



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

T-ES(2014)15 bil

04/08/2014

LANZAROTE CONVENTION

CONVENTION DE LANZAROTE

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

Convention du Conseil de l'Europe sur la protection des enfants contre l'exploitation et les abus sexuels

**Compilation of Replies to Question 16
of the General Overview Questionnaire
as regards Article 23 of the Lanzarote Convention**

**Compilation des réponses à la Question 16
du questionnaire « Aperçu général »
en ce qui concerne l'article 23 de la Convention de Lanzarote**

The full replies submitted by States and other stakeholders are available at:

Les réponses intégrales des Etats et autres parties prenantes sont disponibles ici :

www.coe.int/lanzarote

Introduction

Since its 2nd meeting (see §5 of the meeting report)¹, the Committee has considered that it should first acquire a general overview of the situation with regard to the protection of children against sexual exploitation and sexual abuse in terms of existing legislation, institutional framework and policies for the implementation of the Convention. Such an overview should serve as a basis for the thematic monitoring of the implementation of the Convention.

This approach was confirmed by the Committee during its subsequent meetings and is reflected in the indicative calendar for the 1st monitoring round as adopted by the Committee in December 2013 (see §13 of the 7th meeting report as well as its Appendix III)². During its 8th meeting, the Committee decided³ that the Secretariat should compile in separate documents the replies to each question of both the General Overview and the Thematic questionnaire. This document is therefore aimed at responding to this request by compiling replies to question 16 with a specific focus on replies concerning Article 23 of the Lanzarote Convention.

* * *

Depuis sa 2^e réunion (voir §5 du rapport de réunion)⁴, le Comité a estimé devoir acquérir d'abord une vue d'ensemble de la situation de la protection des enfants contre l'exploitation et les abus sexuels (législation en place, cadre institutionnel et politiques de mise en œuvre de la Convention). Une telle vue d'ensemble devrait servir de base au suivi thématique de la mise en œuvre de la Convention.

Cette approche a été confirmée lors des réunions suivantes du Comité et est reflétée dans le calendrier indicatif pour le 1^{er} cycle de suivi tel qu'approuvé par le Comité en décembre 2013 (voir §13 du rapport de la 7^e réunion ainsi que son annexe III)⁵. Lors de sa 8^e réunion le Comité a décidé⁶ que le Secrétariat devrait compiler dans des documents séparés, toutes les réponses au questionnaire « Aperçu général » et au questionnaire « Thématique ». Le présent document vise donc à répondre à cette demande en compilant les réponses reçues à la question 16 en ce qui concerne l'article 23 de la Convention de Lanzarote.

¹ The 2nd meeting report is online at:

http://www.coe.int/t/dghl/standardsetting/children/T_ES/T-ES_2012_004_report_2nd_mtg_07082012.pdf

² The 7th meeting report is online at:

[http://www.coe.int/t/dghl/standardsetting/children/T-ES\(2013\)12Report7thMeeting_en.pdf](http://www.coe.int/t/dghl/standardsetting/children/T-ES(2013)12Report7thMeeting_en.pdf).

³ See decision 7 adopted by the Committee during its 8th meeting:

[http://www.coe.int/t/dghl/standardsetting/children/News/T-ES\(2014\)08%20List%20of%20decisions%208th%20meeting_en.pdf](http://www.coe.int/t/dghl/standardsetting/children/News/T-ES(2014)08%20List%20of%20decisions%208th%20meeting_en.pdf)

⁴ Le rapport de la 2^e réunion est en ligne ici :

http://www.coe.int/t/dghl/standardsetting/children/T_ES/T-ES_2012_004_rapport_2e_reunion_07082012.pdf

⁵ Le rapport de la 7^e réunion est en ligne ici :

[http://www.coe.int/t/dghl/standardsetting/children/T-ES\(2013\)12Report7thMeeting_fr.pdf](http://www.coe.int/t/dghl/standardsetting/children/T-ES(2013)12Report7thMeeting_fr.pdf)

⁶ Voir la décision 7 adoptée par le Comité lors de sa 8^e réunion :

[http://www.coe.int/t/dghl/standardsetting/children/News/T-ES\(2014\)08%20Liste%20des%20decisions%208e%20réunion_fr%20.pdf](http://www.coe.int/t/dghl/standardsetting/children/News/T-ES(2014)08%20Liste%20des%20decisions%208e%20réunion_fr%20.pdf)

Question 16: Criminal law offences

- a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;
- b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;
- c. (...);
- d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

Solicitation of Children for Sexual Purposes ("grooming") (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

Question 16 : Infractions pénales

- a. Veuillez indiquer si les comportements intentionnels mentionnés dans l'encadré ci-dessous sont érigés en infractions pénales dans le droit interne;
- b. Si le comportement intentionnel qui est érigé en infraction pénale s'écarte de la norme de la Convention de Lanzarote, veuillez expliquer pourquoi;
- c. (...)
- d. Veuillez également préciser si l'âge de l'enfant influe sur la détermination du degré de gravité de l'infraction.

Sollicitation d'enfants à des fins sexuelles (article 23)

Le fait pour un adulte de proposer intentionnellement, par le biais des technologies de communication et d'information, une rencontre à un enfant n'ayant pas atteint l'âge légal défini par le droit interne pour entretenir des relations sexuelles, dans le but de se livrer à des abus sexuels ou de produire de la pornographie enfantine, lorsque cette proposition a été suivie d'actes matériels conduisant à ladite rencontre.

Relevant extracts from the Lanzarote Convention and its Explanatory report

Lanzarote Convention, Article 23 – Solicitation of children for sexual purposes

Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offences established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting.

Explanatory report

155. Article 23 introduces a new offence in the Convention which is not present in other existing international instruments in the field. The solicitation of children for sexual purposes is more commonly known as “grooming”. The negotiators felt it was essential for the Convention to reflect the recent but increasingly worrying phenomenon of children being sexually harmed in meetings with adults whom they had initially encountered in cyberspace, specifically in Internet chat rooms or game sites.
156. The term “grooming” refers to the preparation of a child for sexual abuse, motivated by the desire to use the child for sexual gratification. It may involve the befriending of a child, often through the adult pretending to be another young person, drawing the child into discussing intimate matters, and gradually exposing the child to sexually explicit materials in order to reduce resistance or inhibitions about sex. The child may also be drawn into producing child pornography by sending compromising personal photos using a digital camera, web-cam or phone-cam, which provides the groomer with a means of controlling the child through threats. Where a physical meeting is arranged the child may be sexually abused or otherwise harmed.
157. The negotiators felt that simply sexual chatting with a child, albeit as part of the preparation of the child for sexual abuse, was insufficient in itself to incur criminal responsibility. A further element was needed. Article 23, therefore, requires Parties to criminalise the intentional “proposal of an adult to meet a child who has not reached the age set in application of Article 18 paragraph 2” for the purpose of committing any of the offences established in accordance with Article 18 paragraph 1 a or Article 20 paragraph 1 a against him or her. Thus the relationship-forming contacts must be followed by a proposal to meet the child.
158. All the elements of the offence must be committed intentionally. In addition, the “purpose” of the proposal to meet the child for committing any of the specified offences needs to be established before criminal responsibility is incurred.
159. The offence can only be committed “through the use of information and communication technologies”. Other forms of grooming through real contacts or non-electronic communications are outside the scope of the provision. In view of the particular danger inherent in the use of such technologies due to the difficulty of monitoring them the negotiators wished to focus the provision exclusively on the most dangerous method of grooming children which is through the Internet and by using mobile phones to which even very young children increasingly now have access.
160. In addition to the elements specified above the offence is only complete if the proposal to meet “has been followed by material acts leading to such a meeting”. This requires concrete actions, such as, for example, the fact of the perpetrator arriving at the meeting place.

Extraits pertinents de la Convention de Lanzarote et de son rapport explicatif

Convention de Lanzarote, Article 23 – Sollicitation d'enfants à des fins sexuelles

Chaque Partie prend les mesures législatives ou autres nécessaires pour ériger en infraction pénale le fait pour un adulte de proposer intentionnellement, par le biais des technologies de communication et d'information, une rencontre à un enfant n'ayant pas atteint l'âge fixé en application de l'article 18, paragraphe 2, dans le but de commettre à son encontre une infraction établie conformément aux articles 18, paragraphe 1.a, ou 20, paragraphe 1.a, lorsque cette proposition a été suivie d'actes matériels conduisant à ladite rencontre.

Rapport explicatif

155. L'article 23 introduit dans la Convention une nouvelle infraction qui n'apparaît pas dans les autres instruments internationaux existant dans ce domaine. La sollicitation d'enfants à des fins sexuelles est plus généralement connue sous le nom de "grooming". Les négociateurs ont considéré qu'il est essentiel que la Convention prenne en compte le phénomène récent, mais de plus en plus préoccupant, d'enfants abusés sexuellement lors de leurs rencontres avec des adultes dont ils ont, au départ, fait la connaissance dans le cyberspace, et plus spécifiquement sur des forums de discussion sur Internet ou sur des sites de jeux en ligne.
156. Le "grooming" (mise en confiance) désigne la préparation d'un enfant aux abus sexuels, motivée par le désir d'utiliser cet enfant pour assouvir ses pulsions sexuelles. Il peut s'agir d'adultes tentant d'établir des relations d'amitié avec un enfant, souvent en se faisant passer pour un autre jeune, en entraînant l'enfant dans la discussion de questions intimes pour graduellement l'exposer à du matériel à contenu sexuel explicite afin de réduire sa résistance ou ses inhibitions. L'enfant peut également être impliqué dans la production de pornographie enfantine en envoyant des photos personnelles compromettantes prises à l'aide d'un appareil photo numérique, une webcam ou une caméra de téléphone mobile, ce qui offre à la personne sollicitant l'enfant un moyen de le contrôler en le menaçant. Dans les cas où l'adulte organise une rencontre physique, l'enfant risque d'être victime d'abus sexuels ou d'autres types de maltraitance.
157. Les négociateurs ont estimé que le simple fait d'échanger des propos sexuels avec un enfant, même dans l'objectif de le préparer à des abus sexuels, ne constitue pas un motif suffisant pour entraîner une responsabilité pénale. Il faut un élément supplémentaire. C'est pourquoi l'article 19 demande aux Parties d'ériger en infraction pénale « le fait pour un adulte de proposer intentionnellement une rencontre à un enfant n'ayant pas atteint l'âge fixé en application de l'article 18 paragraphe 2 » dans le but de commettre à son encontre une infraction établie conformément aux articles 18 paragraphe 1 (a) et 20 paragraphe 1 (a). Ainsi, les contacts visant à nouer des liens doivent être suivis d'une proposition de rencontre avec l'enfant.
158. Tous les éléments de l'infraction doivent être intentionnels. De plus, le "but" de la proposition, consistant à rencontrer l'enfant afin de commettre l'une des infractions spécifiées, doit être établi pour qu'il puisse y avoir responsabilité pénale.
159. L'infraction doit avoir été commise "par le biais des technologies de l'information et de la communication". Les autres formes de « sollicitations d'enfants à des fins sexuelles », par des contacts réels ou des moyens de communication non électroniques, excèdent le cadre de cette disposition. Etant donné le danger particulier que représente l'utilisation de tels moyens, en raison de la difficulté à les contrôler, les négociateurs ont souhaité que cette disposition se concentre exclusivement sur les méthodes les plus dangereuses de sollicitation des enfants, qui utilisent l'Internet et les téléphones mobiles, outils auxquels même de très jeunes enfants ont de plus en plus accès.
160. Parallèlement aux éléments ci-dessus, l'infraction n'est complète que si la proposition de rencontre "a été suivie d'actes matériels conduisant à ladite rencontre". Cela implique des actes concrets, tels que par exemple le fait pour l'auteur de se rendre au lieu du rendez-vous.

COMPILATION of replies / des réponses⁷

ALBANIA / ALBANIE⁸

Question a.

All the “intentional conducts” in the box above are considered as criminal offences in internal law. (...)

Question b.

(...)

Article 108 “Serious immoral acts”

Serious immoral acts conducted with minors under the age of fourteen are punishable by up to five years of imprisonment.”

The same act, if committed against a minor who has not attained the age of fourteen years of age, to which the offender has any familiar relationship, shall be punishable from five to ten years.

(...)

The proposal made by an adult, by any means or form, to meet a of a minor who has not attained the age of fourteen years of age or a minor who has not reached sexual maturity, with purpose of committing any of the criminal offenses set forth in this section or in section VII of chapter II of this Code, constitutes a criminal offense and is punishable by one to five years.

Question d.

The age of a child plays a role in determining the gravity of the sentence for the perpetrator, as regards the punishments for the offenses against children under fourteen, are more severe than for the 14-18 age group.

ANDORRA / ADORRE⁹

Did not reply. / N’a pas répondu.

⁷ The replies are reproduced here in the language they were received. Les réponses sont reproduites ici dans la langue où elles ont été reçues.

⁸ States which are underlined are Parties to the Convention, that are, therefore, under an obligation to reply to the questionnaire. / Les Etats dont le nom est souligné sont les Etats parties à la Convention qui doivent donc répondre au questionnaire.

⁹ Andorra became a State party after the 1st monitoring round was launched. As all Parties it has to reply to the General Overview Questionnaire. Its replies should be received by 31 March 2015 at the latest. / La Fédération de Russie est devenue Etat Partie après le lancement du 1^{er} cycle de suivi. Comme toutes les Parties, elle doit répondre au Questionnaire « Aperçu Général ». Ses réponses doivent être reçues au plus tard le 31 juillet 2014.

ARMENIA / ARMENIE¹⁰

Question a.

The internal law provides for all types of acts indicated in the table of this questionnaire.

Questions b - d.

With regard to protection of children from sexual exploitation and sexual abuse, the following acts have been defined as crimes in Chapter 18 of the Criminal Code of the Republic of Armenia titled Crimes against the sexual integrity and sexual freedom:

(...)

(7) lecherous actions with a person obviously below the age of sixteen by a person having attained the age of eighteen, or with a person below the age of fourteen by a person having attained the age of sixteen (Article 143(1)); the same actions against a person below the age of fourteen (point 2 of Article 142(3)); against a person below the age of eighteen by a parent, or teacher or an employee of an educational or medical establishment, or another person charged with his or her upbringing or care (point 1 of Article 142(3)); the same actions committed:

(...)

(d) through electronic communication networks (points 1-3 and 6 of Article 142(2)).

(...)

Questions d.

(...) the age of the child is the basis for qualifying the act as a graver criminal offence, or is an aggravating circumstance, and for all the acts referred to above a more severe punishment is imposed, where the acts has been committed against a minor or a person below the age of twelve or a person below the age of fourteen. The Criminal Procedure Code of the Republic of Armenia does not classify them as cases of private prosecution, and the initiation of criminal proceedings and their progress do not depend on the circumstance whether the victim has filed an appeal or not.

(...)

AUSTRIA/AUTRICHE

Question a.

The following criminal offences of the Austrian Criminal Code correspond to the criminal offences of the Convention:

Article 23:

Section 208a par. 1 of the CC penalizes any person who with the intent to commit a criminal offence under Sections 201 to 207a par. 1 subpar. 1 of the CC,

1. by means of telecommunication or a computer systems or
2. in any other manner by way of deceiving about his/her intent

¹⁰ States which are not underlined have signed but not yet ratified the Convention. They have nevertheless been invited to reply to the general overview questionnaire. Les Etats dont le nom n'est pas souligné ont signé pas encore ratifié la Convention. Ils ont néanmoins été invités à répondre au questionnaire « Aperçu général ».

proposes or arranges a meeting to/with a minor and takes a concrete step leading to such a meeting. The penalty is imprisonment of up to two years.

Section 208a par. 1a of the CC criminalizes a person who contacts a minor by means of telecommunication or a computer system with the intent to commit a criminal offence under Section 207a par. 3 or par. 3a of the CC in relation to a pornographic representation (Section 207a par. 4) of that person. The penalty is imprisonment of up to one year or a fine of up to 360 daily rates.

According to Section 208a par. 2 of the CC shall not be punished under Section 208a par. 1 or par. 1a a person who voluntarily and before the authorities (Section 151 par. 3 of the CC) have learned of his/her offence, abandons his/her plans and informs the authority about his/her guilt.

Question b.

The above-mentioned criminal offences do not differ from the Lanzarote Convention benchmark.

(...)

Question d.

As mentioned above under Question 16a, most of the criminal offences related to sexual exploitation and sexual abuse of children provide for different terms of imprisonment according to whether the offence was committed against a minor or a person under age who has reached the age of sexual consent (e.g. Sections 106, 207a, 215a of the CC). As for the rest, the low age of victim may be regarded as an aggravating circumstance, since the Criminal Code (Section 33) does not provide for a closed list of aggravating circumstances.

AZERBAIJAN / AZERBAÏDJAN

No specific information on “grooming”.

Question d.

Crime committed against minors (i.e. under 18) is considered an aggravating circumstance.

BELGIUM / BELGIQUE

Jusqu'à maintenant, le Code pénal ne prévoit pas une incrimination spécifique et des poursuites étaient basées sur l'article 379 du Code pénal :

« Art. 379. Quiconque aura attenté aux moeurs en excitant, favorisant ou facilitant, pour satisfaire les passions d'autrui, la débauche, la corruption ou la prostitution d'un mineur de l'un ou de l'autre sexe, sera puni de réclusion de cinq ans à dix ans et d'une amende de cinq cents euros à vingt-cinq mille euros.

Il sera puni de la réclusion de dix ans à quinze ans et d'une amende de cinq cents euros à cinquante mille euros si le mineur n'a pas atteint l'âge de seize ans accomplis.

La peine sera de la réclusion de quinze ans à vingt ans et d'une amende de mille euros à cent mille euros, si le mineur n'a pas atteint l'âge de quatorze ans accomplis. »

Néanmoins, le Parlement vient d'adopter tout récemment une loi qui insère dans le Code pénal des incriminations spécifiques à ce but dans les nouveaux articles 377ter et 377quater. Il s'agit de la loi du 10 avril 2014 relative à la protection des mineurs contre la sollicitation à des fins de perpétration d'infractions à caractère sexuel (MB 30/04/2014):

“Art. 377ter. Dans les cas prévus par le présent chapitre ou par les chapitres VI et VII du présent titre, le minimum des peines portées par les articles concernés est doublé s'il s'agit d'un emprisonnement, et augmenté de deux ans s'il s'agit de la réclusion, lorsque le crime ou le délit a été commis à l'encontre d'un mineur de moins de seize ans accomplis et que préalablement à ce crime ou à ce délit, l'auteur avait sollicité ce mineur dans l'intention de commettre ultérieurement les faits visés au présent chapitre ou aux chapitres VI et VII du présent titre.

Dans les cas visés à l'article 377, alinéas 4 à 6, l'augmentation du minimum de la peine prévue à l'alinéa 1er est limitée de telle sorte que, combinée à l'augmentation des peines prévue à l'article 377bis, elle n'excède pas le maximum de la peine prévu.”

“Art. 377quater. La personne majeure qui, par le biais des technologies de l'information et de la communication, propose une rencontre à un mineur de moins de seize ans accomplis dans l'intention de commettre une infraction visée au présent chapitre ou aux chapitres VI et VII du présent titre, sera punie d'un emprisonnement d'un an à cinq ans, si cette proposition a été suivie d'actes matériels conduisant à ladite rencontre.”

Il convient également de référer dans ce cadre à la loi du 10 avril 2014 modifiant le Code pénal en vue de protéger les enfants contre les cyber prédateurs (MB 30/04/2014) qui prévoit la nouvelle incrimination de solliciter des enfants par le biais des technologies de l'information et de la communication en vue de faciliter la perpétration à son égard d'un crime ou délit. Cette loi introduit 93 une nouvelle section dans le Code pénal, intitulée “Du leurre de mineurs sur internet à des fins criminelles ou délictuelles”, contenant le nouvel article 433bis/1 :

“Art. 433bis/1. Sera puni d'un emprisonnement de trois mois à cinq ans, la personne majeure qui communique par le biais des technologies de l'information et de la communication avec un mineur avéré ou supposé, et ce en vue de faciliter la perpétration à son égard d'un crime ou d'un délit :

1° s'il a dissimulé ou menti sur son identité ou son âge ou sa qualité ;

2° s'il a insisté sur la discrétion à observer quant à leurs échanges ;

3° s'il a offert ou fait miroiter un cadeau ou un avantage quelconque ;

4° s'il a usé de toute autre manœuvre.”

Les articles 372, 373 (si la victime est mineure), 375, 379 et 380 du Code pénal prévoient des peines criminelles; la tentative est alors d'office punissable, via les règles prévues au Chapitre VII du Code pénal relative à la tentative de crime ou délit, voir les articles 51 et 52 du Code pénal :

“Art. 51. Il y a tentative punissable lorsque la résolution de commettre un crime ou un délit a été manifestée par des actes extérieurs qui forment un commencement d'exécution de ce crime ou de ce délit, et qui n'ont été suspendus ou n'ont manqué leur effet que par des circonstances indépendantes de la volonté de l'auteur.

“Art. 52. La tentative de crime est punie de la peine immédiatement inférieure à celle du crime même, conformément aux articles 80 et 81. »

En qui concerne la tentative relative aux infractions établies conformément à l'article 20, paragraphe 1, e) et f), l'article 21, paragraphe 1, c) et à l'article 23, de la Convention, la Belgique a fait une réserve lors de la ratification de la Convention, conformément à l'article 24, paragraphe 3, de la Convention, la Belgique se réserve le droit de ne pas appliquer le paragraphe 2 de l'article 24 relatif à la répression de la tentative des infractions établies par la Convention.

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

No specific information on grooming

Question d.

Age of a child plays a very important role taking into consideration criminal offences related to sexual abuse and those cases are considered as qualified forms of criminal offences. Moreover, when it is about determination of gravity of sanctions for perpetrator of those offences, the court, in compliance with the rules on determination of sanction takes into consideration all circumstances influencing on determination of sanction, especially on motives to commit such an act, his/her relationships against a victim etc.

BULGARIA / BULGARIE

Did not reply yet. / N'a pas encore répondu.

CROATIA / CROATIE

Question a.

The entire Title XVII of the Criminal Act passed in 2011 refers to sexual activities involving a child who has not reached the legal age for sexual activities.

(...)

Article 23 of the Convention is covered by Article 162, paragraph 4, of the CA. In other words, the said Article provides for the punishment of anyone who advertises the exploitation of the sexual services of a child.

(...)

Question b.

There is no difference between the said criminal offences defined by the Criminal Act from those stated in the Convention.

(...)

Question d.

That the age of the child plays a role in determining the gravity of criminal offences is evident from the Criminal Act itself which has provided for a special group of criminal offences committed against children under the age of 15 years. This fact, in addition to the circumstances referred to in Article 47 of the CA, may be taken into account when determining the type and severity of punishment.¹¹

CYPRUS / CHYPRE

Question a.

Solicitation of Children for Sexual Purposes: Yes

(...)

Question d.

If the child is under the age of 12, then it is considered to be ‘particularly vulnerable’. This, according to Law 87(I)/2007, is an aggravating factor in the course of the trial.

DENMARK / DANEMARK

Question a.

With the exception of the production and possession for personal use of child pornography involving a child over the age of consent (15 years of age) who has consented to such possession, the intentional conducts in the box below are criminal offences in Denmark.

(...)

As regards “Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)” (...), it is not a condition for criminal liability for the intentional proposal to meet a child for the purpose of committing sexual abuse or producing child pornography that the proposal be made through information and communication technologies nor that the proposal be followed by material acts leading to such a meeting.

Question d.

The younger the victim, the more serious the offence.

¹¹ Article 47, paragraph 1, of the CA reads as follows: “When determining the type and measure of punishment, the court shall, starting from the degree of guilt and the purpose of punishment, assess all the circumstances affecting the severity of punishment by type and measure of punishment (mitigating and aggravating circumstances), and especially the degree of threat to or violation of a legally protected good, the motive for having committed the criminal offence, the degree to which the perpetrator's duties have been violated, the manner of commission and the consequences arising from the commission of the criminal offence, the perpetrator's prior life, his/her personal and pecuniary circumstances and his/her conduct following the commission of the criminal offence, his/her relationship to the victim and his/her efforts to repair the damage.

ESTONIA / ESTONIE

Question a - d.

Intentional conducts in the box below are considered criminal offences by Estonian internal law. Estonian Penal Code is available online in English:

<https://www.riigiteataja.ee/en/eli/523122013003/consolide>

(...)

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting. **Penal Code § 178¹**

(...) Our domestic provision is broader, as it covers offline grooming as well, although the Convention only requires punishment for online grooming:

§ 175¹. Agreement of sexual purpose for meeting with child

(1) Making a proposal for meeting a person of less than 18 years of age who was not capable of comprehending the situation, or a person of less than 14 years of age, or concluding an agreement to meet him or her, and performance of an act preparing the meeting, if the aim of the meeting is to commit an offence provided for in § 133, 133¹, 141–145¹, 175, 175¹, 178 or 179 of this Code with respect to the specified person, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

FINLAND / FINLANDE

All the offences listed in the questionnaire are criminalized in Finland (see the Criminal Code provisions attached). (...).

Article 23, “Grooming”

Chapter 20, Section 8b.1 (Solicitation of a child for sexual purposes)

FRANCE

Did not reply yet. / N’a pas encore répondu.

GEORGIA / GEORGIE

Chapter XXII of Criminal Code of Georgia (CCG) contains crimes against Sexual Freedom and Inviolability. Among them are: Rape (Article 137); Sexual Abuse under Violence (Article 138); Coercion into Sexual Intercourse or Other Action of Sexual Character (Article 139); Sexual Intercourse or Other Action of Sexual Character with One under Sixteen (Article 140); Perversion (Article 141). (see the answer on question 3 and question 19).

GERMANY / ALLEMAGNE

Question a.

The acts described in Articles 18 to 23 are covered by Chapter Thirteen of the Criminal Code (StGB), with the exception of Article 21 para. 1 letter (c).

Article 24 para. 1 obligates the Parties to establish as criminal offences, when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with the Convention. Applicable German law (sections 26 and 27 StGB) meets this requirement.

Article 24 para. 2 obliges Parties to establish as criminal offences, when committed intentionally, attempts to commit the offences established in accordance with the Convention. Pursuant to applicable German law (section 23 StGB), the attempt to commit a criminal offence entails criminal liability only if expressly provided so by law. This essentially applies in the cases referred to in sections 174 et seqq., 232, 233a StGB, which are relevant as regards implementation of the Convention.

Question b.

Please refer to the answer to question 16 a. There are currently no plans to make adjustments in line with the requirements under the Convention.

(...)

Question d.

The age of the victim is sometimes an element of an offence. In addition, where the victim is very young his/her age may be taken into account when determining the penalty.

GREECE / GRÈCE

Did not reply yet. / N'a pas encore répondu.

HUNGARY / HONGRIE

Did not reply. / N'a pas répondu.

ICELAND / ISLANDE

Question a.

All of the intentional conducts described in the box on page 8 in the questionnaire are considered criminal offences under Icelandic criminal law.

(...)

All conducts in Article 20-21 and 23 are considered criminal offences according to article 210A and 210B of the Icelandic Penal Code.

(...)

Question b.

The Standing Committee on Penal Law reported no differentiation from the Convention benchmark in the amending legislation.

Question c.

Other offences are not incriminated in Icelandic law, as the offences listed below are quite exhaustive.

Question d.

It should be pointed out that the age of sexual consent in Iceland is 15 years and all sexual contact with children under that age is criminal (Art. 202) The age of the child *per se* does not play a role in determining the gravity of the offence. However in cases of incest the gravity is determined higher if the child is below the age of 16 years of age (Art. 201). Furthermore it should be noted that in practice courts do in certain cases make a reference to the young age of the child victim which indicates that it is one of the factors evaluated when determining the gravity of the offence. See also Article 70 para 1, Article 195, Article 198, 200 and Article 202 para 1.

IRELAND / IRELANDE

Did not reply. / N’a pas répondu.

ITALY / ITALIE

Question a.

All the conducts indicated in the box are considered criminal offences in internal law.

<p>CETS 201 – Protection of Children against Sexual Exploitation and Sexual Abuse Lanzarote, 25.X.2007</p>	<p>Internal law</p>
<p><i>Article 23 – Solicitation of children for sexual purposes (“grooming”)</i></p> <p>The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.</p>	<p>Article 609undecies of the Criminal Code Solicitation of minors</p> <p>- Article 609undecies of the Criminal Code Whoever, for the purposes of committing the offences set forth in Articles 600, 600-bis, 600-ter and 600-quater, even if related to the pornographic material as per Articles 600-quater.1, 600-quinquies, 609-bis, 609-quater, 609-quinquies and 609-octies, solicits a minor under sixteen years of age shall be punished, unless the act amounts to a more serious offence, by imprisonment from one to three years. Solicitation shall mean any act intended to gain a minor’s trust through artifices, flattery or threats, also by using the Internet or</p>

(...) another significant provision is included in article no. 11 of Law no. 38, regarding the application of the sentence upon request from the parties (art. 444 of the Code of Criminal Procedure): the opportunity for the offender to “**find an agreement**” is cancelled for the following cases:

- Use of minors under 18 to make pornographic exhibitions or produce pornographic materials;
- Instigation of a minor under eighteen to take part in pornographic exhibitions;
- Trade of pornographic material made utilizing minors under 18;
- Distribution, dissemination, spreading or advertising the material above or information aimed at sexual soliciting or sexual exploitation of minors under 18;
- Possession of large quantities of the material above;
- Production or trading in “virtual” pornographic material.

To fully understand the significance of this choice, it is necessary to mention that in the code of criminal procedure the exclusion of plea bargaining only occurs for crimes such as criminal conspiracy, criminal association with mafia objectives, slavery, trafficking of people, kidnapping or crimes for terrorist purposes.

It should finally be noted that Italian law envisages **mandatory arrest in the act** of committing the crime in the following cases:

- instigation to prostitution of a person under eighteen or assisting or exploiting prostitution of a person under eighteen,
- use of minors under eighteen to make pornographic exhibitions or produce pornographic material or induce minors under eighteen to take part in pornographic exhibitions (law 38 extended this provision also to the case of the production of virtual child pornography);
- organization or advertising travel aimed at making use of prostitution to the detriment of minors or which includes such activity.

The Law no. 38/2006 also introduced optional arrest in the act of committing a crime in the cases of offer, sale or possession of pornographic material featuring minors, also in the event of virtual child pornographic material.

In all these cases, it is however mandatory for the public attorney (Procuratore della Repubblica) to give information to the Juvenile Court for the immediate beginning of procedures for the protection of the minors concerned. Support from social services is always guaranteed for minors, and the court must make use of them (art. 609 decies of Criminal Code).

Question b.

There are no particular differences.

However, in order to protect the child victim, Law 1 October 2012, n. 172 has modified Art. 609 sexies of the Criminal Code, providing for the expansion of the range of offenses against minors with respect to which it can no longer claim to be unaware of the minor age, thanks

to the principle of “*non excusability*” about ignorance of the age of the offended person, whose limit has been raised to 18 years.

(...)

Question d.

Yes, in our legal system the fact that the age of a child victim of sexual abuse is less than ten years is considered as an aggravating circumstance.

For this reason:

- the penalty is increased, as stipulated by Articles 609 ter and 609 quater of the Criminal Code;
- the offence is prosecuted *ex officio*, as stipulated by Art. 609 septies, c. 4 of the Criminal Code.

Moreover, in our Criminal Code there are other cases in which the age of the child plays a role in determining the gravity of the offences:

- Art. 600 bis, c.2;
- Art. 609 ter, c.1 n.1, 5;
- Art. 609 quater, c.1, c.3.

LATVIA / LETTONIE

Question a.

From the offences listed below with the individual differences mentioned in the clause b of this questionnaire's question b, all are criminalized in Latvia.

Question b.

(...)

Question d.

The child's age plays a role in determining the gravity of the crime. Minority (a child has not reached the age of 18) and pupillage (a child has not reached the age of 14) have been defined as qualifying elements, namely sanctions for offences against a minor's morality and sexual inviolability are provided more severe compared with analogous offences against a person of full age. If the crime has been committed against a preteen, the sanctions are even more severe than those prescribed for cases where the victim is 14-17 years old.

In addition, please be informed that the pupillage, i.e, the fact that a child is under the age of 14, in the theory of the criminal law in Latvia has been recognized as the state of helplessness, so that sexual intercourse or other similar acts with these children in all cases to be classified as rape or forcible sexual gratification.

In addition please be informed that in the near future, alterations are planned in relation to those qualifying elements. Namely, the sanctions will be graded, dividing the children into the following age groups: 1) minors (as before - children under the age of 18) and 2) persons under the age of puberty (children under 16, i.e. the age at which engaging into sexual acts is permitted in Latvia). This means that the most severe sanctions that are currently applied in cases where the child is a preteen (has not reached the age of 14) will also apply in cases where the child is 14 or 15 years old.

LIECHTENSTEIN

Did not reply. / N'a pas répondu.

LITHUANIA / LITUANIE

Questions a and b.

(...)

Enticement of children for sexual purposes

It is suggested in the Draft Criminal Code to criminalize the enticement of children for sexual purposes by introducing the following new Article in the Criminal Code:

„Article 152¹. Enticement of a child under sixteen years of age

1. An adult person, who invited a child under sixteen years of age to have a date with the intentional purpose of sexual intercourse or otherwise satisfying sexual desires with the child, or exploiting the child for the production of pornographic material, given the proposal was followed by specific acts leading to the actual meeting, shall be punished by imposing a fine, restriction of freedom, arrest or imprisonment up to one year.

2. Legal persons shall also be held liable for the acts stipulated in this article.“

(...)

(...)

Question d.

In defining criminal liability for particular criminal acts against the freedom of sexual self-determination and the inviolability, the age of a child is taken into consideration. For example, given the rape or sexual abuse is committed against a juvenile child (under 14 years of age) the punishment shall be heavier than in the case of a similar crime against a minor (under 18 years of age). Subsequently, rape and sexual abuse against a juvenile is considered a more dangerous criminal act. In other cases (for example, in the case of pornography or prostitution of children) similar punishment for criminal acts against children in general is defined. However, punishment is always imposed INTER ALIA with regards to the individual peculiarities of the victim.

LUXEMBOURG

Question a.

Les comportements décrits au présent article sont érigés en infraction par l'article 385-2 du Code pénal.

L'article 385-2 du Code pénal dispose ce qui suit :

« Art. 385-2. (L. 16 juillet 2011) Le fait pour un majeur de faire des propositions sexuelles à un mineur de moins de seize ans ou à une personne se présentant comme telle en utilisant un moyen de communication électronique est puni d'un emprisonnement d'un mois à trois ans et d'une amende de 251 à 50.000 euros.

Il sera puni d'un emprisonnement d'un à cinq ans et d'une amende de 251 à 75.000 euros lorsque les propositions ont été suivies d'une rencontre. »

Tentative : Au Luxembourg, la tentative est régie par les articles 51 à 53 du Code pénal.

« Art. 51. Il y a tentative punissable, lorsque la résolution de commettre un crime ou un délit a été manifestée par des actes extérieurs qui forment un commencement d'exécution de ce crime ou de ce délit, et qui n'ont été suspendus ou n'ont manqué leur effet que par des circonstances indépendantes de la volonté de l'auteur.

Art. 52. (L. 7 juillet 2003) La tentative de crime est punie de la peine immédiatement inférieure à celle du crime même.

Est considérée comme immédiatement inférieure:

a) A la peine de la réclusion à vie, celle de la réclusion de vingt à trente ans ;

b) A la peine de la réclusion de vingt à trente ans, celle de la réclusion de quinze à vingt ans ;

c) A la peine de la réclusion de quinze à vingt ans, celle de la réclusion de dix à quinze ans ;

d) A la peine de la réclusion de dix à quinze ans, celle de la réclusion de cinq à dix ans ;

e) A la peine de la réclusion de cinq à dix ans, celle d'un emprisonnement de trois mois au moins.

Art. 53. La loi détermine dans quels cas et de quelles peines sont punies les tentatives de délits. »

De manière générale, on peut retenir que la tentative d'un crime est toujours punissable alors que la tentative d'un délit ne l'est que si la loi le prévoit expressément.

L'article 24 paragraphe 2 de la Convention prévoit une obligation pour les Etats parties d'ériger en infraction pénale toute tentative intentionnelle de commettre l'une des infractions prévues dans la Convention.

En ce qui concerne les infractions prévues à (...) l'article 23 de la Convention (Sollicitation d'enfants à des fins sexuelles), une réserve est faite, alors qu'il y a impossibilité matérielle de prouver les tentatives de ces infractions.

Question b.

En ce qui concerne la sollicitation d'enfants à des fins sexuelles : Le champ d'application de cette infraction va plus loin que le texte de la Convention en ce que le simple fait de faire des propositions à un mineur de moins de seize ans, constitue en lui seul une infraction pénale, indépendamment de la question de savoir si lesdites propositions sexuelles ont été suivies d'une rencontre ou non. La loi pénale prévoit une aggravation des peines lorsque les propositions ont été suivies d'une rencontre.

Cette extension est justifiée par le fait que l'enfant peut également être impliqué avant même qu'il y ait une rencontre dans la production de pornographie enfantine, par exemple en envoyant des photos personnelles compromettantes prises à l'aide d'un appareil photo numérique, une webcam ou une caméra de téléphone mobile, ce qui offre à la personne sollicitant l'enfant un moyen de le contrôler en le menaçant.

Cette disposition luxembourgeoise va encore plus loin que le texte de la Convention, en ce qu'elle incrimine également « la sollicitation » à l'égard d'une personne qui se présente comme mineur de 16 ans, alors qu'en réalité elle ne l'est pas.

Question d.

L'âge de la victime influe sur la détermination du degré de gravité de l'infraction. A titre d'exemple, l'infraction de l'attentat à la pudeur est passible de la réclusion de 5 à 10 ans, lorsque l'attentat a été commis sur un enfant âgé de moins de 11 ans. De même, l'exploitation des mineurs à des fins sexuels sera punie de la réclusion de cinq à dix ans s'il a été commis envers un mineur âgé de moins de seize ans, et de la réclusion de dix à quinze ans s'il a été commis envers un mineur de moins de onze ans.

MALTA/MALTE

Did not reply yet. / N'a pas encore répondu.

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Question a.

Actions under the Convention Lanzarote, committed intentionally, are considered offenses under the Criminal Code of the Republic, as follows:

(...)

Request of Children for Sexual Purposes (taking care) (art.23)

- Art. 175¹- mooring of Children for Sexual Purposes- proposal including through information and communication technologies, to a meeting with a child for committing any offense against him of a sexual nature, whether the proposal has been followed by material acts leading to such a meeting

(...)

(...)

Question d.

The criminal law identifies situations which requires the necessity to determine the child's age, this being an inevitable argument in the process of establishing the punishment (see Article 77 Criminal Code).

In this context, the Criminal Code classifies rape committed against a minor if the perpetrator knew for sure that commits a forced sexual intercourse with a person aged 14 to 18. While rape of a person under the age of 14 years qualifies as if the offender knew or admitted that commits a sexual intercourse with a minor under the age of 14.

Thus, for these types of crimes can be established a punishment between 5-12 years (Article 171 par. (2) b) of the Criminal Code) and 10-20 years (Article 171 par. (3) b) of the Criminal Code).

MONACO

Question a.

Pour l'ensemble des catégories d'infractions déclinées dans ce paragraphe, la tentative et les actes de complicité sont réprimés.

(...)

La sollicitation d'enfants à des fins sexuelles :

L'article 294-6 du Code pénal énonce :

« Le fait pour un majeur de proposer intentionnellement, par l'emploi d'un réseau de communications électroniques, une rencontre à une personne, en connaissance de sa qualité de mineur dans le but de commettre à son encontre toute infraction à caractère sexuel punie d'une peine d'emprisonnement supérieure ou égale à trois ans, est passible d'un emprisonnement de six mois à deux ans et de l'amende prévue au chiffre 2 de l'article 26. Lorsque cette rencontre a eu lieu, les peines sont portées de trois à cinq ans d'emprisonnement et à l'amende prévue au chiffre 4 de l'article 26. »

(...)

MONTENEGRO

Question a.

Title Eighteen of the Criminal Code – Criminal Offences against Sexual Freedom, comprehensively regulates the conduct in the field (...). The introduction of a new Article is proposed, which would be entitled “Alluring the Child in Order to Commit a Criminal Offence against Sexual Freedom, Article 211b”.

Question b.

Criminal offences prescribed by the Criminal Code have been fully aligned with the present Convention through the latest amendments.

(...)

Question d.

Age of the child plays a very important role when it comes to the criminal offences related to the sexual abuse of children and in these cases these are severe forms of criminal offences. Also, when it comes to sentencing the perpetrator of these criminal offences, the court, pursuant to the rules of sentencing, takes into account all the circumstances which affect the length of the sentence, and in particular the motives for the offence, against whom the offence was committed, treatment of the victim, etc.

NETHERLANDS / PAYS BAS

Question a.

(...)

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

This acts is covered by the offence described in article 248e of the Dutch Criminal Code.

(...)

NORWAY / NORVEGE

Did not reply. / N’a pas répondu.

POLAND / POLOGNE

Did not reply. / N’a pas répondu.

PORTUGAL

No specific information on “grooming”.

Question d.

The age of the victim plays an aggravating role on the criminal frame in the following way:

- The penalties provided for in Articles 163, 164, 168, 174, 175 and Article 176 (1) of the Criminal Code are aggravated by one-third in its minimum and maximum limits, if the victim is under 16 years;
- The penalties provided for in Articles 163, 164, 168, 175 and Article 176 (1) are aggravated by half in its minimum and maximum limits, if the victim is under 14 years; Furthermore, the age of the victim functions as a reference parameter in the structure of certain criminal types, in particular:
 - The most serious level of incrimination is built by reference to victims under 14 years: Article 171 of the Criminal Code (Sexual abuse of children);
 - There are two legal types constructed by reference to victims aged between 14 and 18 years, Articles 172 (sexual abuse of dependant minors) and 174 (recourse to child prostitution);
 - There is a criminal type built by reference to victims aged between 14 and 16 years, Article 173 (sexual intercourse with adolescents).

ROMANIA / ROUMANIE

No specific information on “grooming”.

Question d.

The age of a child plays an important role in determining the gravity of the offence in the following situations:

- In case of the offences of sexual intercourse with a child and sexual corruption of children – the penalty is different depending on the following:
 - o The child has not reached 13 years of age;
 - o The child is aged between 13 and 15 years;
 - o The child is aged between 15 and 18 years.

The offence of recruiting children for sexual purposes has as its passive subject the child who has not yet reached the age of 13.

RUSSIAN FEDERATION / FEDERATION DE RUSSIE¹²

Did not reply yet. / N'a pas encore répondu.

SAN MARINO / SAINT-MARIN

Did not reply yet. / N'a pas encore répondu.

SERBIA / SERBIE

Question a.

(...)

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23) is criminalised under Article 185 (b) of the Criminal Code - Abuse of Computer Networks or other Technical Communication Means for Committing Criminal Offences against Sexual Freedom of Juveniles.

(...)

(...)

Question d.

NGO Centre for Children Rights:

A child’s age is not relevant for establishing the gravity of criminal offence, whereas the legislator with regard to a number of sexual offences (criminal offences against sexual freedoms) makes distinction of an criminal offence committed against a child - meaning the child under 14 years of age, and against a minor who has reached 14 years of age and has not yet reached 18 years of age. The criminal offence committed against the child under 14 years of age is a qualifying form of criminal offence (it falls within such a criminal offences with higher degree of seriousness and gravity) that more serious criminal sanction is proscribed for in comparison to the basic form of a criminal offence: Rape – CC, Art 179,

¹² The Russian Federation became a State party after the 1st monitoring round was launched. As all Parties it has to reply to the General Overview Questionnaire. Its replies should be received by 31 July 2014 at the latest. / La Fédération de Russie est devenue Etat Partie après le lancement du 1^{er} cycle de suivi. Comme toutes les Parties, elle doit répondre au Questionnaire « Aperçu Général ». Ses réponses doivent être reçues au plus tard le 31 juillet 2014.

Sexual Intercourse with Helpless Person – CC, Article 179, Sexual Intercourse Through Abuse of a Position – Article 181, Abuse of Computer Networks or other Technical Communication Means for Committing Criminal Offences against Sexual Freedom of Juveniles – Article 185, Inducing a Minor to Attend Sexual Acts—Article 185a, Abuse of Computer Networks or other Technical Communication Means for Committing Criminal Offences against Sexual Freedom of Juveniles- Article 185b of the Criminal Code.

SLOVAK REPUBLIC / REPUBLIQUE

Did not reply. / N’a pas répondu.

SLOVENIA / SLOVENIE¹³

Did not reply yet. / N’a pas encore répondu.

SPAIN / ESPAGNE

Question a.

Spanish legislation criminalises all behaviours identified by the Convention (articles 183, 183 bis, 187-194). The 2010 review of the Criminal Code added Chapter II bis to Title VIII, on sexual abuse and assault on children under the age of thirteen years, which extended the scope of the crime of child pornography, introduced the crime of sexual cyber-harassment (“grooming”) and increased the penalties for these crimes to up to 15 years of imprisonment.

(...)

Question d.

Offences of sexual abuse, prostitution, pornography and trafficking of human beings carry a tougher punishment when the victim is under the age of thirteen.

SWEDEN / SUEDE

Questions a - c.

(...)

	Solicitation of Children for Sexual Purposes (Article 23)		
	The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual		Ch. 6, Section 10a

¹³ Slovenia became a State party after the 1st monitoring round was launched. As all Parties it has to reply to the General Overview Questionnaire. Its replies should be received by 31 August 2014 at the latest. / La Slovénie est devenue Etat Partie après le lancement du premier cycle de suivi. Comme toutes les Parties, elle doit répondre au Questionnaire “Aperçu Général”. Ses réponses doivent être reçues au plus tard le 31 août 2014.

	activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting		
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(...)

Question d.

Chapter 6 of the Swedish Penal Code contains a number of penal provisions focusing on sexual crimes against children. Some of these concern acts committed against someone who is under 15 years of age and some acts committed against someone who is under 18 years of age. The differences reflect the fact that the age limit for the right to sexual self-determination in Sweden is 15. Thus, in respect of children under the age of 15, Swedish criminal law offers complete protection against all forms of sexual acts. Additionally, there is special protection for the 15-18 age group against being exploited in various contexts.

SWITZERLAND / SUISSE¹⁴

Did not reply. / N'a pas répondu.

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE"

Did not reply yet. / N'a pas encore répondu.

TURKEY / TURQUIE

Questions a - d.

Under Article 103 of the Turkish Penal Code, any attempt at physical contact with the child with a sexual aim, shall be sentenced with imprisonment. Under this article, all kinds of sexual attempt against children who are under the age of fifteen or against those attained the age of fifteen but lack of ability to understand the legal consequences of such act, as well as sexual abuse of other children by force, threat or fraud, or any other reason having an influence on the will of the child are defined as sexual abuse.

According to Article 104 of the said Code, any person who is in sexual intercourse with a child who completed the age of fifteen without using force, threat and fraud, is sentenced to imprisonment from six months to two years upon filing of a complaint. Then again, other than the abovementioned¹⁴ offences, in the event of sexual molestation without physical contact, the perpetrator shall also be punishable under Article 105 of the Turkish Penal Code.

(...)

¹⁴ Switzerland became a State party after the 1st monitoring round was launched. As all Parties it has to reply to the General Overview Questionnaire. Its replies should be received by 28 February 2015 at the latest. / La Suisse est devenue Etat Partie après le lancement du premier cycle de suivi. Comme toutes les Parties, elle doit répondre au Questionnaire "Aperçu Général". Ses réponses doivent être reçues au plus tard le 28 février 2015.

Solicitation of Children for Sexual Purposes ("grooming") (Article 23)- Article 103 or 226/3,5 of the Turkish Penal Code

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

(...)

UKRAINE

Questions a - d.

Solicitation of Children for Sexual Purposes ("grooming") (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

Article 156 of the CCU foresees liability for corruption of individuals under the age of 16, while Article 301 of the CCU sets forth liability for import, creation, marketing and distribution of pornographic items.

As of today, the actions described by Article 23 of the Convention may be qualified as preparation to commit the said crimes.

UNITED KINGDOM / GRANDE BRETAGNE

Did not reply. / N'a pas répondu.