

Comparative study of the statutes of limitations in respect of sexual offences against children in the States Parties to the Lanzarote Convention



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**Comparative study
of the statutes of limitations
in respect of sexual offences against
children in the States Parties
to the Lanzarote Convention**

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Étude comparative de la prescription des infractions sexuelles commises sur enfant dans les États parties à la Convention de Lanzarote

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1. Background of the Study

1. Statutes of limitations (also referred to as “prescription” or “prescription time-limits” in some national legislations) are laws setting out the maximum time (i.e. a temporal limitation), after an event has occurred, within which criminal legal proceedings intended to investigate and prosecute it may be initiated. When the period of time specified in a statute of limitation passes, a claim may no longer be filed, and no criminal case may be made.

2. The issue of statutes of limitations sparks particular debates when it comes to sexual offenses against children. Indeed, children may face many difficulties in self-reporting sexual abuse that they have been a victim of and may also suffer from such conditions as traumatic amnesia. Therefore, the traditional understanding of statutes of limitations as necessary safeguards against frivolous complaints lodged long after alleged facts needs to be calibrated with the lengthy near-inability of children to report crimes they have suffered.

3. Against this background, in order to facilitate the collection, analysis and exchange of information, experience and good practices to improve the capacity to prevent and combat sexual exploitation and sexual abuse of children, the State Parties to the Lanzarote Committee agreed to share their replies to a focused Questionnaire on the issue of statutes of limitations for initiating proceedings with regard to the offences of sexual exploitation and sexual abuse against children launched in 2021.

The Questionnaire read as follows:

4. “1. If there is **no time-limit** foreseen in the legislation of your country for initiating proceedings with regards to sexual offences against children: (a) Please specify whether there has never been a time-limit or when this was abolished. (b) Please specify whether there is no time-limit for all sexual offences against children or only for certain types of offences. (c) Please specify the sexual offences against children for which there is no time-limit.

2. **If there is a time-limit** foreseen in the legislation of your country for initiating proceedings with regards to sexual offences against children: (a) Please specify what are such limitation periods and to which specific offences they apply. (b) Please specify when the limitation period begins to run in practice (from the moment the offence was committed, when the child reaches the age of majority, or in the event of specific other circumstance?).

3. Please add any other information you deem necessary to clarify the situation in your country as regards the statute of limitation for initiating proceedings concerning sexual offences against children.”

5. This study examines the situation in 43 States Parties to the Lanzarote Convention who replied to the Questionnaire.¹ It is based on the information received from the replies to the Questionnaire by 41 States and other accessible information found through desk research. Information regarding two States, Greece and Ukraine, was collected exclusively through desk research.

2. The general rule about the statutes of limitations and its specificities in cases of child sexual exploitation and abuse

2.1. A traditional conception of limitation periods in criminal law

6. Temporal limitations are a traditionally established element of the criminal law for most States which have made the choice to put in place a timeframe for reporting and prosecuting unlawful, criminal acts.² The statute of limitation sets the maximum amount of time after an event has occurred, within which criminal legal proceedings may be initiated and concluded. According to the European Court of Human Rights, “*limitation may be defined as the statutory right of an alleged offender not to be prosecuted or tried after the lapse of a certain period of time since the offence was committed*”.³

7. There are various foundations for temporal limitations in domestic criminal laws and their *rationale* can be related to a number of considerations, such as criminal policy, procedural risks, as well as administration of justice. First, it can be argued that the need for a criminal response to an offence weakens or disappears with the passing of time. In other words, once a long time has passed since the offence, the legitimate objectives of criminal sanctions and in particular their general and individual preventive, deterrent or reintegrative purposes can no longer be served.

8. Moreover, from a procedural point of view, temporal limitations can be perceived as one of the ramparts against miscarriages of justice, representing an attempt to deal with the problem of the disappearance, weakening or fading of evidence over time.⁴ Statutes of limitations may thus ensure legal certainty and finality, protect potential defendants from stale claims which might be difficult to counter and prevent any injustice which might arise if courts were required to decide upon events which took place in the distant past on the basis of evidence which might

¹ Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Tunisia, Türkiye, the United Kingdom and Ukraine.

² Court of Justice of the European Union, Directorate-General for Library, Research and Documentation (2017), Research Note on Limitation rules in criminal matters, p. 2.

³ See *Coëme and Others v. Belgium*, ECtHR, Application Nos 32492/96, 32547/96, 32548/96, 33209/96, 33210/96, 22 June 2000, para 146.

⁴ Proponents of statutes of limitation believe they are needed because after time, important evidence may be lost and the memories of witnesses can grow foggy.

have become unreliable and incomplete because of the passage of time.⁵ In addition, it can be said that investigating, prosecuting and adjudicating cases after a long time has passed since the commission of alleged offences may be economically costly and may block the allocation of sufficient resources to more recent crimes.

9. Despite all the above considerations, it should be noted that statutes of limitations are also far from universal. There are States with no general statute of limitations, while those States that have established temporal limitations may balance the victim's right of access to the courts and the defendant's right to legal certainty in a different way, for example by adopting diverse approaches to the starting point and duration of limitation periods.

2.2. Grounds for a differentiated approach when it comes to sexual offences against children

10. The question of the statute of limitation raises remarkable controversy and concerns with respect to offences of sexual nature perpetrated against children. It can be argued that throughout the stages of the encoding of the event, its retention, and its retrieval later on, survivors need time, which is crucial, first in order for them to comprehend, realise and process the offence committed against them, and then for them to decide to act by seeking the prosecution of their perpetrator.⁶ In this respect, the European Court of Human Rights has ruled that it must be possible to lodge a complaint when the plaintiffs are capable, in practice, of assessing the damage they have sustained.⁷

11. The view that the indefinite postponement of the complaint serves the balancing of a very unequal relationship is noteworthy, as, indeed, the statute of limitation can turn out to be extremely favourable to the perpetrators of offences. It is well-documented that children face **difficulties in reporting** sexual abuse committed against them, with some of them coming forward many years after the offence was committed, if ever.⁸ Much of the suffering remains hidden because children feel afraid to speak out.

12. Relevant research has identified multiple factors that might hinder the disclosure of sexual abuse and may contribute to its underreporting by children.

⁵ See *Stubbings and Others v. the United Kingdom*, ECtHR, Application Nos 22083/93, 22095/93, 22 October 1996, para 51.

⁶ Cyr M (2022). *Conducting Interviews with Child Victims of Abuse and Witnesses of Crime*, p. 4.

⁷ *Eşim v. Turkey*, ECtHR, Application No. 59601/09, 17 September 2013.

⁸ Townsend C (2016). *Child sexual abuse disclosure: What practitioners need to know*. Charleston, S.C., Darkness to Light. Retrieved from www.D2L.org. ("Research shows that many children do not disclose sexual abuse immediately after the abuse occurs. In fact, many children do not disclose the abuse for years, if they disclose at all. Many adult survivors of child sexual abuse have never disclosed their abuse to anyone."). See also Cyr M (2022). *Conducting Interviews with Child Victims of Abuse and Witnesses of Crime*, p. 3. Available from: VitalSource Bookshelf, Taylor & Francis.

13. Firstly, we can discern the so-called **intrapersonal factors**, which are idiosyncratic, internal factors that belong to the person. They may appear present themselves in different forms, such as internalisation of the blame, feelings of shame, perception of responsibility, and fear. The victim can further develop self-protection mechanisms, such as minimising the abusive experience by repressing memories, or losing trust in others. Moreover, within this set of factors also falls the immaturity of development, which may convey insufficient understanding of sexuality and confusion about the abusive situation, or the lack of means to disclose.⁹ These internalised emotions can culminate in mental health difficulties, or even post-traumatic stress disorder (PTSD).

14. Secondly, **relational factors** can be identified. These factors may be exhibited within the realms of the family, where we may observe violence, threat and dysfunction. Feelings of unsafety, fear of reprisal, and power dynamics prevail. Manipulation, the law of silence, changeable dimensions and unsteady facets of the relationship with the perpetrator may also be observed. Also evident are the anguish, the fear or even the awareness of possible repercussions in case of getting the authorities involved. It is alarming that the overwhelming majority of incidents of children's sexual abuse take place within "the circle of trust", meaning within the (extended) family and close social environment. In 70-85% of cases of sexual violence against children, perpetrators are known to the child victim,¹⁰ which results in a perception of the absence of persons to whom a disturbing act can be revealed and from whom support and assistance can be sought, which leads inevitably to a more fragile social network.¹¹

15. At a final level, namely that of **sociocultural factors**, social stigma is eminent: a fear of not being believed and the pertinent taboo on sexuality, usually stemming from a lack of knowledge.¹²

16. Another thing that seems to be critical is the (non-)existence of services, for example providing help lines. Last but not least, the stage of society's sociocultural development is decisive for the visibility of child sexual abuse and the ways to process and address it.

17. For all the above reasons, it is of utmost importance that when it comes to any legislative or other measure taken by State authorities in the fight against child sexual abuse and sexual exploitation, the child, the child's best interest, needs and emotions shall be recognised and placed at its core.

⁹ Cyr M (2022). Conducting Interviews with Child Victims of Abuse and Witnesses of Crime, p. 4. Available from: VitalSource Bookshelf, Taylor & Francis.

¹⁰ Comment of The Commissioner for Human Rights (2016), No violence against children is acceptable, all violence is preventable, available at: <https://www.coe.int/en/web/commissioner/-/no-violence-against-children-is-acceptable-all-violence-is-preventable>.

¹¹ Cyr M (2022). Conducting Interviews with Child Victims of Abuse and Witnesses of Crime, p. 5. Available from: VitalSource Bookshelf, Taylor & Francis.

¹² Judgment No. 76/2022, 9 June 2022, Roll number: 7404, Constitutional Court of Belgium, para A.7.1.

3. Statute of limitation in the Lanzarote Convention

18. Article 33 of the Lanzarote Convention addresses specifically the issue of the statute of limitation and provides that:

*“Each Party shall take the necessary legislative or other measures to ensure that the **statute of limitation** for initiating proceedings with regard to the offences established in accordance with Articles 18,¹³ 19, paragraph 1.a¹⁴ and b,¹⁵ and 21, paragraph 1.a¹⁶ and b,¹⁷ shall **continue** for a period of time sufficient to allow the efficient starting of proceedings **after the victim has reached the age of majority** and which is commensurate with the gravity of the crime in question”.*

19. This provision, as the Explanatory Report states, is an “*essential feature of added value*” to the Lanzarote Convention.¹⁸ By specifically addressing the issue of statute of limitation, the Convention identifies an important practical hurdle to the chronic issue of under-reporting of offences of sexual nature against children. This is the *ratio* behind the requirement that the statutory time-limits should not expire before a sufficient period of time after the victim has reached the age of majority.

20. The Lanzarote Convention aims to safeguard some minimum standards of protection among State Parties with the objective of regional harmonisation, and State Parties are encouraged to legislate above and beyond the minimum standards of the Convention.

21. In this context, acceptable configurations of a national regime of temporal limitation on the ability to investigate and prosecute sexual offences against children under the Lanzarote Convention would include, first of all, a regime of *full imprescriptibility*. In such a regime, **all** offences of sexual nature against children have no time-limit for prosecution, and child victims have as long as they need to come forward with criminal charges.

22. Alternatively, a State Party to the Lanzarote Convention may opt for a regime of *partial imprescriptibility*. This system would entail that **certain** sexual offences against children are subject to time-limits, whereas other offences are imprescriptible. While the abolition of the statute of limitation raises no question under the Lanzarote Convention, statutes of limitations should meet certain criteria, as described below.

¹³ Sexual abuse (engaging in sexual activities with a child in certain circumstances).

¹⁴ Recruiting a child into prostitution or causing a child to participate in prostitution.

¹⁵ Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes.

¹⁶ Recruiting a child into participating in pornographic performances or causing a child to participate in such performances.

¹⁷ Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes.

¹⁸ Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201, para 231.

23. Another option is a national system where all offences of sexual nature against children remain prescriptible. This system is permitted under the Lanzarote Convention; however, it is subject to the requirements of Article 33: the limitation periods must (i) be “*commensurate*” with the severity of the offence, i.e., they should be adequately long and (ii) should run for a “*sufficient*” amount of time after the victim has reached the age of majority. One way to fulfil the latter requirement is to provide that the limitation period starts running when the victim attains the age of majority, instead of when the offence was committed. It must be noted however that such a rule is not explicitly required by Article 33 of the Convention, therefore other configurations concerning the start of the limitation period may also satisfy this requirement. This could be the case, for example, of a national legislation which prohibits the lapse of the limitation period before the victim has reached a certain age, well into adulthood. In all cases, the national legislation should provide for an adequately long limitation period which would give sufficient time for victims to access justice after they reach the age of majority.

24. Consequently, any State that opts to maintain some or all of the offences referred to in Article 33 prescriptible must be careful in ensuring both the length of the limitation period commensurate with the gravity of the crime and the requirement to make the limitation period long enough to enable initiating criminal proceedings after the age of majority of the victim.

4. Statute of limitation in other international and regional instruments

4.1. Global system

4.1.1. UN treaty bodies

25. Although neither the UN Convention for the Rights of the Child (CRC) nor the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography refer directly to the issue of temporal limitations on criminal prosecution, the Committee on the Rights of the Child has addressed it several times.

26. Indeed, the UN Committee includes frequently in its recommendations to State Parties a call for ensuring a time-limit substantial enough to allow child victims to report the offence they have been a victim of. For example, the Committee has stressed that “*States should remove systemic barriers to justice for children, including limited prescription periods, restrictive legal capacity and standing rules, in civil, criminal and administrative settings and provide independent, free, accessible and high-quality legal services and mechanisms*”.¹⁹

¹⁹ UN Committee on the Rights of the Child (2022), A/77/41, Recommendations emanating from the 2021 day of general discussion on children’s rights and alternative care, para 25, available at: <https://undocs.org/Home/Mobile?FinalSymbol=A%2F77%2F41&Language=E&DeviceType=Desktop&LangRequested=False>. See, also, CRC/C/OPSC/CHL/CO/1.

27. Moreover, the “Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”²⁰ specifically mention in the chapter concerning recommendations on the child victims’ right to assistance and protection in legal proceedings that:

*“Child victims of offences covered by the Optional Protocol are particularly unlikely to report what has been done to them, or they report only many years after the offences occurred. A variety of reasons, such as feelings of fear, shame or guilt, are behind this difficulty to disclose what has happened, often because the perpetrator is someone they know. In light of this, the Committee recommends that States parties **avoid establishing a statute of limitation** in respect of such offences. Where such statutes exist, the Committee urges States parties to adjust them to the particular nature of the crime and ensure that they begin to run only when the victim **reaches the age of 18**”.*

28. In the same vein, other UN treaty bodies have welcomed reforms, at national level, towards the extension of the statute of limitation for sexual offences or have criticised short limitation periods as a barrier to justice for victims of such offences.²¹

4.1.2. No statute of limitation for genocide, crimes against humanity and war crimes

29. Since the 1968 UN Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity,²² the signatory States agreed to guarantee that statutory or other limitations shall not apply to the prosecution and punishment of the said crimes, meaning war crimes, crimes against humanity and crimes of genocide, and that, where they exist, such limitations shall be abolished.²³

30. Moreover, as it is explicitly stated in Article 29 of the Rome Statute of the International Criminal Court, *“The crimes within the jurisdiction of the Court shall not be subject to any statute of limitations”*. Besides, Articles 7 and 8 of the Rome Statute determine which criminal acts fall within the ambit of the notions *“crimes against humanity”* and *“war crimes”* respectively. As such there are indicated: committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, also constituting a grave breach of the Geneva Conventions.²⁴ Therefore, for such sexual offences criminalised under international law, the statute of limitation is not applicable.

²⁰ UN Committee on the Rights of the Child (2019), CRC/C/156, Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

²¹ UN Committee Against Torture (2010), CAT/C/CHE/CO/6, Concluding observations regarding Switzerland, para 4; UN Committee on the Elimination of Discrimination against Women (2011), CEDAW/C/NPL/CO/4-5, Concluding Observations regarding Nepal, paras 19, 20 (c), 35, 36 (b).

²² Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity. New York, 26 November 1968, United Nations, Treaty Series, vol. 754, p. 73, into force 11 November 1970.

²³ *ibid*, Articles I, II, IV.z

²⁴ Rome Statute of the International Criminal Court, United Nations, Treaty, Series, vol. 2187, No. 3854, done on 17 July 1998, entered in force on 1 July 2002, Article 7 (g) and Article 8 (b-xxii) for armed

4.2. Council of Europe

31. Apart from the Lanzarote Convention, the issue of the statute of limitation of sexual offences against children has been addressed in other instruments and bodies.

32. *The Child-Friendly Justice Guidelines* recommend that in cases of sexual offences against children, access to court should be granted for a period of time after the child has reached the age of majority.²⁵ Member states are therefore encouraged to review their statutes of limitation.

33. Moreover, in its Resolution 2330 (2020), the Parliamentary Assembly of the Council of Europe adopted a rather forward position concerning offences of sexual nature against children, urging Member States to **“abolish the statute of limitation for sexual violence against children, or to at least ensure that the prescription periods for sexual violence against children in civil and criminal law are proportionate to the gravity of the alleged abuse and, in any case, no shorter than thirty years after the victim has reached the age of 18”**.²⁶

34. The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) provides in Article 58 that State Parties shall ensure that the statute of limitation period for initiating legal proceedings for specific offences, including sexual violence, continues for a period of time that is sufficient and commensurate with the gravity of the offence in question, so that it allows for the efficient initiation of proceedings **after the victim has reached the age of majority**.²⁷ The obligation applies in relation to child victims, who are often unable, for various reasons, to report the offences perpetrated against them before reaching the age of majority. According to the Explanatory Report accompanying the Convention, the phrase *“for a period of time sufficient to allow the efficient initiation of proceedings”* means, firstly, once these children become adults, they must have a sufficiently long time to overcome their trauma, thus enabling them to file a complaint and, secondly, that the prosecution authorities must be in a position to bring prosecutions for the offences concerned”.²⁸

conflicts where international laws and customs are applicable, and (e-vi) for armed conflicts not of an international character. Available at: <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

²⁵ Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010), Guideline 36.

²⁶ Parliamentary Assembly of the Council of Europe Resolution 2330 (2020), Addressing sexual violence against children: stepping up action and co-operation in Europe, para 6.1.4.

²⁷ Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), CETS No. 210, Article 58.

²⁸ Explanatory report of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), CETS No. 210, para 296.

4.3. European Union

35. At the level of the European Union, Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography²⁹ stresses that Member States shall take the necessary measures to enable the prosecution of a series of offences referred to for a sufficient period of time after the victim **has reached the age of majority** and which is commensurate with the gravity of the offence concerned.³⁰

36. Concerning more recent steps, a Proposal for a Directive of the European Parliament and of the European Council on combating violence against women and domestic violence³¹ lays down extensive restrictions and further conditions with regard to limitation periods concerning sexual criminal offences committed against women or children.³² In particular, it stipulates that for several offences pertaining to sexual exploitation of women and children and computer crime, when the victim is a child, the limitation period shall commence at the earliest once the victim has reached 18 years of age,³³ while in terms of claims for compensation from the offender, the limitation period shall not commence before the victim has reached 18 years of age, or as long as the offender and the victim share the same domestic unit.³⁴ The said Proposal considers as aggravating circumstances the fact that the criminal offences in question were committed against or in the presence of a child.³⁵

5. A comparative study of national legal frameworks applying imprescriptibility to offences of child sexual exploitation and abuse

37. The study examines the situation in a total of 43 States Parties to the Lanzarote Convention. It appears from the replies received as well as from information gathered through desk research that 18 out of the 43 States do not have statutes of limitations for all or at least some of the offences of child sexual exploitation and abuse (CSEA). The other 25 States provide for a statute of limitation with regard to all such offences.

²⁹ 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.

³⁰ See Article 15 para 2 of the Directive.

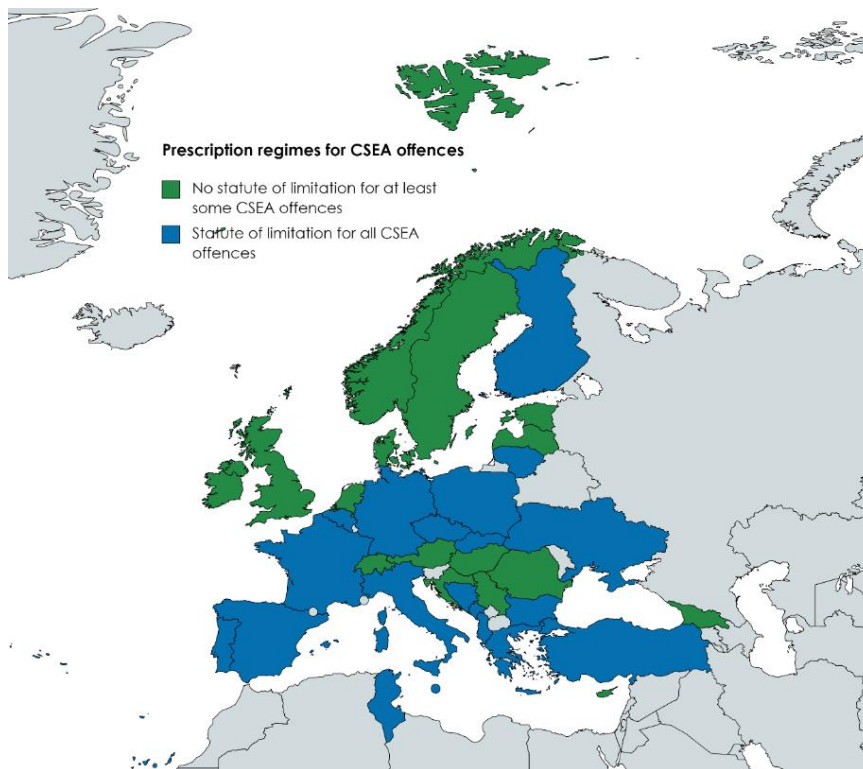
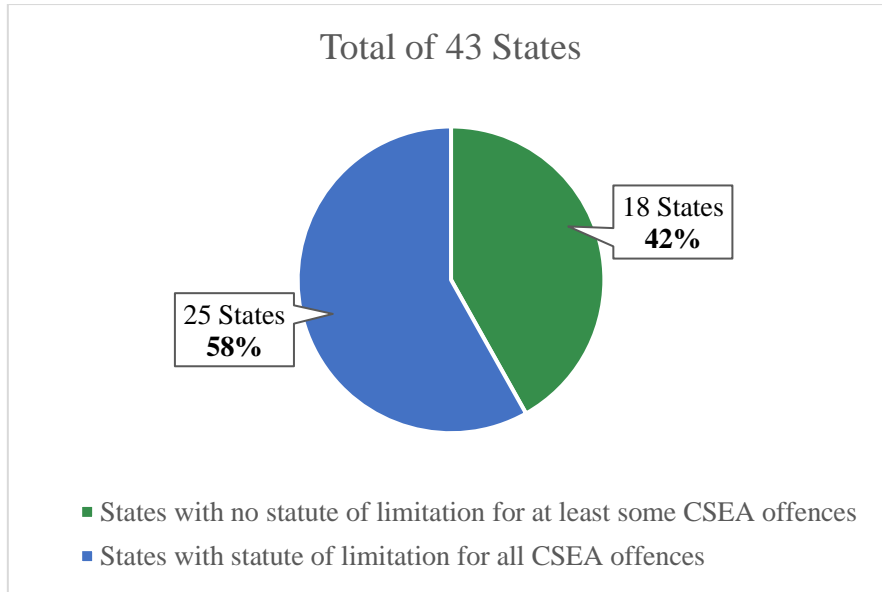
³¹ Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence, COM (2022) 105 final, 2022/0066 (COD). Available at [COM\(2022\)0105](#).

³² According to Article 48 para 2 this proposal is envisaged to apply *in addition* to the former relative Directives 2011/36/EU, 2011/93/EU and 2012/29/EU.

³³ Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence, COM (2022) 105 final, 2022/0066 (COD), Article 15 para 6.

³⁴ *ibid*, Article 26 para 5.

³⁵ *ibid*, Article 13 (c, d).



5.1. General overview

38. The 18 out of 43 States that do not have statutes of limitation for all or at least some of the offences of child sexual exploitation and abuse are: Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Georgia, Hungary, Iceland, Ireland, Latvia, the Netherlands, Norway, Romania, Serbia, Sweden, Switzerland and the United Kingdom.

39. In three State Parties, namely Cyprus, Ireland and the United Kingdom, there has never been such a time-limit.³⁶ In other words, the offences of child sexual exploitation and abuse have always been imprescriptible there. The majority of States with some sort of imprescriptibility, however, more precisely, 15 out of 18, initially had legislation providing for a time-limit which was subsequently abolished.

40. It is noteworthy that almost all changes in domestic criminal legislation towards the establishment of at least some form of imprescriptibility took place in the last 16 years. Iceland appears to have paved the way by adopting in 2007 legislation according to which criminal liability for a number of offences of sexual exploitation and abuse does not expire when the offence was committed against a child.³⁷ The Netherlands, Serbia, and Switzerland adopted similar legislation in 2013.³⁸ Other countries followed suit more recently, such as Hungary and Norway in 2014, Denmark in 2018, and Georgia, Romania and Sweden in 2020. Croatia proceeded twice with the amendments in 2019 and 2021, and Belgium in 2019 and 2022. As of 2019, the Estonian Criminal Code provides for the sentence of life imprisonment in aggravated cases of rape and other acts of sexual nature without consent (if committed by a person who has previously been punished for a similar act), which in practice rendered these specific offences also imprescriptible due to a criminal law provision conferring imprescriptibility upon all offences punishable with life imprisonment.

41. With regard to the number of offences for which there is no statute of limitation, it appears that States can be divided into two categories. In the first category, there are three countries (Cyprus, Ireland and the United Kingdom) in which prosecution can be initiated **without time-limit for all sexual offences** against children, regardless of their gravity or the sanction imposed in the criminal code. In Ireland, however, if there is an excessively long delay in prosecuting an offence, the judge may decide not to hear the case. In making the decision, the judge considers whether the delay has reduced the accused's chances of a fair trial, for example, if the delay means that key witnesses are no longer available to give evidence or if the delay could have affected their memory of what happened.

42. The second category of States (Austria, Belgium, Croatia, Denmark, Estonia, Georgia, Hungary, Iceland, Latvia, the Netherlands, Norway, Romania, Serbia, Sweden, and Switzerland) adopt a dual approach and apply **time-limits for certain sexual offences** against children, while for others they have abolished the statutes of limitations. Here again, there are variations in terms of the number of offences that fall within the one or the other group.

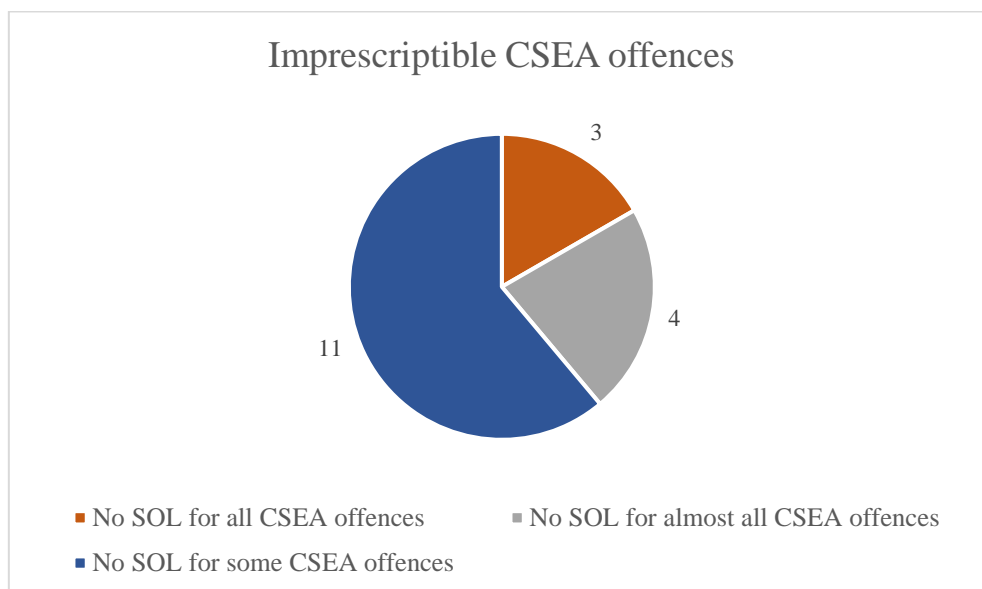
³⁶ There has never been a statute of limitations in the United Kingdom for initiating criminal proceedings with regards to sexual offences against children, except in Scotland where there had been a statute of limitation for the offence of unlawful sexual intercourse with a girl aged 13-16, requiring the prosecution to be commenced within 12 months of the alleged commission of the offence. This time limit was removed in 2005.

³⁷ Article 81 of the Criminal Code of Iceland.

³⁸ The relevant provisions were enacted in 2012 and entered into force in January 2013.

43. More particularly, there are States which provide for the imprescriptibility of almost all sexual offences against children or the majority of them (Belgium, Denmark, Georgia, and Serbia). In these countries, therefore, the statute of limitation applies with regard to the minority of child sexual exploitation and abuse offences. In Georgia, for example, apart from child trafficking, no other sexual offence against children is time barred. In Denmark, the provision according to which there is no time-limit for initiating proceedings applies to almost all sexual offences against children with a few exceptions, such as the offence of indecency.

44. Moreover, there are States (Austria, Croatia, Estonia, Hungary, Iceland, Latvia, the Netherlands, Norway, Romania, Sweden and Switzerland) which have either abolished the statutes of limitations for the most serious or aggravated forms of child sexual exploitation and abuse or have provisions by virtue of which such offences may become imprescriptible. Yet, time-limits remain the rule for all other sexual offences against children. The nature and type of offences for which the time-limit has been abolished or has been retained is explained in the next subsection.



45. Some States reported that new legislation is underway extending the list of offences for which no statute of limitation is applied. Thus, for example, in October 2022 a draft bill was submitted for examination by the Dutch Parliament which aims at extending imprescriptibility to more sexual offences, including the possession of child sexual abuse material (referred to as “child pornography”). In Romania, the national Parliament is debating a draft law which, if adopted, would abolish time-limits for, among others, the prosecution of trafficking in human beings (including children) and offences relating to child sexual exploitation and abuse material (referred to as “child pornography”). Moreover, in November 2020, the Norwegian parliament asked the government to conduct a comprehensive review of the statutes of limitations for sexual offences and violent crimes against children. The

Government was asked to revert with proposals for legislation that extends or removes the limitation periods for such offences. All the above initiatives at national level, considered alongside the legislative amendments already made, reflect a tendency towards the creation of a more protective framework for victims of child sexual exploitation and abuse.

Highlights:

The Constitutional Court of Belgium issued on 9 June 2022 its judgment no. 76/2022, concerning the application for annulment of the law of 14 November 2019, which renders imprescriptible several sexual offences against children. The Court held that there is no guaranteed right to prescription, and the legislator enjoys a large margin of appreciation when determining the statute of limitation of offences. The legislator may thus choose other grounds of differential treatment, apart from the severity of the sentence. In that sense, both the sexual nature of the offence and the minor age of the victim can be considered as determining factors of the prescription regime. The Court took particularly into account the symbolic/educational effects of the law, the legitimate aim of combatting sexual exploitation and abuse against children, the vulnerability of the child victims, the difficulties they face in coming forward with a complaint and the severe consequences of such offences for them. Moreover, the Court held that abolishing the statute of limitations does not, *per se*, infringe upon defendants' rights, given that any violation of defendants' rights, such as the deterioration of evidence, will be examined *in concreto*, in the relevant proceedings.

5.2. Type of sexual offences against children for which there is no statute of limitation

46. As mentioned above, there are 18 States in total which provide for some sort of imprescriptibility for sexual offences against children. In Cyprus, Ireland and the United Kingdom, prosecution can be initiated without time-limit for all sexual offences against children.

47. Apart from the above-mentioned three States, there are 15 States (Austria, Belgium, Croatia, Denmark, Estonia, Georgia, Hungary, Iceland, Latvia, the Netherlands, Norway, Romania, Serbia, Sweden and Switzerland) out of the 43 examined that apply time-limits for certain sexual offences against children, while for the rest they have abolished them. These States adopt various approaches in the way they establish imprescriptibility.

48. Some States set forth in their criminal codes a general rule according to which the prosecution of offences that are punished by a certain term of imprisonment is not time barred. For example, Article 57 of the Austrian Criminal Code provides that for offences punishable by a term of imprisonment between 10 and 20 years or by imprisonment for life and for the crimes of genocide, crimes against humanity and war crimes, there is no statute of limitation. This means in practice that the statute of limitation is not applied with regard to such offences as rape, sexual coercion, sexual abuse of a person under the age of 14, provided that they result in the victim's death. A similar provision can be found in the Criminal Code of Estonia which lays down that criminal offences which are punishable by life imprisonment may not be prescribed. This means, in practice, that rape and other sexual acts without consent can be prosecuted without time-limit if they have been committed by a person who has already been punished for similar acts.³⁹ In Latvia, the Criminal Code provides for a possibility not to apply the statute of limitation to offences punishable by life imprisonment, such as rape of a child who has not attained the age of 16 years or rape with "serious consequences".⁴⁰ The issue of application of a limitation period is decided by a court if thirty years have elapsed from the day when the victim of a crime against morality and sexual inviolability of a minor has attained eighteen years of age.⁴¹

49. In Hungary,⁴² all sexual offences against children which are punishable by more than five years' imprisonment can be prosecuted without a time-limit (e.g. aggravated sexual coercion, aggravated sexual violence, etc.). In the Netherlands,⁴³ the Criminal Code⁴⁴ sets out that the statute of limitation does not apply to any offences punishable by a term of imprisonment of twelve years or more (such as rape), as well to specific sexual offences against children punishable by a term of imprisonment of eight years or more.

50. In other States, there is a provision in domestic law which excludes the application of the statute of limitation for specific provisions concerned with sexual exploitation and abuse of children. This is the case of Belgium,⁴⁵ Croatia,⁴⁶

³⁹ See Articles 81, 141 and 141¹ of the Estonian Criminal Code.

⁴⁰ See Articles 56, 159(2) and 159(3) of the Latvian Criminal Code.

⁴¹ See Article 56(4) of the Latvian Criminal Code: "(t)he issue of application of a limitation period to a person who has committed a crime for which life imprisonment may be adjudged, shall be decided by a court, if from the day of committing the crime or from the day when the victim of a crime against morality and sexual inviolability of a minor, has attained eighteen years of age, thirty years have elapsed".

⁴² § 26 Section (3)c of the Criminal Code of Hungary and Chapter XIX (criminal offences against the freedom of sexual life and sexual morality).

⁴³ Article 70 of the Dutch Criminal Code.

⁴⁴ Article 70 of the Dutch Criminal Code.

⁴⁵ Article 21bis of the Criminal Procedural Code.

⁴⁶ See Articles 166(2) and 166(3) of the Croatian Criminal Code.

Denmark,⁴⁷ Georgia,⁴⁸ Iceland,⁴⁹ Norway,⁵⁰ Romania,⁵¹ Serbia,⁵² Switzerland⁵³ and Sweden.⁵⁴

51. It appears that the imprescriptibility often relates to the gravity of the sexual offence. All the above-mentioned 15 States⁵⁵ do not apply a statute of limitation at least to the most severe forms of child sexual exploitation and abuse, which are often qualified at domestic level as aggravated rape (such as deadly rape, rape with “serious consequences”, repeated rape, rape of a particularly young child, etc.). The majority of these States do not have a time-limit for rape of or sexual intercourse with a child who has not reached the legal age for sexual activities.⁵⁶

52. In addition, some States have abolished the statute of limitation for offences relating to child sexual abuse and exploitation material (in some cases referred to in domestic law as “child pornography”) as well as exploitation of children in/for prostitution.⁵⁷ Fewer States expand the imprescriptibility to other sexual offences against children, such as corruption, solicitation for sexual purposes or to all conducts relating to child sexual abuse and exploitation material and exploitation of children in/for prostitution.⁵⁸

6. A comparative study of national legal frameworks applying time limitations to offences of child sexual exploitation and abuse

53. It appears that 25 out of 43 States apply statutes of limitations to all offences of child sexual abuse and exploitation (Albania, Andorra, Armenia, Bosnia and Herzegovina, Bulgaria, Czech Republic, Finland, France, Germany, Greece, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Poland, Portugal, Slovak Republic, Slovenia, Spain, Tunisia, Türkiye and Ukraine). In addition to them, as explained in Chapter 5, 15 States apply such limits with regard to some offences of child sexual abuse and exploitation while providing for the imprescriptibility of other offences (Austria, Belgium, Croatia, Denmark, Estonia, Georgia, Hungary, Iceland, Latvia, the Netherlands, Norway, Romania, Serbia, Sweden, and Switzerland). This part of the Report will present the situation for both groups of

⁴⁷ Section 93b of the Danish Criminal Code.

⁴⁸ Article 71 of the Criminal Code of Georgia.

⁴⁹ Article 81 of the Criminal Code of Iceland.

⁵⁰ See particularly Section 91 and Section 291 of the Criminal Code of Norway.

⁵¹ Law 217/2020 which amended the Criminal Code of Romania.

⁵² Law on Special Measures for the Prevention of Crime against Sexual Freedom Involving Minors adopted in 2013, and Article 108 of the Criminal Code of Serbia.

⁵³ Article 101 of the Criminal Code of Switzerland.

⁵⁴ Chapter 35, Section 2 of the Criminal Code of Sweden.

⁵⁵ Austria, Belgium, Croatia, Denmark, Estonia, Georgia, Hungary, Iceland, Latvia, the Netherlands, Norway, Romania, Serbia, Sweden and Switzerland.

⁵⁶ Such as Belgium, Denmark, Georgia, Iceland, Norway and Switzerland.

⁵⁷ Such as Denmark, Georgia, the Netherlands and Serbia.

⁵⁸ Such as Cyprus, Denmark, Georgia (although not for trafficking of children), Ireland, Serbia and the United Kingdom.

States, which are 40 in total. The study of the legislation of those 15 States which also provide for imprescriptibility regimes will be limited to the offences for which the statute of limitation applies.

6.1. General overview

54. States have various approaches regarding the duration and the starting or ending point of the statutes of limitations that apply to sexual exploitation and abuse offences. The analysis of the legal frameworks in 40 States concerned shows that the calculation of the time-limits may start on the date of the commission of the offence, or the victim's majority or even on the date of the victim's reaching a certain age after majority. The prohibition of the lapse of the limitation period before the victim turns a certain age (after 18 years) is also a choice that has been made at domestic level.

55. As it will be explained, the overwhelming majority of these 40 States appear to take into account the minor age of victims and the serious nature and consequences of the sexual offences against them to provide for more flexible prescription regimes compared to those that apply to adult victims. Moreover, in the recent years there has been a number of amendments aiming at expanding the length of the limitation periods during which prosecution can be initiated, at postponing the time when this period should start running or at setting a lengthier period of time during which the time-limit cannot elapse. This stream of reforms conveys a trend towards a wider recognition of the consequences and particular needs that arise from child sexual abuse and exploitation and aims at a more effective protection of victims.

56. Thus, for example, in 2017 a special regulation concerning time-limits for criminal prosecution of sexual offences against children was introduced into the Criminal Code of the Slovak Republic.⁵⁹ This amendment extended both the period during which prosecution can be initiated and the list of offences to which this extension applies. The *ratio legis* underlying this change was mainly the fact that the initial three years' limitation period was found to be too short for victims and there was a risk that some cases would have gone unreported.

57. In 2018 a new law entered into force in Tunisia⁶⁰ providing that the limitation period for offences of sexual abuse and exploitation of children shall start running when the victim reaches the age of majority. A similar provision concerning a series of sexual offences against children was adopted in Ukraine in 2021.⁶¹ The same year, in Germany⁶² the number of sexual offences against children to which a lengthier statute of limitation applies was increased, and in Greece,⁶³ Hungary and Spain,⁶⁴ the starting

⁵⁹ Act No. 74/2017 Coll. of the Slovak Republic.

⁶⁰ Organic law No. 2017-58 of 11 August 2017, which entered into force in 2018. In 2019, Tunisia joined the Lanzarote Convention.

⁶¹ Article 49 of the Criminal Code of Ukraine.

⁶² Article 1 of the Law of 16 June 2021, Federal Law Gazette I 2021.

⁶³ Article 26 of Law 4855/2021, which amended Article 113 of the Criminal Code of Greece.

⁶⁴ 6th final disposition, paragraph 10 of Organic Law 8/2021.

point of the statute of limitation was shifted to a later point in time (a higher age of the victim beyond the age of majority). Most recently, in January 2023, Finland fixed a later ending point of its limitation period for some sexual offences against children (a higher age of the victim beyond the age of majority). In the same context, France, in 2021, extended the limitation period for the offence of failure to report, by any person, to the competent judicial or administrative authorities incidents of sexual exploitation and abuse of children or other persons incapable of defending themselves (Article 434-3 of the Criminal Code).

Highlights:

In France, there is a possibility to have the limitation period extended in case of alleged recidivism. A legislative amendment introduced in 2021⁶⁵ sets out that in the event of commission of a new rape, sexual assault or sexual abuse against another child by the same person, the statute of limitation for the initial offence is extended sufficiently to cover the new offence (provided that the time-limit applicable to the first offence has not yet expired). This system allows for alleged repeat offenders to be tried in the same set of proceedings for **all** sexual offences against children which they have been accused of committing. The use of recidivism as a factor which can extend the limitation periods or interrupt their running is observed, with some variations, also in other Criminal Codes, such as those of Latvia,⁶⁶ Lithuania⁶⁷ and Norway.⁶⁸

6.2. The duration of the statute of limitation

58. As mentioned above, States that provide for at least some imprescriptible offences may at the same time apply statutory time-limits for less serious sexual offences against children.

59. The overwhelming majority of States make the length of the limitation periods dependent on the gravity and severity of the sexual offence. The longest limitation periods are therefore usually reserved for the most serious offences which often

⁶⁵ Law No. 2021-478 of 21 April 2021 aimed at protecting minors from sexual crimes and offenses and incest.

⁶⁶ Section 56 paragraph 2, which lays down that the limitation period is interrupted if, before expiry of the time periods, the person who has committed the criminal offence commits a new criminal offence. In such case, the limitation period provided for the more serious of the committed criminal offences shall be calculated from the time of the committing the new criminal offence.

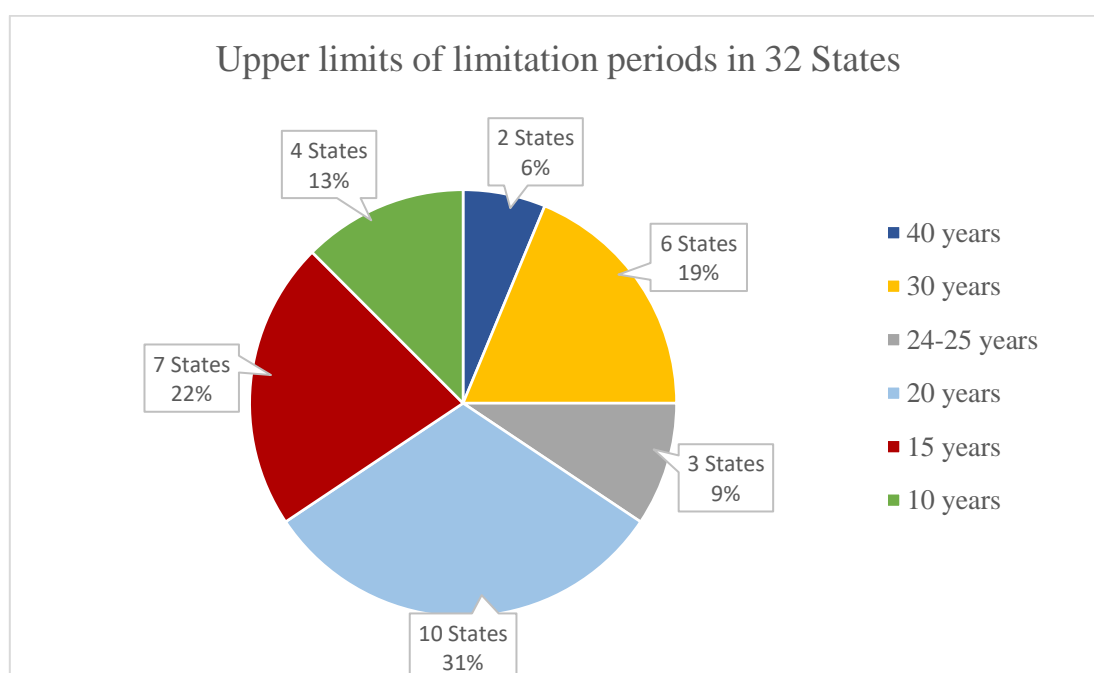
⁶⁷ Article 95 paragraph 8, which sets forth, that if a person commits a new intentional criminal offence before the expiry of the time limits referred to in the Criminal Code, the limitation period shall be interrupted. In such a case, the statute of limitations in respect of the first criminal act shall start to run from the commission of a new crime or misdemeanour.

⁶⁸ Section 86 paragraph 3, which provides that if a person has by the same act committed several offences which would have different limitation periods pursuant to the first paragraph, the longest limitation period applies to all the offences.

include **rape** (aggravated or not) and **sexual contact with a very young child**. In Latvia, for all the sexual offences against children which are not punishable by life imprisonment, there is a universal 20-year limitation.

60. Some States expressly condition the duration of the limitation period on the age of the victim. Slovenia and Italy, for example, have provisions stipulating that in sexual offences against children, the limitation periods that apply in cases of adult victims are multiplied. More specifically, in Slovenia, for some of the offences against sexual integrity of children the limitation period is set to be three times longer than the limitation period that would follow from the general rule, i.e. for sexual offences against adults.⁶⁹ In Italy, the limitation periods referred to in the Criminal Code in case of adult victims are doubled for sexual offences against children.⁷⁰

61. The length of the limitation periods varies greatly within Parties to the Convention. At the upper end which usually exists for the gravest crimes, the length of the limitation periods (“the upper time-limits”) may range from 10 (Estonia, Luxembourg, Norway and Portugal) to 40 years (Albania, Croatia).⁷¹ Most of the States seem to provide time-limits of 15-20 years at most. It should be noted, however, that those States that provide for the imprescriptibility of some sexual offences against children may set shorter upper time-limits due to the fact that the statute of limitation applies to less serious forms of child sexual abuse and exploitation.



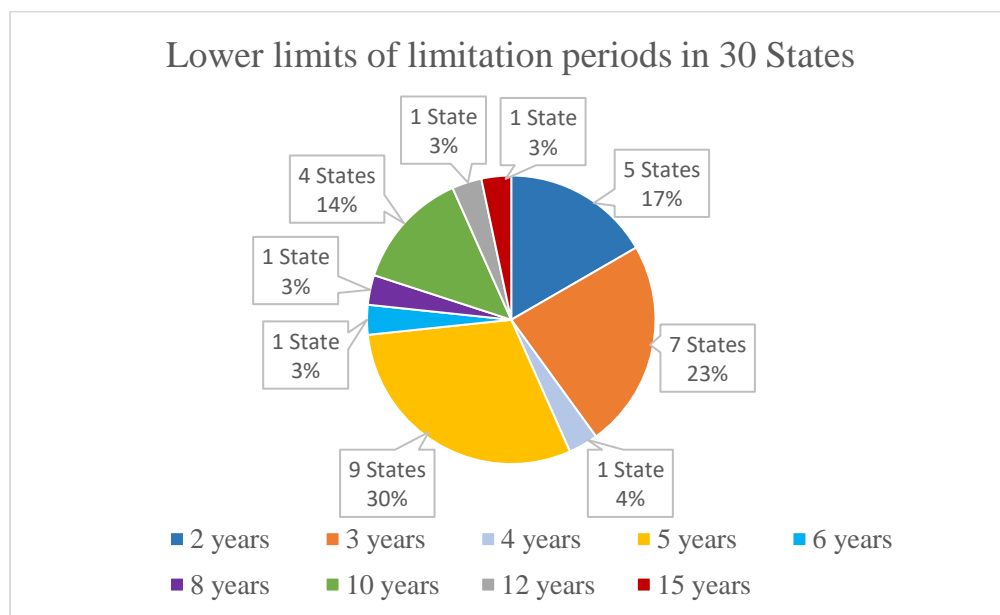
⁶⁹ Article 90(3) of the Criminal Code of Slovenia.

⁷⁰ See Article 157 of the Italian Criminal Code.

⁷¹ For example, 10 years in Estonia, Luxembourg, Norway, and Portugal; 25 years in Lithuania for rape of a child and in the Republic of Moldova for rape of a child under 14 years; 30 years in Andorra for rape of a child under 14 years of age, in France for rape of a child, in Georgia for child trafficking, in Germany for deadly sexual abuse of children, in Monaco for rape of a child under 16 years, and in Türkiye for deadly child molestation; 40 years for serious sexual offenses in Albania and Croatia.

62. In some countries, the limitation period may become so long that may practically lead to the imprescriptibility of the offences concerned. For example, in Slovenia the limitation period for sexual offences against children is multiplied by three compared to the time-limits that would follow the general rule. Thus, for example, if a statute of limitation of 30 years is prescribed by the general rule, it may be transformed into a 90-year limitation in case of children victims of sexual offences.

63. At the lower end, the length of the limitation periods (“the **lower time-limits**”) may range from **2 to 15** years. They are generally reserved for sexual offences such as producing child sexual abuse material (which is usually referred to in domestic provisions as “child pornography”) or showing pornography to a child (as is the case in Andorra, Austria, Iceland, the Netherlands, Romania, the Czech Republic, Poland and Slovenia), as well as indecent assault on children (as is the case in Croatia, Denmark, France, Germany, Greece, Hungary, Lithuania, Luxembourg, Portugal and Ukraine).⁷²



6.3. The starting or ending point of the limitation period

64. State Parties that do not provide for the imprescriptibility have specific provisions to indicate the starting point of the limitation period or to ensure otherwise that it will not elapse before the victim reaches a certain age.

⁷² The limitation period spans a few years, ranging from **2-5 years** (for example in Austria, Bulgaria, Czech Republic, Denmark, Iceland, Estonia, Monaco, Montenegro, Norway, Sweden, Finland and Portugal) to more than **10 years** (in Albania, Armenia, Croatia, France, Latvia, Lithuania and Slovak Republic).

65. In 16 States, the limitation period for sexual offences against children starts to run when the victim turns 18 years old (Andorra, Armenia, Croatia, Czech Republic, Estonia,⁷³ France, Iceland, Italy, Latvia, Luxembourg, Montenegro, Romania, Slovak Republic, Slovenia, Tunisia, and Ukraine).

66. In addition, 6 States provide that the limitation period for sexual offences against children starts running when the victim reaches an age older than 18 years old. In Austria, the limitation period cannot start to run until the victim has reached the age of 28 years old. In Greece, the time-limit for the prosecution of sexual offences against children that are qualified as misdemeanours starts to run when the victim turns 19 years old and for those offences which are qualified as felonies when the victim reaches the age of 21. In Hungary, the limitation period for those sexual offences against children which are prescriptible begins to run when the victim attains the age of 21. In Malta, the universal limitation period of 20 years starts when the victim reaches the age of 23. In Spain, a legislative amendment of 2021 set the start of the limitation period for sexual offences against children at the age of 35, while the said limitation period in Germany begins to run when the victim turns 30 years old.

67. Further, in 11 States the limitation period starts running at the date of the commission of the sexual offence (Albania, Belgium, Bosnia and Herzegovina, Bulgaria, Finland, Georgia, Lithuania, Republic of Moldova, Poland, Portugal, Switzerland). In these cases, the length of the statute of limitation has particular importance and should be such as to allow the efficient initiating of criminal proceedings after the victim has reached the age of majority. It should be noted thus that in Albania, the statute of limitation can span from 10 years for offences such as immoral acts to 40 years, for example in case of sexual intercourse with a child.⁷⁴ In Belgium, for those offences which have a time-limit – as many sexual offences against children are imprescriptible – the period ranges from 5 to 20 years. In Bulgaria, the span of the limitation period is from 3 years (e.g. incest) to 15 years (e.g. rape of a child under 14 years of age)⁷⁵ and in the Republic of Moldova, from 5 to 25 years.⁷⁶ In Georgia, the only offence which is prescriptible is child trafficking and the length of the limitation period is 30 years.⁷⁷

68. In addition, 6 States do not have a universal starting point for the limitation periods in respect of all prescriptible sexual offences against children but have a dual approach, i.e. either the day where the victim reaches the age of 18 or the day of the commission of the offence,⁷⁸ based on the severity of the offence. Thus, in Monaco the limitation period starts to run from the day on which the minor reached the age

⁷³ Estonia provides for the start of the limitation period when the victim turns 18 unless the reason for the criminal proceedings became evident before that time.

⁷⁴ Articles 100 and 108 respectively.

⁷⁵ <https://www.globalwps.org/data/BGR/files/Criminal%20Code.pdf>.

⁷⁶ https://sherloc.unodc.org/cld/uploads/res/document/criminal-code-of-the-republic-of-moldova.html/Republic_of_Moldova_Criminal_Code.pdf.

⁷⁷ Article 143 of the Georgia Criminal Code.

⁷⁸ The day of the commission of the offence or the day where the offence ceased, depending on the nature of the offence and the domestic legislation.

of majority for any act that is considered to be a 'crime' under the Criminal Code.⁷⁹ At the same time, the statute of limitation for misdemeanours starts to run from the day of the commission of the act and elapses after 3 years.⁸⁰ In the Netherlands, the limitation period begins to run when the child reaches the age of 18 years for a number of sexual offences,⁸¹ whereas for other offences the limitation period begins to run on the day of the commission of the offence.⁸² Similarly, in Norway⁸³ and Sweden,⁸⁴ the statute of limitation starts to run either from the day the victim reaches the age of 18 years or from the day the offence was committed, depending on the crime. In Denmark, the time-limit for the prosecution of the offence of indecency, which is the one of the few offences related to sexual abuse and exploitation of children which is prescriptible, cannot begin to run before the victim reaches the age of 21 years old, if (s)he was under the age of 15 when the offence was committed. If (s)he was older, then the time-limit runs from the moment the offence was committed. In Türkiye, the starting point of the time-limit is, as a general rule, the date of the commission of the offence with the exception of the offences committed against children by their direct ascendants or persons who have influence upon them, where the limitation period begins on the day when the child turns 18 years of age.⁸⁵

⁷⁹ Such as for incident assaults, rape, corruption of a minor under the age of 16.

⁸⁰ Such offences include the corruption of children above the age of 16, the resort to prostitution of a child, offences concerning child pornography, offences relating to the participation of a child in pornographic performances and the solicitation of children for sexual purposes.

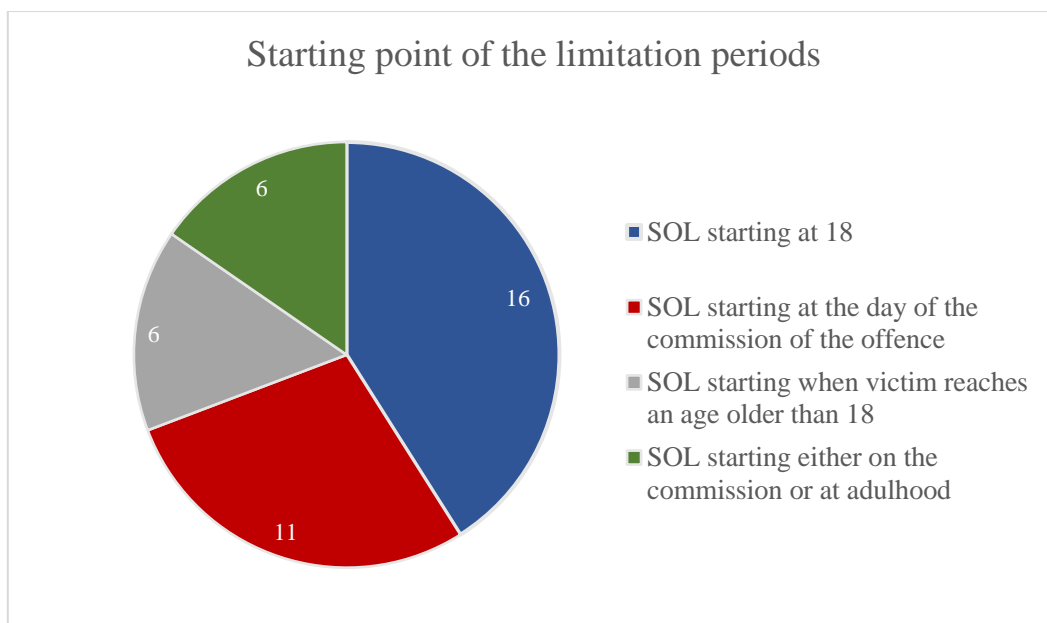
⁸¹ Such as child pornography, sexual abuse by a person within the circle of trust, engaging in lewd acts with a person under the age of sixteen years, etc. See Articles 240b, para 1, 247, 248a, b, c, 249 and 250 para 1 of the Dutch Penal Code.

⁸² Such as grooming of a person under the age of sixteen years, supplying, offering or showing harmful images or objects to a person under the age of sixteen years, arranging intentionally or encouraging the sexual abuse of a children under 18 years by a third party, etc.

⁸³ For example, the Norwegian Criminal Code provides that the limitation period for criminal liability starts to run from the day the victim reaches 18 years of age in case of a sexual act with a child under 16 years of age. The time limit for the offence of arranging a meeting to commit sexual abuse begins to run from the day of the commission.

⁸⁴ As a general rule, the statute of limitation starts to count from the date on which the offence was committed. However, for certain types of sexual offences against children the time begins from the date on which the victim attained (or would have attained) 18 years of age. The latter category includes rape of a child, sexual exploitation of a child, sexual assault of a child, etc.

⁸⁵ Article 66 of the Criminal Code of Türkiye.



69. Certain States that set as a starting point of the limitation period the date of the commission of the offence have adopted counterbalancing provisions that aim at offering the victim more time to report the sexual offence. Therefore, five out of the above-mentioned 11 States⁸⁶ prohibit the lapse of the limitation period before the victim turns a certain age (which is over 18 years). More particularly, in Finland the right to bring charges for most of the sexual offences against children may be time-barred at the earliest when the victim becomes 28 years old. In the case of solicitation of a child for sexual purposes, the limitation period expires when the victim reaches the age of 23 years.⁸⁷ In Lithuania, the statute of limitation may not elapse before the victim turns 25 years of age.⁸⁸ In Poland, the statute of limitation may not elapse before the victim turns 30 years of age⁸⁹ and in Portugal, the statute of limitation may not elapse before the victim turns 23 years of age.⁹⁰ In Switzerland, there is a time-limit for the sexual offences which are not imprescriptible and this cannot expire before the victim reaches the age of 25 years.⁹¹

⁸⁶ Albania, Belgium, Bosnia and Herzegovina, Bulgaria, Finland, Georgia, Lithuania, Republic of Moldova, Poland, Portugal, Switzerland.

⁸⁷ Section 1, Law No 297/2003.

⁸⁸ Article 95(3) of the Criminal Code of Lithuania.

⁸⁹ Article 101 of the Criminal Code of Poland.

⁹⁰ Article 118 of the Criminal Code of Portugal.

⁹¹ Article 97 para 2 of the Criminal Code. The offences that fall under Article 101 of the Criminal Code are imprescriptible.

7. Conclusions

70. Statutes of limitations are a well-known feature in many domestic frameworks and have been established mainly to safeguard legal certainty and finality and to prevent any infringements of the rights of defendants. However, the application of statutes of limitations sparks particular debates when it comes to sexual offenses against children. Relevant research shows that there are multiple factors that might hinder the disclosure of sexual abuse by a child and thus contribute to its coming to light only once the time-limits for its prosecution have expired.

71. Article 33 of the Lanzarote Convention requires national authorities to ensure that the statute of limitation for initiating criminal proceedings with regard to a number of offences shall continue for a period of time sufficient so as to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the offence in question. In this way, the Convention recognises that statutes of limitations may constitute an important practical hurdle to the reporting of offenses of sexual nature against children.

72. Similarly, a gradually increasing number of international and regional instruments and bodies stress the need either for the abolition of statutes of limitations in cases of child sexual exploitation and abuse or at least for the provision in law for a sufficiently long period of time to initiate criminal proceedings after the victim's reaching the age of majority. The traditional understanding of limitation periods should therefore be calibrated with the near inability of children to report sexual offenses they have suffered.

73. The study examined the situation in a total of 43 States Parties to the Lanzarote Convention. Based on the replies received and on the information gathered through desk research, it appears that 18 out of the 43 States do not have statutes of limitations for all or at least some of the offences of child sexual exploitation and abuse.

74. In the remaining 25 States, statutes of limitations remain the rule for all sexual offences against children, while their length, starting and ending points vary. In the majority of States, the limitation period does not start to run until the victim's reaching majority or a certain age after majority, or, alternatively, expiry of the limitation period is prohibited until the victim has reached a certain age after majority. In a few States, the statutory time-limits are calculated as of the date of the commission of the sexual offence without any suspension or interruption. In these cases, it is important that the length of the limitation period be sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority.

75. The research demonstrates a clear tendency in domestic legislations towards the abolition of statutes of limitations or at least towards their more flexible application in case of sexual offences committed against children. It is noteworthy that in the last decade several legislative amendments have been made aiming at

rendering sexual offences against children imprescriptible. Other legislative amendments were carried out in order to ensure that more time be allowed for the reporting of such offences. Upcoming legislative initiatives, directed in the same progressive line, have also been reported in the States' replies. To the contrary, no reform towards the establishment of shorter time-limits or the reinstatement of the statutes of limitations regarding sexual offences against children has been documented. The above initiatives and changes show a particular dynamic which takes into account the significant obstacles that child victims of sexual exploitation and abuse face in terms of reporting and establishes a more protective framework for these victims.