

EXECUTIVE SUMMARY

This Report explains why the criminal statutes of limitation (SOL) for child sexual abuse (CSA) crimes should be abolished across all member states of the Council of Europe. It recommends amending the Lanzarote Convention to include an Optional Protocol to achieve this goal.

CSA is a serious public health epidemic in Europe. One in 5 children in Europe today are subject to some kind of sexual violence in their lives. Across the 27 EU member states alone, that equates to more than 16 million children facing life-long stigma, trauma and pain.

This report presents the “postcode lottery” faced by victims and survivors across the European continent when they try to access effective remedial action. Archaic and arbitrary criminal statutes of limitations vary across European Countries.

The Lanzarote Convention has attempted to implement a comprehensive policy to tackle the issue of child sexual abuse. However, the current policy norm is not fit for purpose and gives a generic mandate to Member States to ensure victims have “sufficient” time after reaching the age of majority to report the crimes. Empirical evidence shows that victims often take decades to process the trauma and contact civil authorities about the crime they suffered.

The key policy recommendation is to amend the Convention of Lanzarote to include an Optional Protocol that establishes a common specific basic standard regarding the limitation period of CSA offences across all CE Member States. This policy would ensure that in all Member States limitation periods for child sex offences do not become time barred.

The report scorecard below illustrates the tiered system of justice that victims and survivors face, and highlights those countries where changes are most urgently needed.

EUROPEAN STATUTE OF LIMITATIONS REPORT CARD



The grading system above is based on analysis of relevant judicial frameworks in the 46 Council of Europe Member States.

The report includes six comparative case studies from Denmark, Belgium, France, Spain, Portugal and Luxembourg, which illustrate the benefits of abolishing SOLs, the avenues available to do so, and the urgent need.

THE ADVANTAGES OF CSA CRIMINAL SOL ELIMINATION

- Public Education as a result of disclosure can prevent future abuse
- Perpetrators of abuse pose a risk to children throughout their life
- Newly acquired evidence of past crimes is common
- Elimination ameliorates the harsh effects of SOLs
- Criminal SOLs reward institutions that successfully cover-up abuse

KEY RECOMMENDATIONS

- European states should entirely abolish statutes of limitations for all types of crimes of child sexual violence and abuse - in line with the countries listed in Grade A of the scorecard.
- States listed in Grades E & F of the report should take the most urgent action towards abolition of SOLs
- All European States should ensure SOLs reform policies are in line with the European Convention on Human Rights including the right to live (art. 2); the prohibition of torture and inhuman or degrading treatment (art. 3); the right to liberty and security (art. 5); prohibition of discrimination (art. 14); and the right to an effective remedy (art. 13).
- The Council of Europe's Lanzarote Committee should amend the Lanzarote Convention to include an Optional Protocol that eliminates criminal limitation periods in CSA offences across all member states.