

FINLAND

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Solicitation of children for sexual purposes (Grooming) (Article 23 of the Lanzarote Convention)

When the Lanzarote Convention was ratified by Finland solicitation of children for sexual purposes (Grooming) (Article 23 of the Convention) caused several changes in the Criminal Code of Finland. The new main provision was included in Chapter 20, Sex offences (563/1998), in Section 8 (b) of the Code. This new provision caused changes in Chapter 17, Offences against public order (563/1998), in Section 18 and again in Chapter 20, in Sections 6 and 7. The texts of these provisions are below in the same order:

"Chapter 20 - Sex offences (563/1998)

Section 8(b) –*Solicitation of a child for sexual purposes* (540/2011)

- (1) A person who suggests a meeting or other contact with a child so that it is apparent from the contents of the suggestion or otherwise from the circumstances that the intent of the person is to prepare sexually offensive pictures or visual recordings of the child in the manner referred to in chapter 17, section 18, subsection 1, or to subject the child to the offence referred to in section 6 or 7 of this chapter, shall be sentenced for *solicitation of a child for sexual purposes* to a fine or to imprisonment for at most one year.
- (2) Unless a more severe sentence is provided in law for the act, also a person who solicits a person under the age of eighteen years to engage in sexual intercourse or in another sexual act in the manner referred to in section 8(a) or to perform in a sexually offensive organized performance shall be sentenced for solicitation of a child for sexual purposes.
- (3) Attempt of the offence referred to above in subsection 2 is punishable."

"Chapter 17 - Offences against public order (563/1998)

Section 18 - *Distribution of a sexually offensive picture* (650/2004)

(1) A person who manufactures, offers for sale or for rent or otherwise offers or makes available, keeps available, exports, imports to or transports through Finland to another country, or otherwise distributes pictures or visual recordings that factually or realistically depict

- (1) a child,
- (2) violence or
- (3) bestiality

shall be sentenced for *distribution of a sexually offensive picture* to a fine or imprisonment for at most two years. (540/2011)

(4) A child is defined as a person below the age of eighteen years and a person whose age cannot be determined but whom there is justifiable reason to assume is below the age of eighteen years. The picture or visual recording is deemed factual in the manner referred to in subsection 1, paragraph 1, if it has been produced in a situation in which a child has actually been the object of sexually offensive conduct and realistic, if it resembles in a misleading manner a picture or a visual recording produced through photography or in another corresponding manner of a situation in which a child is the object of sexually offensive conduct. The definitions of the terms factual and realistic apply correspondingly in the cases referred to in subsection 1, paragraphs 2 and 3. (540/2011)"

"Chapter 20 - Sex offences (563/1998)

Section 6 - *Sexual abuse of a child* (540/2011)

- (1) A person who by touching or otherwise performs a sexual act on a child younger than sixteen years of age, said act being conducive to impairing his or her development, or induces him or her to perform such an act, shall be sentenced for *sexual abuse of a child* to imprisonment for at least four months and at most four years.
- (2) Also a person who has sexual intercourse with a child younger than sixteen years of age, if the offence when assessed as a whole is not aggravated in the manner referred to in section 7, subsection 1, shall be sentenced for sexual abuse of a child. In addition, a person who acts in the manner referred to in subsection 1 or above in the present subsection with a child who has reached the age of sixteen but is younger than eighteen years of age, if the offender is the parent of the child or is in a position comparable to that of a parent and lives in the same household with the child, shall be sentenced for sexual abuse of a child.
- (3) An attempt is punishable."

"Section 7 - *Aggravated sexual abuse of a child* (540/2011)

If

- (1) a person has sexual intercourse with a child below the age of sixteen or in the cases referred to in section 6, subsection 2 with a child who has reached the age of sixteen but is younger than eighteen years of age, or
- (2) in sexual abuse of a child
 - (a) the victim is a child whose age or stage of development is such that the offence is conducive to causing special injury to him or her,

(b) the offence is committed in an especially humiliating manner, or

(c) the offence is conducive to causing special injury to the child due to the special trust he or she has placed in the offender or the special dependence of the child on the offender,

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated sexual abuse of a child* to imprisonment for at least one year and at most ten years.

(2) An attempt is punishable."