

# LANZAROTE COMMITTEE

Committee of the Parties to  
the Council of Europe Convention  
on the protection of children  
against sexual exploitation  
and sexual abuse

## **Opinion on Article 33 of the Lanzarote Convention and its explanatory note**

Requirements of the provision on statute of limitations  
and recommendations on its implementation

Adopted by  
the Lanzarote Committee  
on 11 June 2024

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French edition:  
*Avis sur l'article 33 de la  
Convention de Lanzarote et sa note explicative  
Conditions de la disposition sur la prescription  
et recommandations sur sa mise en œuvre*

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## OPINION

- a. Acknowledging that child sexual exploitation and sexual abuse are among the worst forms of violence against children with long-lasting consequences affecting their health and well-being and that the evolving trends of child sexual exploitation and sexual abuse are likely to continue to pose significant challenges in the future;
- b. Being mindful of the challenges faced by children in recognising and reporting sexual abuse, which may result in a lack of disclosure or delayed disclosure many years after the abuse was committed or ended;
- c. Bearing in mind existing data which suggests that the age of disclosure of sexual abuse experienced by individuals in their childhood varies greatly and often occurs many years after the child has reached the age of majority;
- d. Recognising that effective and timely prosecution of child sexual abuse is not only instrumental for the healing of victims but can also serve as a preventive tool enabling the screening of perpetrators to keep them away from employment and other positions involving contact with children and intervention and monitoring measures aimed at the prevention of repeated offences by perpetrators;
- e. Taking note of Resolution 2330 (2020) of the Parliamentary Assembly of the Council of Europe urging member States “to abolish the statute of limitations 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”<sup>1</sup>;
- f. Taking further note of the recommendation of the United Nations Committee on the Rights of the Child based on the 2021 Day of general discussion to “remove systemic barriers to justice for children, including limited prescription periods...”<sup>2</sup>;
- g. Acknowledging the general trend towards the abolition, extension or more flexible application of limitation periods in respect of sexual offences against children<sup>3</sup>;
- h. Recalling that Article 33 of the Lanzarote Convention on statute of limitations applies only to a specific range of offences, namely those covered by Articles 18, 19 paragraphs 1.a and b and 21 paragraphs 1.a and b of the Convention;
- i. Affirming the need to observe fair trial guarantees and other human rights standards as well as principles of the rule of law in the prosecution of perpetrators of child sexual exploitation and sexual abuse;

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<sup>1</sup> See [Resolution 2330 \(2020\)](#) Addressing sexual violence against children: stepping up action and co-operation in Europe, para. 6.1.4

<sup>2</sup> See [Children’s Rights and Alternative Care Outcome Report](#), United Nations Committee on the Rights of the Child, 2021 day of general discussion, p.32

<sup>3</sup> See M.A. Kostopoulou, Comparative study of the statutes of limitations in respect of sexual offences against children in the States Parties to the Lanzarote Convention, May 2023, pp. 27-28. Accessible at: <https://rm.coe.int/comparative-study-of-the-statutes-of-limiations-in-respect-of-sexual-of/1680ac931d>

j. Desirous to guide Parties in the implementation of Article 33 of the Lanzarote Convention and to promote the well-being and best interests of the child as fundamental values uniting all Parties to the Convention;

*The Committee holds that:*

1. Article 33 of the Lanzarote Convention does not require States to put in place limitation periods where none existed prior to ratification of or accession to the Convention: if a Party does not have such limitation periods, then it offers “a sufficient period of time to allow prosecutions to be effectively initiated after the child has reached the age of majority”<sup>4</sup>;

2. In view of the requirement of Article 33 of the Convention to provide for the initiation of prosecutions after the victim reaches the age of majority, a situation whereby a limitation period in respect of an offence covered by the provision may run out before that age would not satisfy this requirement;

3. A situation whereby limitation periods are shorter for child sexual abuse committed by family members and other persons in a position of trust, authority or influence than for similar offences committed by persons not belonging to these categories would also not satisfy the requirement of Article 33 of the Convention to ensure that the length of any such period is commensurate to the gravity of the offences in question;

4. While abolition of limitation periods in respect of sexual offences against children is not required by Article 33 of the Convention, in view of the difficulties encountered by victims of sexual abuse in childhood in reporting the crime it is an effective action to ensure there is sufficient time to initiate proceedings after the victim has reached the age of majority as prescribed by the provision;

5. Apart from the abolition of limitation periods, other possible ways to effectively implement Article 33 of the Convention include extension of their length, including through the use of repeat offending as the extending factor; postponement of the ending point of a limitation period until a certain age of the victim taking account of the available evidence on the time it may take to disclose sexual abuse experienced in childhood; and postponement of the starting point of a limitation period until the victim’s age of majority or later;

6. While abolition or extension of the length of limitation periods appear to be the most straightforward methods to implement Article 33 of the Convention, Parties are encouraged to pay particular attention to policy measures capable of improving the timeliness and effectiveness of addressing the crime of child sexual exploitation and sexual abuse by the criminal justice system. Such measures include:

- awareness-raising and education for professionals, children, and the general public,
- assistance to victims of sexual abuse in childhood, including cooperating with and allocating resources to non-governmental organisations providing such assistance, and
- allocation of sufficient resources, including training, to those in charge of investigations.

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<sup>4</sup> See Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse adopted on 25 October 2007, paragraph 231. Accessible at: <https://rm.coe.int/16800d3832>

# Explanatory Note

## I. Article 33 of the Lanzarote Convention

Text of the Convention:

“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, 19, paragraph 1.a and b, and 21, paragraph 1.a and b, 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.”

Extract of the [Explanatory Report to the Lanzarote Convention](#)<sup>5</sup>:

“231. This provision is considered to be an essential feature of added value in the Convention. It provides that the limitation period continues to run for a sufficient period of time to allow prosecutions to be effectively initiated after the child has reached the age of majority. Indeed, it is acknowledged that many child victims of sexual abuse are unable, for various reasons, to report the offences perpetrated against them before reaching the age of majority. The expression “a sufficient period of time to allow prosecutions to be effectively initiated after the child has reached the age of majority” means, firstly, that the child must have sufficient time to file a complaint and, secondly, that the prosecution authorities must be in a position to bring prosecutions for the offences concerned.

232. In order to meet the requirements of proportionality that apply to criminal proceedings, however, the negotiators restricted the application of this principle to the offences provided in Articles 18, 19, paragraph 1 a and b, and 21, paragraph 1 a and b, in respect of which there is justification for extending the limitation period.”

## II. Clarifying Article 33 of the Convention

### A. Requirements concerning the modalities of limitation periods

It follows from the wording of Article 33 that the requirements on States Parties in respect of limitation periods are twofold. They are expected to ensure that:

- (1) the limitation periods applicable to a certain number of sexual offences against children continue to run for a sufficient period of time to allow prosecutions to be effectively initiated after the child has reached the age of majority, and
- (2) the length of any such period is commensurate to the gravity of the offences in question.

A [comparative study](#) of statutes of limitations in respect of sexual offences against children<sup>6</sup> carried out on the basis of a focused survey of the Parties to the Lanzarote Convention has identified several

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<sup>5</sup> Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse adopted on 25 October 2007. Accessible at: <https://rm.coe.int/16800d3832>

<sup>6</sup> M.A. Kostopoulou, Comparative study of the statutes of limitations in respect of sexual offences against children in the States Parties to the Lanzarote Convention, May 2023. Accessible at: <https://rm.coe.int/comparative-study-of-the-statutes-of-limitations-in-respect-of-sexual-of/1680ac931d>

types of arrangements in the legal systems of the States Parties. Broadly, these can be divided into three categories:

- (1) all sexual offences against children are not subject to limitation periods;
- (2) some sexual offences against children are subject to limitation periods while others are not;  
and
- (3) all sexual offences against children are subject to limitation periods.

*A priori*, all legal scenarios in which sexual offences against children covered by Article 33 are not subject to limitation periods meet the requirements of that provision: the absence of a temporal time-limit ensures sufficient time to allow proceedings to be initiated after the child victim has reached the age of majority. No issue arises as to whether the limitation period is commensurate with the gravity of the offences when that period is indefinite.

If an offence covered by Article 33 is subject to a limitation period, an issue of compliance may arise if **either of the requirements set down in that provision is not met**.

As regards the first requirement, the Convention does not prescribe how long the victims should have after reaching the age of majority to bring their complaints to the authorities' attention or how long the authorities should have to bring prosecutions. It does, however, dictate that there should be a possibility to effectively initiate prosecutions after the victim reaches the age of majority. Therefore, a situation whereby a limitation period may run out before that age would **not satisfy the first requirement** of Article 33. In practice, this could be the case in States Parties where limitation periods are calculated as of the date of the commission of the offence, without a suspension at least until the victim's age of majority.

As regards the second requirement, the Convention does not provide a ranking of sexual offences against children according to gravity, and it is therefore impossible to refer to a precise scale of gravity in this document. At the same time, the Explanatory Report to the Convention recognises that child sexual abuse committed within the family is "one of the most [...] psychologically damaging forms of sexual violence with long-lasting consequences for the victim".<sup>7</sup> Commission of child sexual abuse "by a member of the family, a person cohabiting with the child or a person having abused his or her authority" is, according to the Convention, a circumstance which judges should be able to consider as aggravating when sentencing the offender, unless it is already a constituent element of a separate serious offence (see Article 28 (d) of the Convention).<sup>8</sup> The logic of this provision of the Convention precludes treating child sexual abuse committed within the family as a lighter offence in Parties' criminal legislation than similar abuse committed by a person outside the family. Since in the majority of Parties the length of limitation periods depends on the severity of the offence and of the associated criminal sanction, by extension in practice such length should not be shorter for offences related to child sexual abuse committed within the family than for offences committed outside the family. A different situation would **not satisfy the second requirement** of Article 33.

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<sup>7</sup> See para. 125 of the Explanatory Report.

<sup>8</sup> It is recalled that Article 28 of the Convention provides for other circumstances which should be considered by judges as potentially aggravating when sentencing: if the offence seriously damaged the physical or mental health of the victim; if it was preceded or accompanied by acts of torture or serious violence; if the offence was committed against a particularly vulnerable victim; if the offence was committed by several people acting together; if the offence was committed with the framework of a criminal organisation; and if the perpetrator has been previously convicted of offences of the same nature.



### III. Legislative practices implementing Article 33: contextualisation and specific examples

It can be said that sexual abuse and sexual exploitation of children are unlike other criminal offences at least in one way: due to children's specific vulnerabilities and developmental limitations as well as the perceived "taboo" nature of the crime in question, child victims often do not disclose and report what happened to them until they become adults. The emphasis of Article 33 of the Convention on the victim's age of majority ("sufficient to allow the efficient starting of proceedings after the victim's age of majority") reflects the negotiators' acknowledgement of this fact and of the objective reasons behind it. Relevant research demonstrates that "delayed disclosure" by children is a reality and is caused by a variety of intrapersonal, interpersonal, and sociocultural factors.<sup>9</sup> A [global survey](#) conducted in 2023 by a Finnish non-governmental organisation Protect Children (Suojellaan Lapsia) found that out of 883 respondents 29% first disclosed the sexual violence they had suffered more than 21 years later, and another 25% took between 11 and 20 years to disclose it.<sup>10</sup> Research by a UK All-Party Parliamentary Group on Adult Survivors of Childhood Sexual Abuse published in 2022 indicated that the average time for victims and survivors to disclose sexual abuse was 26 years.<sup>11</sup> A study conducted in Australia showed that the average age of disclosure of sexual abuse experienced as a child in the Catholic institutions in Australia was 43.5 years old for women and 44.5 years old for men.<sup>12</sup> In the United States, CHILD USA analysed data from the Boy Scouts of America and found that over 50% of survivors first disclosed their abuse after age 50.<sup>13</sup>

In some national legal systems the limitation period is not interrupted by the initiation of proceedings or other similar steps taken by the prosecution (for instance, in the Russian Federation the limitation period continues to run until the entry into force of a judicial verdict<sup>14</sup>). For the calculation of the optimal length of the limitation periods in those cases, it must be kept in mind that criminal investigations and judicial proceedings may often take several years to be completed.<sup>15</sup>

Effective prosecution of perpetrators of child sexual abuse must be seen not only as a way for victims to obtain justice and thus advance on their path to healing. When certain conditions are met, it can also act as a prevention tool by allowing society to monitor convicted offenders, engage them in programmes aimed at lowering the risk of their reoffending and stop them from occupying employment and volunteer positions where contact with children is possible. Reduction of the

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<sup>9</sup> For peer-reviewed academic studies, see: McElvaney, R., Disclosure of Child Sexual Abuse: Delays, Non-disclosure and Partial Disclosure. What the Research Tells Us and Implications for Practice. *Child Sexual Abuse Review*, 24(3) 2013, available at [ResearchGate.net](#); Alaggia, R., Collin-Vezina, D., & Lateef, R., Facilitators and barriers to childsexual abuse (CSA) disclosures: A research update (2000–2016). *Trauma, Violence, & Abuse*, 20(2), 260–283 2017, available at [ResearchGate.net](#). For further details and references, see the Comparative study quoted above (pp.7-8) and a report by Child Global and The Brave Movement "[Justice Unleashed](#)" (2023), p.8.

<sup>10</sup> See "Statutes of Limitations and Sexual Violence against Children. Findings from the Global 'Our Voice' Survivor Survey with a Case Study on Finnish Survivors' Experiences" (December 2023) by Protect Children, p.9 <https://www.suojellaanlapsia.fi/en/post/statutes-of-limitations-and-sexual-violence-against-children>

<sup>11</sup> See the Report of the Independent Inquiry into Child Sexual Abuse (October 2022), p. 257, paragraph 90. [https://webarchive.nationalarchives.gov.uk/ukgwa/20221215051709/https://www.iicsa.org.uk/key-documents/31216/view/report-independent-inquiry-into-child-sexual-abuse-october-2022\\_0.pdf](https://webarchive.nationalarchives.gov.uk/ukgwa/20221215051709/https://www.iicsa.org.uk/key-documents/31216/view/report-independent-inquiry-into-child-sexual-abuse-october-2022_0.pdf)

<sup>12</sup> See Wright, K., Swain, S., & McPhillips, K. (2017). The Australian Royal Commission into Institutional Responses to Child Sexual Abuse. *Child Abuse & Neglect*, 74, 1-9. <https://doi.org/10.1016/j.chiabu.2017.09.031>

<sup>13</sup> Cited in "Justice Unleashed", p.7.

<sup>14</sup> See Article 78.2 of the Criminal Code of the Russian Federation, consulted 12 February 2024 (in Russian): [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/315f760bc6b320384addba1503c8e2e038ad20d4](https://www.consultant.ru/document/cons_doc_LAW_10699/315f760bc6b320384addba1503c8e2e038ad20d4)

<sup>15</sup> It appears that in all of the 27 EU member States limitation periods are interrupted by an act on the part of the prosecution (see [Research note](#) "Limitation rules in criminal matters" published in May 2017 by the EU Directorate-General for Library, Research and Documentation).

incidence of child sexual abuse and the healing of victims also reduce the direct and indirect economic costs borne by societies as a result of the trauma inflicted by experiencing sexual abuse as a child (healthcare expenditures, unemployment, lost taxes, combating substance abuse, etc.).

Based on the above, it is in the interests of both victims and societies at large to ensure that the duration of limitation periods is sufficient for effective prosecution. Parties' practices that strive to ensure such a duration are presented below.

A. Full or partial abolition of limitation periods or maintaining their absence in cases where they were not previously foreseen

The comparative study of statutes of limitations in respect of sexual offences against children in the States Parties to the Convention identified that, by May 2023, 15 out of the 43 surveyed States had, in the 16 preceding years, adopted legislative amendments abolishing limitation periods for a range of such offences, while a further three (Cyprus, Ireland, United Kingdom) had never had such limitation periods in place or had them for a short period of time limited to a specific territory and category of offence.<sup>16</sup> It is notable that in some States, this outcome was achieved not through targeting sexual offences against children specifically but through increasing, most often up to life imprisonment<sup>17</sup>, the criminal sanction for aggravated forms of sexual offences in respect of a person of any age, which in turn was associated with not being subject to a limitation period.<sup>18</sup> In several States judges have the discretionary power to decide whether a case will be heard in case of a long delay in prosecuting it: in Ireland, a judge may decline a case if he or she considers that there is a real or serious risk that the accused, by reason of the delay in bringing the prosecution, would not obtain a fair trial because, for example, essential evidence has been lost or the recollection of witnesses has been seriously impaired,<sup>19</sup> and in Latvia a judge may declare time-barred any case concerning a sexual offence against a child if more than 30 years have passed since the child victim has reached the age of majority.<sup>20</sup>

In 2020, the Parliamentary Assembly of the Council of Europe urged member States "to abolish the statute of limitations 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".<sup>21</sup> In 2022, the United Nations Committee on the Rights of the Child included in the outcome report based on the 2021 Day of general discussion on children's rights and alternative care a recommendation to "remove systemic barriers to justice for children, including limited prescription periods...".<sup>22</sup>

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<sup>16</sup> On 7 August 2023, Luxembourg also abolished the limitation periods applicable to the offence of child rape (information provided by the authorities).

<sup>17</sup> It is recalled that the use of life imprisonment as a sanction, in States Parties to the European Convention on Human Rights, has to be compatible with the case-law of the European Court of Human Rights. Among others, it has to be accompanied by a legal possibility to apply for early release.

<sup>18</sup> See para. 48 of the study.

<sup>19</sup> See para. 41 of the study and additional information provided by the authorities. The authorities specified that in practice, it is rare for cases to be stopped on this basis.

<sup>20</sup> See para. 48 of the study.

<sup>21</sup> [Resolution 2330 \(2020\)](#) Addressing sexual violence against children: stepping up action and co-operation in Europe, para. 6.1.4

<sup>22</sup> See [Children's Rights and Alternative Care Outcome Report](#), United Nations Committee on the Rights of the Child, 2021 day of general discussion, p.32

## B. Suspension of the starting point of a limitation period until the child victim's age of majority or later

According to the comparative study, in 16 out of the 43 surveyed States the limitation period in respect of sexual offences against children starts running only when the victim turns 18 years old, and in a further 6 States the start is delayed until a specified age (between 19 and 35).<sup>23 24</sup>

It has to be kept in mind that suspension of the starting point of a limitation period until the child victim's age of majority may not by itself provide for a sufficiently long time for effective prosecution.

## C. Increasing the length of limitation periods

As recalled above, the Parliamentary Assembly of the Council of Europe urged to at least ensure that limitation periods are not shorter than 30 years after the victim has reached the age of 18.

In some States, the length of a limitation period for sexual offences depends on the age of the victim. In Italy the length of the limitation periods set for sexual offences against adult victims is doubled when the victims of such offences are children, and in Slovenia it is tripled for a range of such offences.<sup>25</sup> The longest limitation periods applicable to the gravest forms of child sexual abuse in those Parties that have limitation periods reach 40 years (e.g. Croatia, where they are also suspended until the victim's age of majority).<sup>26</sup>

## D. Repeat offending as a factor extending the length of limitation periods

Several States, including France, Latvia, Lithuania, and Norway, have adopted the approach whereby repeat alleged offences of child sexual exploitation or sexual abuse can be used to extend the limitation period in certain cases. Thus, in France, if the same person commits sexual offences against several children, the limitation period applicable to the initial offence is extended to cover the more recent offence, provided that the time-limit applicable to the earlier offence has not yet expired. This system allows for alleged repeat offenders to be tried in the same set of proceedings for recent and more historic sexual offences against children which they have been accused of committing.<sup>27</sup> However, if the more recent offence allowing for the extension does not reach the indictment or trial stage (for instance, due to lack of evidence), the older offence also cannot be prosecuted if the applicable limitation period has run out.<sup>28</sup>

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<sup>23</sup> See paras. 65 and 66 of the study. In some States, suspension of the start of the limitation period or the determination at what age of the victim it should start running depends on the gravity of the offence in question.

<sup>24</sup> In principle, the practice of delaying the ending point of a limitation period until an appropriate age of the victim could also be considered to implement Article 33. However, since in the Parties currently displaying such a practice that age falls between 23 and 30 years old depending on the State, such practices are not listed in this section (in view of the data available on the time needed by victims and survivors to disclose sexual abuse experienced in childhood (see above)).

<sup>25</sup> See para. 60 of the study.

<sup>26</sup> See para. 61 of the study.

<sup>27</sup> See p. 21 of the study.

<sup>28</sup> According to the explanations obtained from France at the Lanzarote Committee's capacity-building seminar on 31 May 2023.

## IV. Policy measures to support disclosures and timely progress of child sexual abuse cases through the criminal justice system

Policy measures can also improve the timeliness of criminal justice responses to these crimes.

Child sexual abuse is a category of crime that is underreported, which consequently prevents its prosecution within a reasonable time from the moment it is committed. The reasons for the underreporting are numerous: they range from victims' difficulties in verbalising their experience and emotional trauma to the lack of awareness within professionals of indicators of child sexual exploitation and abuse and the lack of protocols for reporting or even the existence of legal obligations preventing them from doing this (e.g. professional confidentiality rules), to the general public's lack of awareness and understanding of what and how to report. Raising awareness of child sexual abuse and the related reporting obligations and procedures is thus the first step towards ensuring that this crime is addressed by the criminal justice system without delay.

Providing speedy and evidence-based support and assistance to victims is also a way to improve the chances that the crime would be reported, and the modern child-friendly multidisciplinary interagency structures for responding to child sexual abuse, such as Barnahus (Children's House), ensure that the investigation and prosecution of child sexual abuse is efficient and minimally traumatic to its victims. Supporting adults disclosing sexual abuse and exploitation suffered as a child is also important in this regard.

Another obstacle to timely criminal justice proceedings relating to child sexual abuse can be the lack of resources of those in charge of investigations to process and investigate reports of crime: allocating sufficient resources and training to those in charge of investigations is necessary to address this.

### A. Raising awareness of child sexual abuse and reporting obligations for professionals

Investigation and prosecution of crime often depends on someone reporting it to law enforcement authorities. The usual factors preventing the reporting of crime can be compounded, in cases of child sexual abuse, by the perceived "taboo" nature of the crime and the lack of awareness of its signs and indicators, as well as by the frequent significant imbalance of power between the victim and the offender. Sexual offences against children can be reported by professionals working with children, victims/survivors themselves, or any other person having reason to believe such an offence has been committed. Awareness-raising measures therefore must be developed and adapted for all of these groups.

#### (i) Educating children

As discussed above, young children may lack the ability to put in words and assess their experience and analyse their emotions. It is therefore vitally important that children have access to information that is adapted to their age and maturity that helps them understand healthy and unhealthy relationships, in both an offline and online context. Article 6 of the Convention requires Parties

"to ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacity. This information, provided in collaboration with parents, where appropriate, shall be given within a more general context of information on sexuality

and shall pay special attention to situations of risk, especially those involving the use of new information and communication technologies.”

In addition to including relevant information in the school and pre-school curricula, some State Parties have developed supplementary tools. For instance, in Iceland a puppet show, in the presence of a school counsellor, a social worker, a nurse or a psychologist, educates elementary school children about personal safety, sexual abuse, the importance of telling someone they trust about it and the services available. After the show a letter is sent to the parents or legal guardians of the children present to indicate where and how further preventive material and information may be obtained to support the adults in answering any further query of their children or to help them in case their children/they have anything to report.<sup>29</sup>

When designing their education and awareness-raising programmes for children in the future, Parties are also encouraged to take into account the recommendations of a forthcoming Council of Europe Committee of Ministers’ “instrument on age-appropriate comprehensive sexuality education to strengthen responses for *inter alia* preventing and combatting violence against children”, which is tentatively scheduled for adoption in 2027.<sup>30</sup>

## (ii) Educating professionals working with children and setting their reporting obligations

The primary purpose of educating professionals working with children on child sexual abuse is to ensure that they understand and recognise its signs and indicators and report it in a due manner to the relevant authorities. This is consistent with Article 12 of the Convention which requires Parties (1) to encourage any person knowing about or suspecting, in good faith, sexual exploitation or sexual abuse of children to report these facts to competent services and (2) to ensure that the confidentiality rules imposed by internal law on certain professionals do not constitute an obstacle to this possibility.

After creating a “Child Abuse Protocol” containing a step-by-step procedure for responding to signs of child abuse by professionals, the Netherlands observed that professionals made aware of the protocol report cases three times more often than those who were not.<sup>31</sup> As another example, in 2005 Serbia adopted a General Protocol for Protection of Children from Abuse and Neglect, published a Manual for its implementation aimed at professionals working with children, and developed special protocols for the police, education, health care and justice sectors.<sup>32</sup> Some Parties have law-mandated exceptions to general confidentiality rules<sup>33</sup> and establish criminal liability for failure to report<sup>34</sup>.

On 6 September 2023, the Council of Europe’s Committee of Ministers adopted a new [Recommendation](#) to member States on strengthening reporting systems on violence against children (CM/Rec(2023)8). It recalls that member States should provide for clear rules establishing the responsibilities for reporting violence and for responding to such reports. The guidelines contained in the appendix to this Recommendation, together with its [Explanatory Memorandum](#), provide guidance on how to set up such systems.

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<sup>29</sup> [Protection of children against sexual abuse in the circle of trust: The Strategies](#) (2<sup>nd</sup> implementation report of the 1<sup>st</sup> monitoring round, adopted by the Lanzarote Committee on 31 January 2018), p.27. Further referred to as the 2<sup>nd</sup> implementation report.

<sup>30</sup> See [Terms of Reference of the Council of Europe intergovernmental Steering Committee for the Rights of the Child for 2024-2027](#), p.2.

<sup>31</sup> 2<sup>nd</sup> implementation report, p.34.

<sup>32</sup> Ibid.

<sup>33</sup> When confidentiality rules conflict with the child’s best interest, when a crime has been committed against a child, and in some other situations. For details, see 2<sup>nd</sup> implementation report, p.33.

<sup>34</sup> 2<sup>nd</sup> implementation report, p.34.

### (iii) Educating the general public

As recalled above, the Lanzarote Convention requires Parties to encourage any person who knows about or suspects, in good faith, sexual exploitation or sexual abuse of children to report these facts to competent services (Article 12§2). Education and awareness-raising campaigns targeting the general public support this provision. Thus, in Denmark legislative amendments strengthening the protection of children from violence and sexual abuse were accompanied by a campaign informing adults about their duty to notify authorities.<sup>35</sup> Some State Parties have awareness-raising goals in their national strategies or action plans, which may generate greater consistency of the targeted communication in the long term: for instance, Italy and the Republic of Moldova have a national “day against paedophilia and child abuse material”.<sup>36</sup> The Netherlands created a specific body at the regional level for advice and reporting in situations of child abuse, neglect and domestic violence called “Safe at Home”. This body is accessible 24/7 to advise the reporting person on possible actions, adopt urgent measures if needed to protect the child, and report to law enforcement authorities.<sup>37</sup> Given that 54% of 228 respondents in the 2023 global survey by Protect Children (see above) said that they had disclosed the sexual violence suffered in childhood immediately after it happened to their parent and another 25% to a friend (while only 6% disclosed to the police),<sup>38</sup> it is particularly important to implement specific awareness-raising programmes for parents and peers.

#### B. Assistance to victims of sexual abuse in childhood, including cooperating with and allocating resources to non-governmental organisations providing such assistance

Timely and effective assistance to victims of child sexual abuse provided in accordance with modern standards is capable of increasing the reporting and prosecution rate of the crime by helping victims process their experience and building their confidence to report to law enforcement authorities. In addition, organisations providing assistance, such as helplines, often have the right and independent duty to report information about child sexual abuse shared with them. The Convention requires Parties to take the necessary legislative or other measures to assist victims, in the short and long term, in their physical and psycho-social recovery (Article 14§2) and establish effective social programmes and set up multidisciplinary structures to provide the necessary support for victims, their close relatives and for any person who is responsible for their care (Article 11§1). A prime example of such structures are Barnahus and other similar child-friendly multidisciplinary and interagency (MDIA) services enabling victims to receive treatment and participate in criminal proceedings under the same roof without the risk of repeated re-traumatisation. By helping produce valid evidence for judicial proceedings by means of eliciting the child’s disclosure, such structures also increase the speediness and effectiveness of prosecution.

A [mapping study](#) carried out in 2023 by the Council of Europe’s Steering Committee for the Rights of the Child showed that 33 State Parties to the Lanzarote Convention had either already established Barnahus or similar services or were working towards it. Barnahus or similar structures also represent an effective instrument for co-ordination between the different agencies in charge of the fight against child sexual exploitation and sexual abuse, notably the education sector, the health sector, the social services and the law enforcement and judicial authorities, as required by Article 10§1 of the Convention.

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<sup>35</sup> See the 2<sup>nd</sup> implementation report, p.20.

<sup>36</sup> Idem, p.19.

<sup>37</sup> Idem, p.36.

<sup>38</sup> See footnote 9 above.

While ideally Barnahus and similar child-friendly MDIA structures should be State-run to ensure a streamlined coordination between various authorities and structures, the Convention also requires Parties to encourage co-operation between the competent State authorities, civil society and the private sector (Article 10§3). Non-governmental organisations can therefore also have a role to play in the provision of assistance to victims and their close ones. The Convention requires Parties to:

- encourage the financing, including, where appropriate, by the creation of funds, of the projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse (Article 9§4); and
- take measures to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims (Article 14§2).

Based on the Committee's previous monitoring exercises, it is known that some Parties cooperate with civil society by operating shelters for victims, helplines and hotlines<sup>39</sup>, and several Parties provide financial support from the State budget for projects implemented by civil society actors<sup>40</sup>.

### C. Allocating sufficient resources, including training, to those in charge of investigations

The Convention requires Parties to adopt such measures as may be necessary to ensure that persons, units or services in charge of investigations are specialised in the field of combating sexual exploitation and sexual abuse of children or that persons are trained for this purpose. Such units or services shall have adequate financial resources (Article 34§1). The Explanatory Report to the Convention interprets those "in charge of investigations" in a broad sense, including, in addition to police and prosecution services, child protection and health services.<sup>41</sup> For example, in Denmark, recurrent funding is provided to a special unit on prevention of child abuse to the National Board of Social Services which, among other things, offers training for social services, professionals working with children, and other professionals and maintains free courses focusing specifically on early detection of abuse.<sup>42</sup>

The Convention also calls on Parties to ensure that the investigations and criminal proceedings are treated as priority and carried out without any unjustified delay (Article 30§3).

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<sup>39</sup> Idem, p. 11.

<sup>40</sup> Idem, p. 12.

<sup>41</sup> See para. 234.

<sup>42</sup> 2<sup>nd</sup> implementation report, p.31.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.