexual activities as a dichotomy. If the child is above the threshold, a consensual sexual act with the child is legal. If the child is below it, any sexual activity with them is prohibited.²

The reality is different. Most States avoid such a clear dichotomy and provide for progressive thresholds. Thus, many States have established age difference clauses, which operate as an

¹ Respondent States: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Tunisia, Türkiye, Ukraine, and United Kingdom. States who did not reply to the questionnaire are Greece, Liechtenstein, North Macedonia, Russian Federation, San Marino. However, information regarding the most important aspects of the study could be found for Greece, Liechtenstein, the Russian Federation and San Marino.

² In accordance with Article 3 of the Lanzarote Convention and Article 1 of the United Nations Convention on the Rights of the Child, the term “child” is understood as referring to any person under the age of 18 years.

exception to the principle of a legal age for sexual activities, and which allow consensual sexual activities between a child below and another child above that age, or a young adult, as long as certain conditions are met.

Criminal regulation should aim to efficiently protect children against risks of sexual exploitation and sexual abuse, while safeguarding their fundamental rights. This requires effective protection measures that shield children from people abusing their vulnerability. Yet, legislation should also respect children's evolving capacities by providing them with enhanced protection as long as they are younger and gradually lifting these safeguards when they grow older.

Every State balances protection and participation differently. Age limits in particular are culturally sensitive terrain. This is particularly true for the legal age for sexual activities. In fact, all relevant international and European Union (EU) legal instruments do not provide for a specific age threshold, nor does the Lanzarote Convention itself, leaving it to the States to define the legal age threshold for sexual activities themselves.

The purpose of the focused questionnaire referred to above, and the study drafted on its basis, is to investigate what the legal age thresholds for sexual activities are in the States Parties and whether they differ according to the type of sexual activity. It also seeks to ascertain whether States provide for an 'age difference clause', allowing to interact sexually with children below the age threshold as long as certain conditions are met (i.e., limited age difference or similar maturity clauses). Furthermore, the questionnaire addressed the notion of consent. In this context, it scrutinised whether the different legal systems provide a normative definition of consent, and whether the consent of a child below the legal age for sexual activities plays a role in the assessment of the criminal offence. The study concludes by highlighting current trends in the States Parties regarding legal age thresholds for sexual activities.

Related studies and methodological considerations

A number of studies have been conducted in the past to investigate the legal age for sexual activities.

In 2017, the European Union Agency for Fundamental Rights published a comprehensive analysis of minimum age thresholds in EU Member States³. In this framework, it investigated what age thresholds apply for an adult engaging in sexual activity with a child. This study found that all EU Member States had established a minimum age below which sexual activity with a child is considered a criminal offence, either explicitly or implicitly. Out of the then 28 EU Member States, 17 required the child to be 14 or 15 years old to legally engage in sexual activity with an adult. Another 10 EU Member States required the child to be 16 or 17 years old, while one EU State did not allow any sexual activity between adults and children of any age. In addition, around half of the States added exceptions so that sexual intercourse was legal if the partners were of similar ages or the age difference did not exceed a certain number of years. Finally, the Fundamental Rights Agency noted certain inconsistencies between the age for sexual activities and other thresholds provided for by the different legal systems.

³ EU Agency of Fundamental Rights, [Mapping minimum age requirements concerning the rights of the child in the EU](#), 20 November 2017. See specifically the dataset 'Consent for sexual activity with an adult'.

Also in 2017, a scholarly analysis of the legal age for sexual activities in Europe was published⁴. Building on previous research carried out in 2000 and 2005⁵, this study identified three general trends. First, the legal age for sexual activities has been raised significantly over the last 20 years, almost abolishing all age thresholds lower than 14 years. Second, the legal age for sexual activities for homosexual and heterosexual relationships has been vastly equalised, whereas in the past about a third of States discriminated on the ground of sexual orientation. Third, many States have introduced higher thresholds for sexual acts involving persons in a position of authority or dependency over the child.

The present study provides additional insights into these aspects and identifies further trends in the States Parties to the Lanzarote Convention. To this end, the main source was the information provided to the Secretariat of the Lanzarote Committee by States Parties in response to the above-mentioned questionnaire. Selected States were asked for additional information to clarify their answers or to explore related issues. Whenever necessary, the original sources of law were also consulted. The English-language translation provided by the OSCE/ODIHR database of legislation: www.legislationline.org was used whenever the original language version was not understood. The scientific studies mentioned were also consulted.

⁴ G. Zhu, S. van der Aa, *Trends of age of consent legislation in Europe: A comparative study of 59 jurisdictions on the European continent*, *New Journal of European Criminal Law* 8 (2017), pp. 14–42.

⁵ H. Graupner, *Sexual Consent: The Criminal Law in Europe and Overseas*, *Archives of Sexual Behavior* 29 (2000), pp. 415–461; *Id.*, *Sexual Consent: The Criminal Law in Europe and Outside of Europe*, *Journal of Psychology & Human Sexuality* 12 (2005), pp. 111–171.

II. Legal and policy frameworks

Lanzarote Convention

Article 18 of the Convention

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse⁶ (the “Lanzarote Convention”) addresses the issue of the legal age for sexual activities in Article 18. This provision requires States Parties to criminalise the sexual abuse of children.

The Lanzarote Convention defines sexual abuse as a situation in which a person engages in sexual activities with a child below the legal age for sexual activities, or in which coercion, force or threats are used, or in which the perpetrator abuses their position. Specifically, Art. 18 (1) prohibits to engage sexually with a child

(a) “who, according to the relevant provisions of national law, has not reached the legal age for sexual activities”; and

(b) “where:

– use is made of coercion, force or threats; or

– abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or

– abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.”

In both cases, the question whether the child has given consent is irrelevant.

The Convention does not define which acts are to be considered ‘sexual activity’. The definition of the term’s scope is therefore left to States Parties.

The Convention also does not define the legal age threshold for sexual activities. In this regard, Art. 18 (2) requires domestic law to

“decide the age below which it is prohibited to engage in sexual activities with a child.”

There are currently very different legal age thresholds for sexual activities in the States Parties to the Convention, ranging from 14 to 18 years.

Finally, it would be inconsistent with the Convention’s objective of protecting children if its provisions were to punish consensual sexual activities between children themselves. Consequently, Art. 18 (3) provides that

⁶ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS 201, signed in Lanzarote on 25 October 2007, entered into force on 1 July 2010.

“the provisions of paragraph 1 (a) are not intended to govern consensual sexual activities between minors.”

To engage in sexual activities using coercion, force or threats, or abusing one’s position or the child’s vulnerability, as listed in paragraph 1 (b), remains clearly prohibited also for all children.

To summarise, there are two basic rules under the Lanzarote Convention. Firstly, an adult who engages sexually with a child who has not reached the legal age for sexual activities established by national law commits a crime. Secondly, any person who engages in sexual activities with a child (irrespective if below or above the legal age for sexual activities) using coercion, force, or threats, abusing their recognised position of trust, authority or influence over the child, or abusing the particular vulnerability of the child, commits a crime. The third paragraph of Art. 18 of the Lanzarote Convention aims to orientate the interpretation of these rules in a way that does not criminalise consensual sexual acts between children.

Explanatory Report to the Lanzarote Convention

The Explanatory Report to the Lanzarote Convention deals in more detail with the legal age for sexual activities. Although the Explanatory Report does not constitute a binding interpretation of the Convention, it can serve as guidance in the application of its provisions.

Concerning the legal age for sexual activities, the negotiators considered the possibility of establishing a common threshold in the Convention. However, the age thresholds varied greatly among the Council of Europe Member States. For these reasons, it was decided to leave the definition to the States Parties⁷. Similarly, the Explanatory Report points out that the negotiators preferred to leave to Parties also the definition of the meaning and scope of the term ‘sexual activities’⁸.

The Explanatory Report states that the Convention does not aim to criminalise “sexual activities of young adolescents who are discovering their sexuality and engaging in sexual experiences with each other in the framework of sexual development”. Nor is it intended to cover “sexual activities between persons of similar ages and maturity”. Since the Report refers this last statement to ‘persons’ of similar ages and maturity (and not only ‘children’), it potentially encompasses also young adults.

First monitoring round of the Lanzarote Convention

The Lanzarote Committee reviewed the implementation of Art. 18 of the Lanzarote Convention as part of its 1st monitoring round on the protection of children against sexual abuse in the circle of trust⁹.

It recalled that, according to Art. 18 (1) (b), States Parties shall criminalise those who engage sexually with a child where “abuse is made of a recognised position of trust, authority or influence

⁷ *Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, Lanzarote, 25 October 2007, par. 119 and par. 128.

⁸ *Ivi*, par. 127.

⁹ Lanzarote Committee, [1st monitoring round. The protection of children against sexual abuse in the circle of trust](#), 2013-2017.

over the child, including within the family”. In these situations, the legal age for sexual activities or the child’s consent are irrelevant.

In the first implementation report, the Committee recommended States Parties to:

- introduce in their domestic criminal systems a clear reference to the possible “abuse of a recognised position of trust, authority or influence” and to avoid a rigid listing of very specific situations, as this risks leaving children without protection in other situations¹⁰;
- define the “circle of trust” in order to include members of the extended family (including new partners), persons who have caretaking functions (including trainers) or exercise professional or voluntary control over the child (including persons who look after children in the leisure-time) and any other person the child trusts. The latter term may include other children¹¹;
- review their legislation to clearly set forth that within the context of the criminal offence of sexual abuse in the circle of trust, the legal age for sexual activities is irrelevant and the use of force, coercion or threat is not a constituent element of the crime¹².

The second implementation report examined the strategies adopted by States to prevent and protect children from sexual abuse in the circle of trust. In particular, it called for addressing possible abuse in the environment trusted by the child as part of awareness-raising and education measures, and took stock of various measures to prevent crime and deal with potential sexual offenders, including during their own childhood¹³.

Second monitoring round of the Lanzarote Convention

The Lanzarote Committee reviewed the conformity of States Parties’ legislation with its Art. 20 on offences concerning “child pornography”¹⁴, as part of its 2nd monitoring round on the “Protection of children against sexual exploitation and sexual abuse: Addressing the challenges raised by child self-generated sexual images and/or videos”¹⁵.

¹⁰ Lanzarote Committee, *1st implementation report. Protection of children against sexual abuse in the circle of trust: The framework*, 4 December 2015, recommendation No. R3.

¹¹ *Ivi*, recommendation No. R4. With regard to child offenders, the Committee specifically called on States Parties to consider in their legislation that a child may sexually abuse another child by taking advantage of their position of influence or trust: *ivi*, p. 13 f.

¹² *Ivi*, main recommendations, p. 51, as well as recommendations No. R6 and R8.

¹³ Lanzarote Committee, *2nd implementation report. Protection of children against sexual abuse in the circle of trust: The strategies*, 31 January 2018, recommendations Nos. R5-7, R10, R13-14, R24-25, R28.

¹⁴ The Lanzarote Committee, just like the UN CRC (see [OPSC Guidelines, para. 5, p. 3](#)), acknowledges that some of the terms used in international and regional instruments on the rights of the child, such as “child pornography” or “child prostitution”, are gradually being replaced because they can be misleading and insinuate that a child could consent to such practices, undermining the gravity of the crimes or switching the blame onto the child. The Lanzarote Committee therefore endeavours to increasingly use the term “child sexual abuse material” (CSAM) instead of “child pornography” wherever possible (i.e. limiting the use of the terms “child pornography” to when it quotes legal texts where it is still used, including Article 20 of the Lanzarote Convention). In addition, the Lanzarote Committee, in recommendation II-1 of its [2nd implementation report on the Protection of children against sexual exploitation and sexual abuse facilitated by ICTs](#) (10 March 2022) “invites Parties to rather use the term ‘child sexual abuse material’ (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the

[Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse](#) in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children”.

¹⁵ Lanzarote Committee, *2nd implementation report. Protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies. Addressing the challenges raised by child self-generated sexual images and/or videos*, 10 March 2022.

The Committee required Parties which provide for exemptions for adults from criminal liability for the possession of child self-generated sexual images and/or videos to ensure that:

- **the child depicted on such images has reached the legal age for sexual activities** and has given his/her consent for the possession of such images and/or videos, and that
- the person possessing the child-self generated images and/or videos and the child depicted on them are of similar ages and maturity (e.g., by setting a maximum age difference among them) in line with para. 129 of the Lanzarote Convention’s Explanatory Report, and that
- the production and possession of the mentioned images and/or videos did not involve any abuse.¹⁶

International and European Union legal frameworks

Although the Lanzarote Convention is the first treaty to regulate in great detail the criminalisation of child sexual exploitation and sexual abuse, it is important to place it in a wider framework. Indeed, on this issue, States Parties to the Lanzarote Convention might also be bound by other international treaties they have ratified. Similarly, many of these States are also obliged to respect relevant EU law.

UN Convention on the Rights of the Child and the jurisprudence of its Committee

The United Nations Convention on the Rights of the Child¹⁷ has been ratified by all the States Parties to the Lanzarote Convention. They are therefore obliged to comply with its provisions too.

Although the Convention on the Rights of the Child does not provide for a clear legal age threshold for sexual activities, it devotes three provisions to (sexual) abuse. Art. 19 requires States Parties to protect the child from “all forms of physical or mental violence, injury or abuse, [...] or exploitation, including sexual abuse”. Similarly, Art. 34 calls on States to protect the child from “all forms of sexual exploitation and sexual abuse”, in particular “the inducement or coercion of a child to engage in any unlawful sexual activity”. Finally, Art. 39 requires States to promote the recovery and social reintegration of a child victim of exploitation. In addition, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography further regulates the protection of children against other specific forms of sexual exploitation and sale of children.¹⁸

The Committee on the Rights of the Child, the treaty’s monitoring body, has inquired into the topic of sexual consent. Its General comment No. 4 on adolescent health called on States to establish the same minimum age threshold for sexual consent for boys and girls¹⁹. In General comment No. 20, devoted to the implementation of the rights of the child during adolescence, the Committee further elaborated on this point. The General comment requires legislatures to

¹⁶ *Ivi*, recommendation II-5.

¹⁷ *Convention on the Rights of the Child*, UN General Assembly, Resolution 44/25, UN Treaty Series, vol. 1577, p. 3 ff., adopted on 20 November 1989, entered into force on 2 September 1990.

¹⁸ *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, UN General Assembly, Resolution 54/263, adopted on 25 May 2000, entered into force on 18 January 2002.

¹⁹ Committee on the Rights of the Child, *General comment No. 4. Adolescent health and development in the context of the Convention on the Rights of the Child*, 1 July 2003, par. 9.

balance protection measures with the evolving capacities of the child and to avoid criminalising teenagers for consensual and non-exploitative sexual activities:

*“States Parties should take into account the need to balance protection and evolving capacities, and define an acceptable minimum age when determining the legal age for sexual consent. States should avoid criminalizing adolescents of similar ages for factually consensual and non-exploitative sexual activity.”*²⁰

Council of Europe Istanbul Convention

As regards sexual abuse of women and girls, an important reference is the Council of Europe Convention on preventing and combating violence against women and domestic violence²¹ (the “Istanbul Convention”). In Art. 36, the Istanbul Convention calls on Parties to criminalise ‘sexual violence’, which is broadly understood as any non-consensual act of a sexual nature. The second paragraph of the provision elaborates on the notion of ‘consent’ and states that “consent must be given voluntarily as the result of the person’s free will assessed in the context of the surrounding circumstances”.

In addition, Art. 18 (3) and Art. 56 (2) of the Convention require protection measures to address the specific needs of vulnerable persons, including child victims, while Art. 46 (d) calls on States to aggravate the punishment when an offence has been committed against a child.

EU Directive 2011/93

More than half of the States Parties to the Lanzarote Convention are also members of the European Union. For them, EU secondary legislation also explicitly requires to incriminate sexual abuse of children.

The key reference is currently EU Directive 2011/93, which establishes minimum rules for the definition of offences and sanctions related to the sexual abuse and sexual exploitation of children²².

As is the case in the Lanzarote Convention, the Directive does not define the legal age for sexual activities (called ‘age of sexual consent’). Its Art. 2 (b) defines the age of sexual consent as

“the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child.”

Subsequently, the Directive obliges Member States to criminalise sexual abuse and provides for a specific range of punishment. In particular, Art. 3 (4) states that

“Engaging in sexual activities with a child who has not reached the age of sexual consent shall be punishable by a maximum term of imprisonment of at least 5 years.”

²⁰ Committee on the Rights of the Child, *General comment No. 20 on the implementation of the rights of the child during adolescence*, 6 December 2016, par. 40.

²¹ *Council of Europe Convention on preventing and combating violence against women and domestic violence*, CETS 210, adopted on 11 May 2011, entered into force on 1 August 2014.

²² *Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA*, OJ L 335, 17.12.2011, p. 1–14, adopted on 13 December 2011, to be transposed by 18 December 2013.

Art. 3 (5) of the Directive provides for the punishment of a person who abuses their position of trust, authority, or influence, or abuses a particularly vulnerable situation of the child, or uses coercion, force or threats. In this respect, the Directive follows to a great extent the wording of the Lanzarote Convention.

Similar to the Lanzarote Convention, the Directive does not govern Member States' policies on consensual sexual activities in which children may be involved and which – as noted by recital No. 20 – can be considered as part of the normal discovery of sexuality.

Consequently, the Directive gives States discretion to decide whether to punish a child who has engaged in sexual activities with a consenting child *below* the age of consent. Literally, Art. 8 (1) asks States to determine if Art. 3 (2) shall apply in their legal systems also to

“consensual sexual activities between peers, who are close in age and degree of psychological and physical development or maturity, in so far as the acts did not involve any abuse.”

Conversely, the offences listed in Art. 3 (5) apply regardless of whether the victim was above or below the legal age for sexual activities or consented to the sexual activity.

In sum, neither the relevant international treaties nor EU law provide for a specific legal age for sexual activities. States are obliged to provide for one but are free to decide on the actual threshold to be applied. However, under both the Lanzarote Convention and EU Directive 2011/93, sexual activity with a child is always prohibited when abuse is made of a recognised position of trust, authority or influence over the child. The same applies when abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence; or, clearly, when use is made of coercion, force, or threats. In all these cases, the consent of the child is legally irrelevant.

III. Analysis of States Parties approaches to the legal age for sexual activities

Sentences in italics aim to highlight problematic aspects or promising practices.

1. Age thresholds

a) Legal age for sexual activities

First of all, the survey aimed to identify the legal age for sexual activities generally applicable in States Parties, i.e. the age at which a child may legally engage in sexual activities with an adult²³. Please note that these thresholds might not apply if the other person belongs to the circle of trust of the child or exercises undue influence on them.

In the absolute majority of States, the legal age for sexual activities is set between 14 and 16 years. This is the case in 43 of the 47 States which could be considered for this study²⁴.

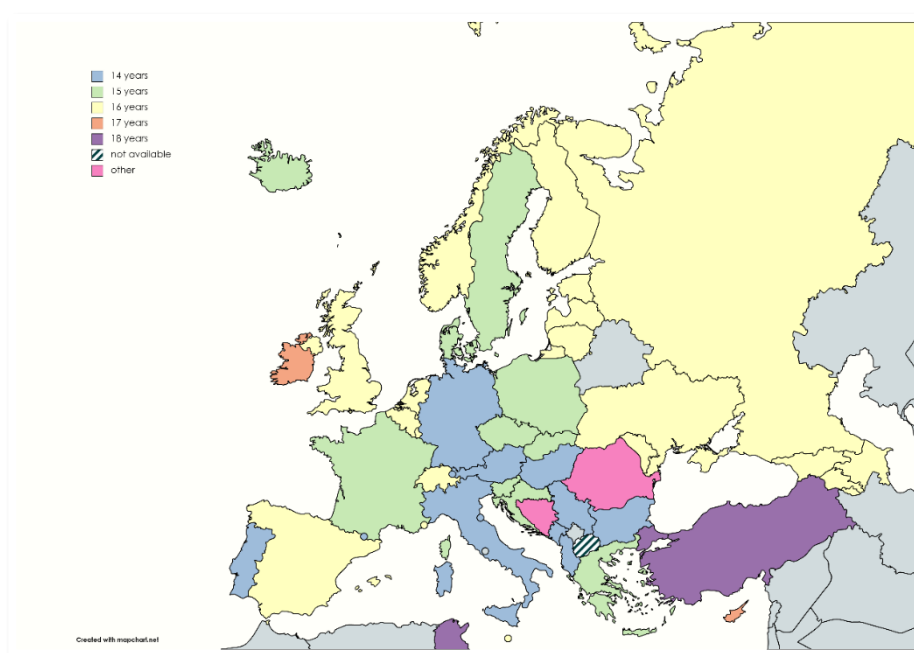


Figure 1: Map of the legal age thresholds for sexual activities

Specifically, 12 States require the child to be above **14 years old**: Albania, Andorra, Austria, Bulgaria, Germany, Hungary, Italy, Liechtenstein, Montenegro, Portugal, San Marino, Serbia.

In Portugal, however, the legal age for sexual activities is not openly defined by law. While it is always a crime to engage sexually with a child under the age of 14 years,

²³ The question was: “What is the legal age for sexual activities in your country (i.e. What is the age above which a child may engage in sexual activities with a person aged 18 or more, without the latter committing a criminal offence?)”.

²⁴ Out of the 48 States Parties, no information could be found on North Macedonia.

between 14 and 16 years the situation is different. In this age range, children cannot consent if they are dependent, if they are in a particularly vulnerable situation, or if an adult abuses their inexperience. As a consequence, two interpretations have arisen, respectively requiring the child to be 14 years old or 16 years old to validly consent to sexual activity²⁵.

For reasons of legal certainty, it is appropriate to expressly set by law the legal age for sexual activities. This is also required by the Lanzarote Convention and further international and EU legal acts²⁶.

Albanian legislation prohibits to have “sexual or homosexual relations” with children below the legal age for sexual activities, or with “a female minor, who is not sexually matured”.

This problematic wording of the Albanian provision was already addressed by the Lanzarote Committee in its first implementation report, urging Albania to review it to avoid stigmatisation based on sexual orientation²⁷.

Other 11 States set the legal age for sexual activities at **15 years**: Croatia, Czech Republic, Denmark, France, Greece, Iceland, Monaco, Poland, Slovak Republic, Slovenia, Sweden.

In 18 States, the age threshold is **16 years**: Armenia, Azerbaijan, Belgium, Estonia, Finland, Georgia, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Netherlands, Norway, Russian Federation, Spain, Switzerland, Ukraine, United Kingdom.

In Ukraine, ‘debauched acts’ with children under the age of sixteen and sexual intercourse with a “sexually immature person” are punished separately²⁸.

This terminology can be stigmatising for the child and is not precise enough, as the criminal codes do not specify how ‘sexual maturity’ is to be assessed.

There are then two States which provide for different age thresholds, set between **14 and 16 years**.

In Bosnia and Herzegovina, the legal age for sexual activities is at 14 years in the Federation of Bosnia and Herzegovina and in the Brčko District, and 15 years in Republika Srpska.

In Romania, two different age thresholds are provided for according to the type of sexual activity: 16 years for sexual intercourse or other acts involving penetration, and 14 years for other sexual activities.

The questionable coexistence of different age thresholds according to the type of sexual activity is addressed in sub-section b below.

²⁵ Please note that the EU Agency of Fundamental Rights has found that the legal age threshold for sexual activities generally applicable in Portugal has to be identified at 14 years: EU Agency of Fundamental Rights, *Mapping minimum age requirements concerning the rights of the child in the EU*, 20 November 2017, dataset [‘Consent for sexual activity with an adult’](#).

²⁶ See *Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, Lanzarote, 25 October 2007, par. 128.

²⁷ Lanzarote Committee, *1st implementation report. Protection of children against sexual abuse in the circle of trust: The framework*, cit., p. 17 and recommendation No. R12.

²⁸ See Art. 155 f. of the Ukrainian Criminal Code.

Higher thresholds exist in Ireland (17), Cyprus (17), Tunisia and Türkiye (18).

In Cyprus, the legal age for sexual activities is set at 17 years old. However, it appears from a report submitted by Cyprus the State itself to the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)²⁹ that “the age of 17 years is considered as the legal age for consensual sexual acts. (...) However, Cyprus Law allows a minor who has reached the age of 16 years to get married following a parental consent. This provision is in conflict with the general legal age of sexual consent”.

The disparity between the age threshold for engaging in sexual activities with a child and the age threshold for marrying a child appears inconsistent.

Turkish legislation is quite peculiar. According to the Turkish Criminal Code, the legal age for sexual activities is set at 18 years³⁰. However, in the case of sexual activity with a child between 15 and 18 years, investigation and prosecution are only carried out upon complaint of the victim³¹. In the case of sexual activities with children belonging to this age group, the focus is not on the consent of the child but rather on whether a subsequent report is filed by the child or their representatives. Thus, sexual activities carried out without force, threat, or deception, where at least one party is between 15 and 18 years old, are illegal under the Turkish Criminal Code, even if they are consensual. In addition, although the legal age for marriage is set at 18 years in Türkiye, children aged 17 can marry with parental permission, and children aged 16 can marry with both parental permission and a court decision.

Allowing an adult to be prosecuted solely based on the complaint of a child aged 15 to 18, irrespective of the child’s consent at the time of the fact, could jeopardise legal certainty.

It is also debatable whether a person should be required to be 18 years old to legally engage in sexual activities. This approach may hinder a natural exploration of sexuality by children with their peers and complicate the determination of guilt. Since children might be held criminally responsible for engaging in sexual activities among themselves, and considering that the age of criminal responsibility is set at 12 years, it could also be challenging to ascertain who is the “victim” and who is the “offender”.

Moreover, the contradiction between criminal law, which deems children incapable of consenting to sexual activities, and civil law, which allows them to enter into marriage, also raises concerns.

In Tunisia, on the other hand, consensual sexual activities with a child up to 18 years is generally prohibited. In this case, the adult person is liable of rape (if the child was younger than 16) or of a specific crime prosecuting sexual activities with consenting children older than 16 years. This provision does not apply if the child’s partner is also a child.

Generally forbidding any child to consent to sexual activities with an adult of similar age and maturity does not appear to respect the private life and agency of the child.

²⁹ See, section F, [Report submitted by Cyprus pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence \(Baseline Report\)](#), GREVIO/Inf(2021)8, 4 August 2021, page 41.

³⁰ See Articles 103 (for all children) and 104 (for children aged between 15 and 18) of the Turkish Criminal Code.

³¹ See Art. 104 (1) of the Turkish Criminal Code.

Other means should be provided to efficiently protect children against sexual exploitation and sexual abuse.

Until a few years ago, sexual acts with children were not allowed in Malta either. However, in 2018, the legal age for sexual activities was lowered from 18 to 16. This change took place in order to better align with European trends, and for reasons of normative coherence. In fact, at 16 years a child in Malta can already get married with parental consent.

The following tables show the distribution of thresholds across States Parties according to the number of States and the overall population. Interestingly, while only two States currently require a person to be 18 years old to legally engage sexually with an adult, they together account for nearly 100 million people and therefore for over 11% of the overall population of the States Parties. In addition, the proportion of the population to which the threshold of 16 years apply is considerably higher than the corresponding numerical share of States.

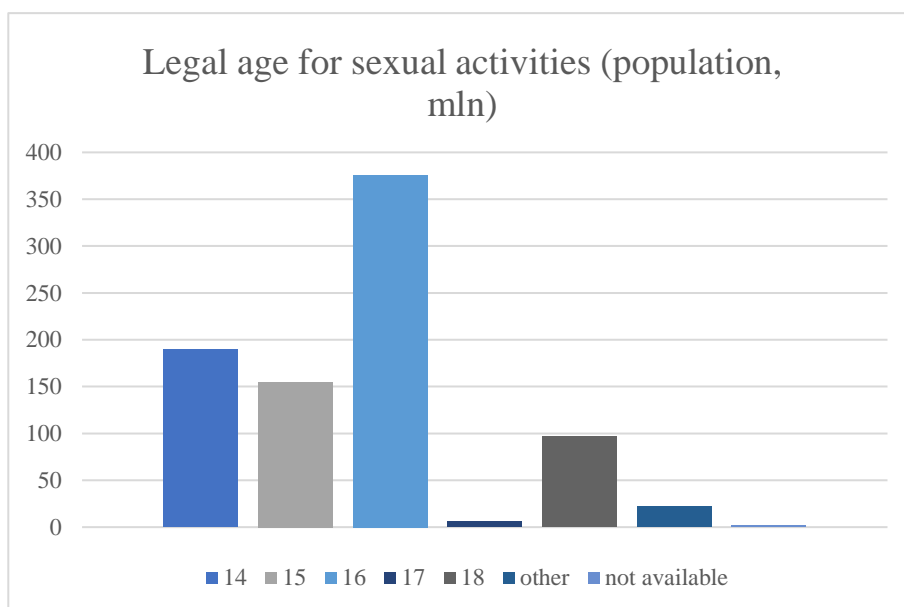


Table 1: Legal age for sexual activities according to population.

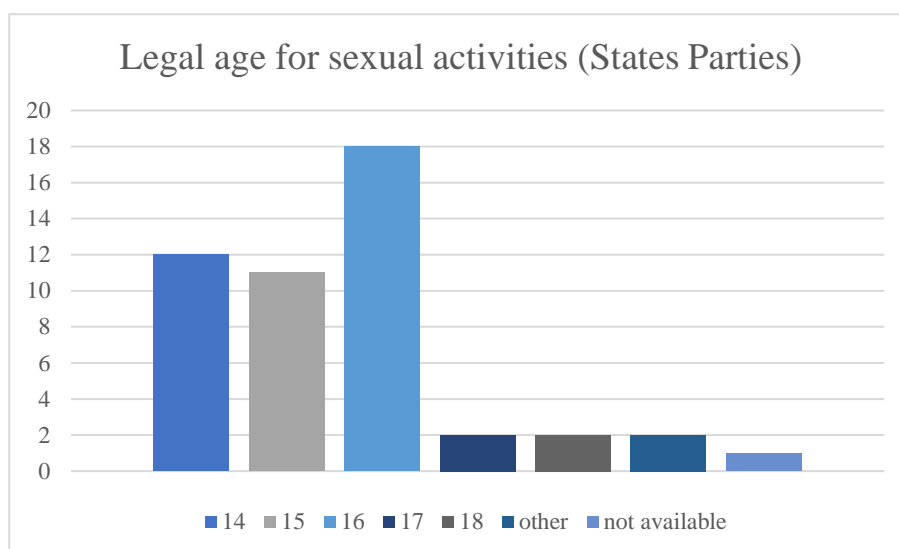


Table 2: Legal age for sexual activities according to number of States parties

b) Differences according to sexual activity

The questionnaire explored whether Parties provide only one age limit or differentiate according to the type of sexual activity³². Please note that this specific question did not refer to sexual abuse or sexual exploitation by persons of trust.

In the absolute majority of States, the legal system does not differentiate the age threshold according to the type of sexual activity involved. This is the case in 44 of the 45 States which could be considered³³.

On the contrary, Romania provides for two different age thresholds: 16 years for sexual intercourse or other acts involving penetration, and 14 years old for other types of sexual activity.

Setting different age limits depending on the type of sexual activity improperly interferes with children's intimacy and disregards their right to private life, as protected by Art. 8 of the European Convention on Human Rights and Art. 16 of the UN Convention on the Rights of the Child. It is advisable to set a uniform age for consent, regardless of the activity involved.

2. Age difference clause

The questionnaire further explored the question of possible exceptions to the legal age for sexual activities, for example by making sexual acts lawful even below the threshold as long as the partners are of similar ages and/or similar maturity³⁴. This is in line with Art. 18 (3) of the Lanzarote

³² "Is there only one legal age for sexual activities or does the legal age for sexual activities depend on the type of sexual activity? Please specify."

³³ No information was available as regards Greece, North Macedonia, and Russian Federation.

³⁴ "Does the legislation of your State include the issue of age difference between the persons engaged in sexual activities? Please specify (including, if relevant, age difference between a child and an adult or between children)."

Convention which states that “[t]he provisions of paragraph 1.a are not intended to govern consensual sexual activities between minors”. Similarly, also the Explanatory Report provides in para. 129 that “[i]t is not the intention of this Convention to criminalise sexual activities of young adolescents who are discovering their sexuality and engaging in sexual experiences with each other in the framework of sexual development. Nor is it intended to cover sexual activities between persons of similar ages and maturity”. This approach is consistent with the aforementioned call of the UN Committee on the Rights of the Child to “avoid criminalizing adolescents of similar ages for factually consensual and non-exploitative sexual activity”³⁵.

In some States, this clause applies **only to children**. It therefore allows *a child* above the legal age for sexual activities to engage sexually with a child below the legal age for sexual activities. In other States, the clause also covers **young adults**, allowing them – if certain conditions are met – to interact sexually with children below the legal age threshold.

More than half of the analysed States provide for an age difference clause. This is the case in 25 out of 45 States³⁶.

These States require different conditions for sexual activities with children below the general legal age for sexual activities to be legal. Essentially, national legislations focus either on a specific age range or on the maturity of the partners.

a) Age range

The majority of States which provide for age difference clauses requires the partners to be within a certain age range with the child (up to 6 years). This is the case in Austria, Belgium, Croatia, Cyprus, Estonia, France, Hungary, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Monaco, Romania, Switzerland, and Tunisia.

In some of these States, the age difference clause **only applies to children**. This depends on both the legal age for sexual activities and the specific age range provided for in the concerned State.

The age difference clause can apply only to children in Austria, Belgium, Croatia, Hungary, Latvia, Liechtenstein, Italy, and Tunisia.

For instance, in Croatia the legal age for sexual activities is set at 15 years, and the age difference clause allows children aged less than 15 to interact sexually with people up to 3 years older. Thus, the rule cannot mathematically apply to adults.

In Tunisia, the child having consensual sexual activities with another child aged between 16 and 18 is not criminally punished; however, a court might still apply on him or her certain child protection measures.

Contrarily, the age tolerance clause can **also cover young adults** in, Cyprus (20), Estonia (21), France (20), Ireland (19), Luxembourg (19), Monaco (20), Romania (19), and Switzerland (19).

³⁵ Committee on the Rights of the Child, *General comment No. 20 on the implementation of the rights of the child during adolescence*, 6 December 2016, par. 40.

³⁶ Austria, Belgium, Croatia, Cyprus, Estonia, Finland, France, Hungary, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, the Republic of Moldova, Monaco, Montenegro, Netherlands, Norway, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland, Tunisia. No information was available as regards Greece, North Macedonia, and Russian Federation.

b) Maturity

A substantial minority of States does not set a clear age range, but rather requires courts to consider the partners' mental and/or physical maturity or development, the absence of abuse and undue influence, etc. This is the case in Finland, the Republic of Moldova, Montenegro, Netherlands, Norway, Serbia, Slovenia, Spain, and Sweden. As a rule, this might mean that the age tolerance clause could apply also to adults. However, national case law could also interpret restrictively the relevant provisions to cover only children³⁷.

The discretion of the courts in assessing the specific situation allows for an in-depth assessment of the actual circumstances of the case. However, it might also hinder the child and their (child) partner from knowing whether they are allowed to engage sexually.

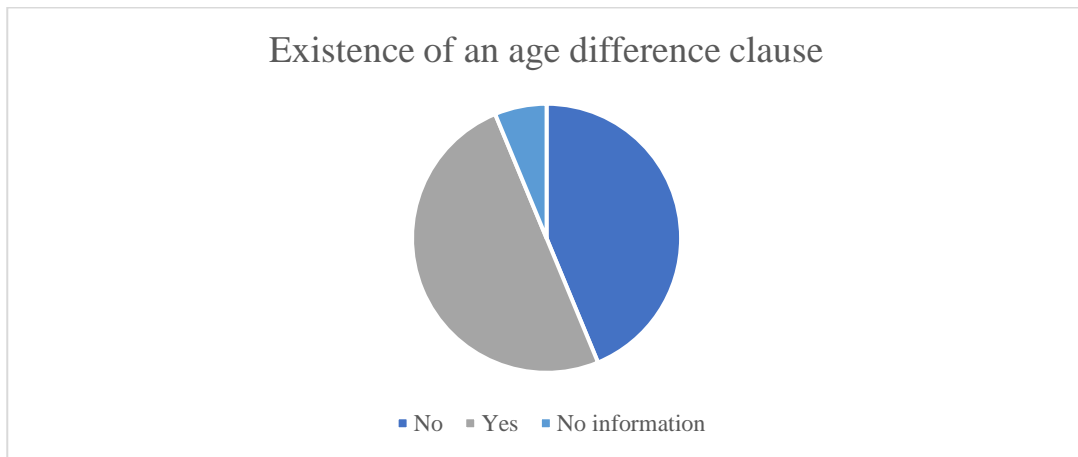


Table 3: Exception to the legal age for sexual activities if the children are close in age and/or maturity.

³⁷ On the basis of the information provided, which essentially asked for the normative regime, it was not possible to determine whether this was the case in the States concerned.

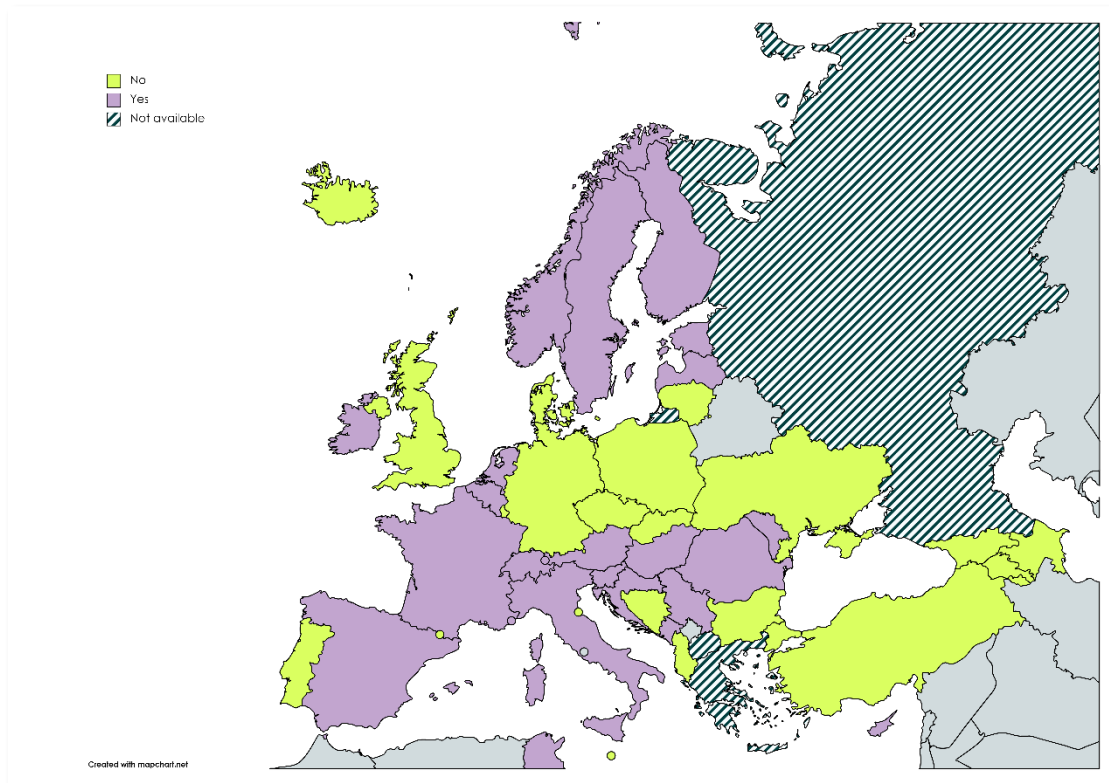


Figure 2: States with an age difference clause

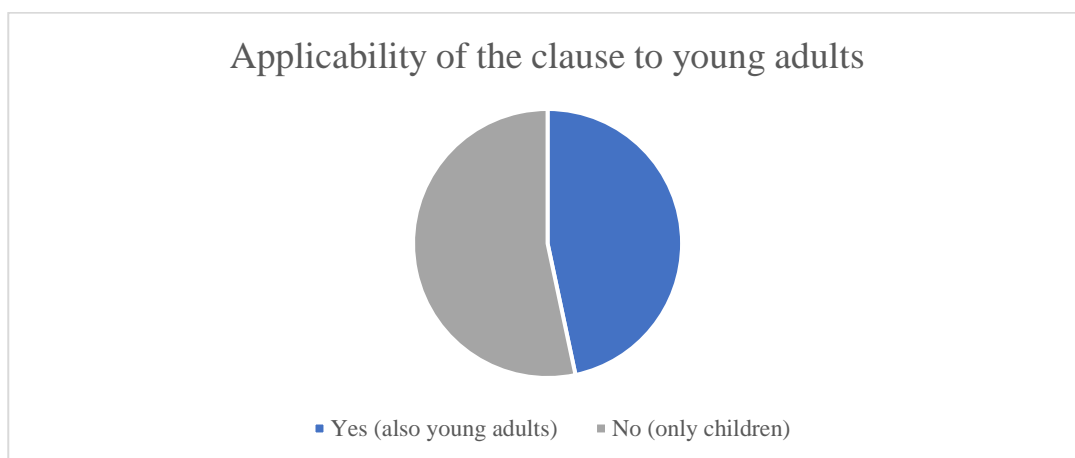


Table 4: Applicability of the age difference clause to young adults.

Of the States surveyed, 21 do not provide for an age difference clause.

This is the case in Albania, Andorra, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Czech Republic, Denmark, Georgia, Germany, Iceland, Lithuania, Luxembourg, Malta, Poland, Portugal, San Marino, Slovak Republic, Türkiye, Ukraine, and the United Kingdom.

It is interesting to examine what age thresholds apply in these States. Indeed, an age difference clause becomes more relevant when the legal age for sexual activities is set at a high age, such as 16, 17, or 18 years. Of the States that do not provide for an exception

for children of similar age or maturity, the general age threshold for sexual consent is set at:

- **14 years** in six of them, namely Albania, Andorra, Bulgaria, Germany, Portugal, and San Marino
- **14 or 15 years** in one of them, namely Bosnia and Herzegovina (14 years in the Federation of Bosnia and Herzegovina and the Brčko District, and 15 years in the Republika Srpska)
- **15 years** in five of them, namely the Czech Republic, Denmark, Iceland, Poland, and the Slovak Republic
- **16 years** in eight of them, namely Armenia, Azerbaijan, Georgia, Lithuania, Luxembourg, Malta, Ukraine, and the United Kingdom.
- **18 years** in one of them, namely Türkiye³⁸.

The lack of exceptions to the legal age for sexual activities can have the effect of criminalising consensual and non-exploitative sexual acts between peers. This is particularly problematic when the age limit is set high, such as at 16, 17 or 18 years. Such a situation could lead to incriminate as sexual abuse what is actually consensual sexual activity between children of similar ages, or between a child and a young adult which might be only a couple of years older than the child. In protecting children, it is important to respect children's right to privacy and their developing capacities.

One could think of the following scenario. In a certain State, children can validly consent to sexual activities only at 16 years; there is no age difference clause, and the minimum age of criminal responsibility is set at 14 years. In this State, a 16-year-old child who sexually interacts with a consenting 15-years-old schoolmate could therefore be committing an offence of sexual abuse.

³⁸ Please note that the total adds up to 22 because Bosnia and Herzegovina provides for two different age thresholds.

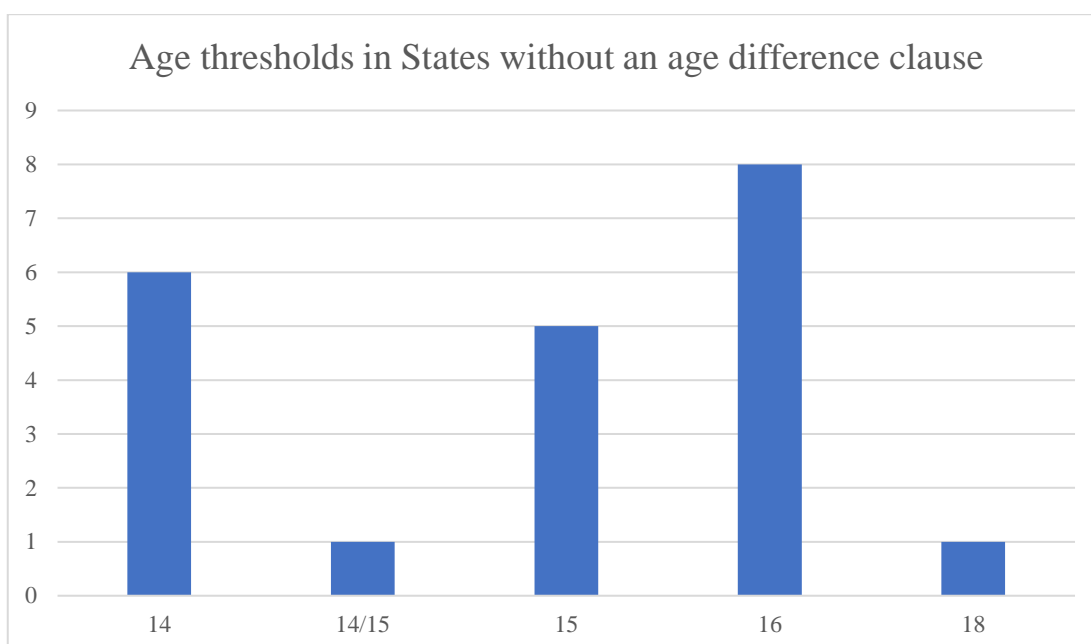


Table 4: Age thresholds in States without an age difference clause.

It seems worth noting two other peculiar approaches.

Malta does not provide for an age difference clause but mitigates the criminal sentence if the act was consensual between peers who are close in age and development.

Such a provision results in children being punished for consensual and non-exploitative sexual activity, albeit less severely. It is advisable to revise the legislation and provide for an age difference clause instead.

In Tunisia, as noted, a child interacting sexually with another child of 16 or 17 years is not criminally punished, despite the age of consent being set at 18 years. However, a court might still apply to the child certain protection measures.

3. Child's consent

a) Relevance of the child's consent below the legal age for sexual activities

The subsequent questions were intended to examine whether a legal system assigns legal value to the child's consent even below the legal age for sexual activities, and thus distinguishes between the legal age for sexual activities and the age below which a child is never considered capable of giving consent³⁹. In situations where the consent of a child below the legal age for sexual activities can be sought, and if it can be proven that the child has provided his or her consent to engage in sexual activities, authorities may mitigate the severity of the sentence. However, this practice can pose significant risks, particularly when national legal frameworks fail to provide for a clear age below which a child is deemed incapable of giving consent. In such cases,

³⁹ "Does your legislation make a difference between the legal age for sexual activities and the age under which a child is never deemed to be in a position to give his/her consent? Please specify the different age limits, if appropriate."

there is a potential for the defence to argue the existence of consent from very young children to justify a reduction in the sentence imposed upon the other party involved.

According to their replies, the vast majority of States do not distinguish between the legal age for sexual activities and the age below which a child is never deemed to be in a position to give their consent. This is the case for 33 of the 43 States which could be considered⁴⁰.

Ten States⁴¹, however, appear to give some legal value to the child's consent even below the legal age for sexual activities, irrespectively of any age tolerance clause.

Several of these States qualify the act as a less severe offence if the child below the legal age for sexual activities consented to the sexual activity.

In Armenia and Hungary, the sexual act is not considered 'rape' but a less severe offence if a child aged 12 to 16 (Armenia) or 12 to 14 (Hungary) had consented to it⁴².

In Cyprus, the legal age for sexual activities is set at 17, however, the age under which children are incapable of giving consent is 13. It thus seems that consent of children aged between 13 and 17 could be sought in order to mitigate the sentence.

This is the case in Denmark, where the act is not considered rape but a less severe criminal offence if the child between 12 and 15 years old had consented to the sexual act.⁴³

In Estonia, the "age of comprehension" is set at a lower age (10 years) than the legal age for sexual activities (16 years). This means that sexual acts towards children under the age of 10 are automatically qualified as rape or act of a sexual nature against the child's will, which is not necessarily the case for children between 10 and 16 years old.

According to Lithuanian authorities, sexual activities with a child under the age of 14 is considered to be an exploitation of the victim's helplessness, unless the victim has given consent to them, or they have taken place at his/her initiative. This implies that all children below the legal age for sexual activities, which is 16 in Lithuania, and whether or not they are "minors" (below 14) have the capacity to consent to sexual activities.

In Monaco, the recently reformed legal framework on sexual offences provides that for the offences of rape and sexual aggression, "where the offence is committed against a minor under the age of thirteen, the minor is presumed not to have consented to the sexual act committed, without it being possible to prove otherwise". As the legal age for sexual activities is 15 in Monaco, it seems that children aged 13 to 15 have the capacity to consent to sexual activities with adults.

⁴⁰ Albania, Andorra, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Finland, France, Georgia, Germany, Iceland, Italy, Ireland, Latvia, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal (if the age for sexual activities is considered at being at 14), San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom. No information was available as regards Greece, Liechtenstein, Montenegro, North Macedonia, and Russian Federation.

⁴¹ Armenia, Cyprus, Denmark, Estonia, Hungary, Lithuania, Monaco, Romania, Tunisia, Türkiye.

⁴² In Armenia, the legal age for sexual activities is set at 16 years; in Hungary, at 14 years.

⁴³ In Denmark, the legal age for sexual activities is set at 15 years.

In such case, the offence will be qualified as a delictual sexual offence (atteinte sexuelle) and therefore less severely punished.

In Romania, the age under which any sexual activity with a child is considered to be committed without consent (meaning that the act will be qualified as rape or sexual assault, even if the child did not manifest opposition) is not regulated by law, but by the judiciary practice, taking into consideration the particularities of each case.

In Tunisia, sexual acts of an adult with a consenting child aged between 16 and 18 years are punished less severely than 'rape'⁴⁴.

Finally, in Türkiye the legal age for sexual activities is set at 18 years. However, a child older than 15 years old can consent to the sexual activity. As noted above, the partner may still be prosecuted at the child's request.

b) Exclusion of the legal relevance of the child's consent

The questionnaire also investigated the situations in which a legal system does not attach legal value to the child's consent⁴⁵.

As a rule, the general provisions on consent also apply to children, so that any consent extorted by force, abuse of an influential position, deception, etc. is ineffective. This is likely to be the case even where the States did not explicitly state it in their responses.

Different States clearly identify in their legal systems the conditions under which the child's consent is not valid. For instance,

in Denmark, the child's consent is not considered valid if a person abuses the child's mental disorder or mental retardation in order to engage in sexual activity;

in Finland, as in many States, the child cannot consent to sexual acts with persons who abuse their position of authority or supervision in a school or other institution, an employment relationship or free-time activities;

in Italy, a child below 16 years cannot consent to sexual activities with family members or people living under the same roof; the age threshold is raised to 18 if the person abuses their position;

in Poland, the consent of a child is not valid if an economic or personal benefit was promised or given for the sexual activity; the same applies if the dependence of the child, their critical situation or their trust was abused.

Such legislations are in line with Art. 18 (1) (b) requiring States to punish those engaging sexually with a child whenever "abuse is made of a recognised position of trust, authority or influence over the child".

c) Definitions of 'consent' and 'lack of consent'

⁴⁴ In Tunisia, the legal age for sexual activities is set at 18 years.

⁴⁵ "What are the situations where, irrespective of the age of the child, the child is never deemed to be in a position to give his/her consent (e.g. abuse of a position of trust, authority, or influence)?"

The questionnaire explored whether a legal system provides for a definition of (child's) 'consent' or 'lack of consent'⁴⁶.

In most States, the terms 'consent' and 'lack of consent' are not defined in written law. Courts are required to look to the specific situation in which consent was expressed to assess its validity. Extensive case law can be found on this subject.

Eight of the 41 States which could be considered have however a written definition of (lack of) consent⁴⁷.

This is the case in Belgium, Croatia, Finland, Iceland, Ireland, San Marino, Spain, and the United Kingdom.

In Belgium, there is no consent if the sexual act was committed by taking advantage of the victim's vulnerable situation due to, *inter alia*, a state of fear, the influence of alcohol, narcotics, psychotropic substances or any other substance with a similar effect, illness or a situation of disability affecting free will. In any case, there is no consent if the sexual act is the result of a threat, physical or psychological violence, coercion, surprise, trickery or any other punishable behaviour, or if the sexual act was committed to the detriment of an unconscious or sleeping victim⁴⁸.

In Croatia, there is no valid consent if the sexual activity was performed by using threat, by fraud, by abusing one's position towards a person who was in a situation of dependence, by exploiting a person's condition due to which the person was unable to express their refusal or if it was performed against a person unlawfully deprived of liberty⁴⁹.

In Finland, the absence of 'voluntary participation' is defined in the provisions on rape and sexual assault. The participation of a person in sexual intercourse is not considered voluntary if: a) the person had not expressed verbally, through their behaviour or in any other way that they were participating voluntarily; b) the person had been coerced into sexual intercourse by using violence or by a threat; c) the person had not been able to formulate or express their will due to unconsciousness, illness, disability, state of fear, state of intense intoxication, reduced consciousness, sudden nature of the situation, serious abuse of a special position of power or any other comparable reason⁵⁰.

In Iceland, consent is not valid if violence, threats or other forms of illegal coercion have been used. Deprivation of autonomy by confinement, drugs or other similar means is considered violence⁵¹.

In Ireland, there is a non-exhaustive list of situations where consent is not given. This is the case when (a) the victim permits the act to take place or submits to it because of the application of force to them or to some other person, or because of the threat of this, or because of a well-founded fear that this might happen; (b) the victim is asleep or unconscious; (c) the victim is incapable of consenting because of the effect of alcohol or

⁴⁶ "Does your legislation or case law define "consent" and/or "lack of consent" by a child to sexual activities? If so, please provide details, including examples."

⁴⁷ No relevant information was available for Azerbaijan, Greece, Malta, North Macedonia, Russian Federation, Slovenia, and Türkiye.

⁴⁸ See Art. 417 (5) of the Belgian Criminal Code.

⁴⁹ See Art. 153 (5) of the Croatian Criminal Code.

⁵⁰ See Ch. 20, Sec. 1, of the Finnish Criminal Code.

⁵¹ See Art. 194 of the Icelandic Criminal Code.

some other drug; (d) the victim is suffering from a physical disability which prevents them from communicating whether they agree to the act; (e) the victim is mistaken as to the nature and purpose of the act; (f) the victim is mistaken as to the identity of any other person involved in the act; (g) the victim is being unlawfully detained at the time at which the act takes place; (h) the only expression or indication of consent or agreement to the act comes from somebody other than the victim⁵².

In San Marino, consent is generally invalid if it is extorted by violence or given by an easily recognisable mistake, obtained by deception or given by a person under the age of 18 or incapable of understanding⁵³.

In Spain, consent is only deemed to have been given if it has been freely expressed by acts which, in view of the circumstances of the case, clearly expressed the will of the person⁵⁴.

In the United Kingdom, a person consents if they agree by choice, and have the freedom and capacity to make that choice⁵⁵.

It is interesting to note that both European main common law States (Ireland and the United Kingdom) provide for a definition of (lack of) consent, while only a relatively small proportion of European civil law States do so. In the common law States, similar attempts to limit the discretion of the courts can also be found in other areas of law. In Ireland, particularly, the legislation contains a very detailed list of situations in which consent is considered invalid. This may relate to specific needs of the adversarial system and lay adjudication. In most (civil law) States, similar requirements are laid down by jurisprudence. The lack of a written definition of valid consent and of a precise listing of its components might also allow courts to more widely assess the context in which consent was actually given.

Current trends

Finally, the questionnaire explored whether any changes have been recently made to the legal age for sexual activities⁵⁶.

In the last ten years, 11 States have changed the applicable rules.

In particular, 5 States have raised the age threshold, while Malta has lowered it⁵⁷.

Bosnia and Herzegovina: In 2017, the legal age for sexual activities was raised from 14 to 15 years.

Croatia: In 2013, the legal age for sexual activities was raised from 14 to 15 years.

Estonia: In 2022, the legal age for sexual activities was raised from 14 to 16 years.

Malta: In 2018, the legal age for sexual activities was *lowered* from 18 to 16 years.

⁵² See Sec. 9 of the Irish Criminal Law (Rape) (Amendment) Act 1990.

⁵³ See Art. 39 of the Sammarinese Criminal Code.

⁵⁴ See Art. 178 (1) of the Spanish Criminal Code.

⁵⁵ See Sec. 74 of the UK Sexual Offences Act 2003.

⁵⁶ "Has there been a change in the legal age for sexual activities or the age under which a child is never deemed to be in a position to give his/her consent in recent years? If so, can you specify the changes and the rationale of the change?"

⁵⁷ No information was available as regards Greece, Latvia, Malta, North Macedonia, Russian Federation, and Ukraine.

Romania: In 2020, the legal age for sexual activities was raised from 15 to 16 years for sexual intercourse, and from 13 to 14 years for other sexual activities.

Other relevant changes occurred in 6 other States.

Cyprus: In 2014, the legal age for sexual activities was defined (17 years) and the difference in the legal treatment depending on the sex of the child was abolished.

Denmark: Since 2022, the criminal code provides for harsher punishment if the child victim was under 15 years and the offender over 22 years.

France: In 2021, consent was abolished as a defence for sexual activity with children below 15.

Ireland: In 2017, a defence of ‘consent’ was introduced for sexual activities with children aged 15 to 17 years.

Tunisia: In 2017, the age under which any sexual activity with a child is considered as ‘rape’ was raised from 13 to 16 years.

Ukraine: Before 2021, the criminal code punished the conduct of whom had sexual intercourse with a person who had not reached “sexual maturity”. Now, this offence refers to children below the legal age for sexual activities, therefore 16 years.

Moreover, discussions are currently taking place in 3 States. Bosnia and Herzegovina, Republic of Moldova and Poland are debating about raising the legal age threshold for sexual activities⁵⁸.

The legal age for sexual activities is currently set at 14/15 years in Bosnia and Herzegovina, at 16 years in the Republic of Moldova, and at 15 years in Poland.

⁵⁸ No information was available as regards Andorra, Georgia, Greece, Hungary, Malta, North Macedonia, Russian Federation, and San Marino. The question was: “Is there an on-going discussion in your State to change the legal age for sexual activities or the age under which a child is never deemed to be in a position to give his/her consent? If so, can you indicate whether the aim is to lower or raise the legal age for sexual activities and/or the age under which a child is never deemed to be in a position to give his/her consent?”.