

Presentation title:

Harsher punishment for a juvenile than an adult for raping a peer

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The revised regulation of Chapter 20 of the Finnish Criminal Code on sexual offences entered into force on the 1st of January 2023. It was intended to separate sexual offences against children under the age of sixteen from those against adults. Previously, sexual offences were, in principle, subject to the provisions applicable to both children and adults. It has been held that a child under the age of sixteen is not in principle mature enough to give valid consent to sexual intercourse. In the case of children under sixteen, the regulation primarily protects the personal integrity of the child. This is necessary in order to safeguard the child's safe and undisturbed development. The aim of the new legislation on sexual offences was to strengthen the protection of sexual autonomy and personal integrity. The penalties for sexual offences were increased, particularly for sexual offences against children. This was intended to emphasize the particular reprehensibility of offences against children. The article discusses the impact of the new legislation on punishment when a minor commits a child rape and will then be punished more severely than an adult who rapes another adult. The penal latitude for child rape is imprisonment from two to ten years' whereas in the case of adult rape, the penal latitude is from one to six years' imprisonment. The consequence of this is that when the offender is under eighteen years of age and the victim under sixteen years of age, the punishment is more severe than when an adult rapes another adult. This was hardly the intention of the revision of the law. It is also contrary to the views of the UN Committee on the Rights of the Child to reduce the punishment and deprivation of liberty of minors to a minimum.