

# CRIMINALIZATION AND PROSECUTION OF RAPE IN SWEDEN

## SUBMISSION TO THE UN SPECIAL RAPporteur ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES

Amnesty International presents the attached responses to the questionnaire on criminalization and prosecution of rape in Sweden. This submission has been prepared in response to the call for contributions issued by the United Nations (UN) Special Rapporteur on violence against women, its causes and consequences ahead of her upcoming report on rape as a grave and systematic human rights violation and a form of gender-based violence against women.

### Definition and scope of criminal law provisions

1. Please provide information on criminal law provision/s on rape (or analogous forms of serious sexual violence for those jurisdictions that do not have a rape classification) by providing full translated transcripts of the relevant Sections of the Criminal Code and the Criminal procedure code.

See Chapter 6, On sexual offences, in the official translation of the Swedish Criminal Code, Annex 1 to this submission.<sup>1</sup>

General note: While the provisions in the Swedish Criminal Code are succinct, the preparatory works are often comprehensive and include important definitions of different concepts. Such preparatory works (including proposals of reforms or amendment from State public inquiries, Government bills among others) have by tradition been used by Swedish courts as one of the main sources when interpreting specific provisions in the Criminal Code and are often referred to in court decisions. Therefore, Amnesty International also included information on relevant definitions that are found in such preparatory works, in this questionnaire.

2. Based on the wording of those provisions, is the provided definition of rape:

- a) Gender specific, covering women only NO
- b) Gender neutral, covering all persons YES
- c) Based on the lack of consent of victim YES
- d) Based on the use of force or threat NO
- e) Some combination of the above. NO

<sup>1</sup> Also available at: [www.government.se/498621/contentassets/7a2dcae0787e465e9a2431554b5eab03/the-swedish-criminal-code.pdf](http://www.government.se/498621/contentassets/7a2dcae0787e465e9a2431554b5eab03/the-swedish-criminal-code.pdf).  
The Swedish Code of Judicial Procedure (1942:740) is available in English at:  
[www.government.se/government-policy/judicial-system/the-swedish-code-of-judicial-procedure/](http://www.government.se/government-policy/judicial-system/the-swedish-code-of-judicial-procedure/)

- f) Does it cover only vaginal rape? NO
- g) Does it cover all forms of penetration? YES. If yes, please specify.

While heterosexual intercourse (the penetration of vagina with penis) is the norm in legal interpretations of the law, “*some other sexual act that in view of the seriousness of the violation is comparable to sexual intercourse*” is also defined as rape in Section 1. According to the preparatory works, such acts include oral and anal penetration with any bodily part as well as inserting fingers or objects in the victim's vagina or anal opening. “Sexual act” is not defined in the Swedish Criminal Code but in the preparatory works of earlier bills on sexual crimes has been defined as “physical touching of some duration of either the other person's genitals or the other person's body with their own genitals”. Acts that do not last for “some duration” but are of a sexual nature and are intended to clearly violate the victim's sexual integrity may also constitute rape. The assessments of comparable acts should focus on the seriousness of the violation of the victim's integrity rather than “technical” issues.

- h) Is marital rape in this provision explicitly included? NO
- i) Is the law silent on marital rape? YES
- j) Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included? YES
- k) Is marital rape excluded in the provisions, or is marital rape not considered as a crime? NO

In 1962, rape within marriage was criminalized but as a “violation” - a less serious form of rape. In 1984, the provision on “violation” was repealed with the aim to provide equal legal protection to victims of rape, regardless of their relationship to the perpetrator. The rape legislation also became gender neutral. Today, marriage (or cohabitation, which is common in Sweden) is neither a mitigating nor an aggravating factor in the rape legislation.

3. Are there any provisions excluding criminalization of the perpetrator if the victim and alleged perpetrator live together in a sexual relationship/have a sexual relationship/had a sexual relationship? If so, please submit it.

NO

4. What is the legal age for sexual consent?

15 years of age.<sup>2</sup>

5. Are there provisions that differentiate for sexual activity between peers? If so, please provide them. YES

See Section 14 in Annex 1.

6. Provide information on criminal sanctions prescribed and length/duration of such criminal sanctions for criminalized forms of rape.

There is a three-degree scale of sanctions for the crime of rape (involving victims over 15 years of age), a two-degree scale for the rape of a child (involving victims under 15 years of age and, in some circumstances victims between 15-17 years of age) and a one-degree scale of sanctions for negligent rape.

- Rape - imprisonment for at least two and at most six years (Criminal Code, Chapter 6, Section 1)

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<sup>2</sup> The age of consent is not stated as such in the Criminal Code but Section 4 defines sexual intercourse or another sexual act that in view of the seriousness of the violation of integrity is comparable to sexual intercourse, with a child under fifteen years of age as rape of a child, which is a specific crime and consent (voluntary participation) does not relieve the accused of criminal liability.

- Gross (aggravated) rape - imprisonment for at least five and at most ten years (Criminal Code, Chapter 6, Section 1)
- “Less serious” rape - imprisonment for at most four years (Criminal Code, Chapter 6, Section 1)
- Negligent rape<sup>3</sup> - imprisonment for at most four years (Criminal Code, Chapter 6, Section 1a)
- Rape of a child - imprisonment for at least two and at most six years (Criminal Code, Chapter 6, Section 4)
- Gross (aggravated) rape of a child - imprisonment for at least five and at most ten years. (Criminal Code, Chapter 6, Section 4)
- Attempted rape, gross rape, rape of a child, gross rape of a child is also punishable (Criminal Code, Chapter 6, Section 15).

There are other general provisions related to the age of the person committing (any) crime which provide for more lenient punishments for persons under 21.<sup>4</sup>

7. What does the legislation in your country provide in terms of reparation to the victim of rape and/or sexual violence after conviction of the perpetrator?

According to the Indemnity Act (Chapter 2, 1§ and 3§) a victim of crime has the right to indemnity for personal injury, which includes expenses for medical treatment, counselling and other costs related to the injury, loss of income, pain and suffering, such as pain or discomfort during the period of illness, permanent injuries, such as scars, loss of healthy teeth, impaired vision or hearing.<sup>5</sup> A standardized compensation for pain and suffering is paid for certain types of crime. The standardized compensation for rape is SEK 15,000 (approx. EUR 1,403) and SEK 10,000 (EUR 934) for negligent rape.<sup>6</sup> The victim may also receive compensation for damaged clothing, spectacles, dentures or similar objects worn at the time of the crime.

In cases of rape the victim is also entitled to compensation for violation of personal integrity.<sup>7</sup> The standard compensation currently amounts to SEK 100,000 (EUR 9,385) in cases of rape and SEK 75,000 (EUR 7,038) in cases of negligent rape.

If the court has ordered the defendant to pay damages, this does not mean that the money will be automatically paid to the victim. In many cases, the offender cannot or may not voluntarily pay damages, in which case the *Kronofogden* (the Swedish Enforcement Authority) will help to ensure that the money is paid. If the convicted offender is unable to pay the damages and the victim does not have insurance that fully covers the amount, they may be entitled to compensation from the state. An application must then be made to the Crime Victim Compensation and Support Authority.<sup>8</sup>

Also, even in cases where the perpetrator is unknown or the case doesn't lead to prosecution, victims of rape may be entitled to compensation through their insurance policy. Most if not all householder's comprehensive insurance policies have a standardized compensation for rape and gross (aggravated) rape, as well as rape and gross rape of a child, without the requirement of prosecution or conviction in court. The decision following the police investigation and any medical records from healthcare providers are normally sufficient.<sup>9</sup> In addition, accident insurance, such as that provided by trade unions, may also compensate victims for personal injury sustained as a consequence of the crime. Most employees are covered by a labour market insurance scheme which may offer compensation for loss,

<sup>3</sup> See Section 26 footnote 17 below for an explanation of “negligent rape”.

<sup>4</sup> Criminal Code, Chapter 29, 7 §, available at <https://lagen.nu/1962:700#K29P7>.

<sup>5</sup> Skadeståndslag 1972:207 (Indemnity Act), Chapter 2, 2§ and 3§, Chapter 5, 1§, available in Swedish at: <https://lagen.nu/1972:207#K5>.

<sup>6</sup> Negligent rape is a new offence introduced in 2018 and the level of compensation was set in a ruling by the Supreme Court in December 2019. Available in Swedish at: [www.domstol.se/globalassets/filer/domstol/hogstodomstolen/avgoranden/2019/t-3808-19.pdf](http://www.domstol.se/globalassets/filer/domstol/hogstodomstolen/avgoranden/2019/t-3808-19.pdf).

<sup>7</sup> Skadeståndslag 1972:207 (Indemnity Act), Chapter 5, 6§, available in Swedish at: <https://lagen.nu/1972:207#K5P5>.

<sup>8</sup> See information from the Crime Victim Compensation and Support Authority, available at: [www.brottsoffermyndigheten.se/eng/compensation/criminal-injuries-compensation](http://www.brottsoffermyndigheten.se/eng/compensation/criminal-injuries-compensation).

<sup>9</sup> Information received by Amnesty International from one of the major insurance companies Trygg Hansa 2018-121-27. Compensation for assault including rape is included in the householder's comprehensive insurance policy of several major insurance companies such as Länsförsäkringar and Folksam although the conditions and compensation may vary.

damage or injury incurred at the workplace. Although home and accident insurance policies are common, there is an obvious risk that women from marginalized groups, unemployed women, migrant women and others may not have private insurance and many may lack information about their existence and/or what these cover.

### **Aggravating and mitigating circumstances**

8. Does the law foresee aggravating circumstances when sentencing rape cases? If so, what are they? YES

According to the Criminal Code, Chapter 6, Section 1, aggravating circumstances in rape cases include:

- The use of violence or a threat of a particularly serious nature;
  - More than one person who assaulted the victim or took part in the assault in some other way;
  - The course of action / method used;
  - The young age of the victim (i.e. over 15 but below 18 years of age as rape of a child under 15 is a specific crime);
  - The perpetrator exhibited particular ruthlessness or brutality.
- a) Is rape by more than one perpetrator an aggravating circumstance? YES
  - b) Is rape of a particularly vulnerable individual an aggravating circumstance, or the imbalance of power between alleged perpetrator and victims? (for example, doctor/patient; teacher/student; age difference) YES

To exploit a person in a “particularly vulnerable situation” - which includes unconsciousness, sleep, grave fear (i.e. frozen fright reactions), the influence of alcohol or drugs, illness, bodily injury, mental disturbance or otherwise in view of the circumstances - or to abuse a position of dependence are explicitly listed in Chapter 6, Section 1 of the Criminal Code as circumstances under which a person can never be considered to be participating voluntarily in the sexual act, i.e. negating consent, but are not technically defined as aggravating circumstances.

- c) Is rape by spouse or intimate partner an aggravating circumstance? NO

9. Does the law foresee mitigating circumstances for the purposes of punishment? If yes, please specify. NO

However, some distinctions encompassed by the legal designations and punishments for less serious rape and negligent rape may in other jurisdictions be addressed through “mitigating circumstances”.<sup>10</sup>

10. Is reconciliation between the victim and the perpetrator allowed as part of a legal response?

Amnesty International’s research has not to date covered this issue.

If so, at what stage and what are the consequences?

- a) Regardless of the law, is reconciliation permitted in practice? And what is the practice in this regard?

Amnesty International’s research has not to date covered this issue.

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<sup>10</sup> See also: Chapter 29 of the Criminal Code on general provisions on aggravating and mitigating circumstances.

According to Act (2002: 445) on mediation by reason of crime, mediation is provided by the state or by municipalities. The purpose of the mediation is to give the perpetrator greater insight into the consequences of the crime and to give the victim the opportunity to process their experiences.

Mediation is offered under some conditions: it should be voluntary for both the perpetrator and the victim. The crime must be reported to the Police. The offender must have acknowledged the act or involvement in it. Mediation may only be used if it appears appropriate.

Although no offence is excluded from mediation by law, the preparatory works to Act (2002: 445) on mediation by reason of crime, state that "In some types of crime, mediation can also be directly inappropriate. This applies primarily to sexual crimes in general as well as violent crimes against close relatives, such as violence against women in close relationships. In some cases, an offer to participate in mediation may already be an additional violation of the victim [sic]. In some serious and integrity-violating crimes [sic], there may be grounds for refraining from contacting the victim and offering mediation, unless the victim her/himself has expressed wishes or otherwise initiated mediation."<sup>11</sup>

11. Is there any provision in the criminal code that allows for the non-prosecution of perpetrator? NO If yes, please specify.

a) if the perpetrator marries the victim of rape? NO

b) if the perpetrator loses his "socially dangerous" character or reconciles with the victim? NO

## Prosecution

12. Is rape reported to the police prosecuted ex officio (public prosecution)? YES

According to the Swedish Code of Judicial Procedure, Chapter 20 on the Right to Prosecute; Aggrieved Persons, most crimes are prosecuted ex officio.<sup>12</sup>

13. Is rape reported to the police prosecuted ex parte (private prosecution)? NO

14. Are plea bargain or "friendly settlement" of a case allowed in cases of rape of women? NO

15. Are plea bargain or "friendly settlement" of a case allowed in cases of rape of children? NO

16. Please provide information on the statute of limitations for prosecuting rape.

The statute of limitations is 15 years for gross (aggravated) rape and 10 years for rape and "less serious" rape, calculated from the date the crime was committed.<sup>13</sup>

As of 1 May 2020, there is no statute of limitation for the crimes of rape and gross rape if the victim is under 18 years of age and no statute of limitation for the crimes of rape of a child or gross (aggravated) rape of a child.<sup>14</sup>

17. Are there provisions allowing a child who was the victim of rape and to report it after reaching adulthood?  
YES

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<sup>11</sup> See Government bill 2001/02:126 : Mediation by reason of crime , available in Swedish at: <https://lagen.nu/prop/2001/02:126#S11>

<sup>12</sup> See Swedish Code of Judicial Procedure (1942:740), available in English at: <https://www.government.se/government-policy/judicial-system/the-swedish-code-of-judicial-procedure/>

<sup>13</sup> Criminal Code, Chapter 35, 1 §, available in Swedish at: <https://lagen.nu/1962:700#K35>.

<sup>14</sup> Criminal Code, Chapter 35, 2 §, available in Swedish at: <https://lagen.nu/1962:700#K35>.

As of 1 May 2020, there is no statute of limitation for the crimes of rape and gross (aggravated) rape if the victim is under 18 years of age, and no statute of limitation for the crimes rape and gross (aggravated) rape of a child (victims under 15 years of age).

18. Are there mandatory requirements for proof of rape, such a medical evidence or the need for witnesses?  
NO If yes, please specify.

No mandatory requirements in law but in practice, some sort of supporting evidence in addition to a detailed, consistent, credible and reliable statement from the complainant is normally required. Precedents have been set by the Supreme Court which underlined the importance of high-quality investigations in rape cases (see, for example judgment NJA 2009.<sup>15</sup> In this decision, the Supreme Court stated that [our translation]:

*As in any other criminal case, for a conviction in a sexual crime case, the court must, through the investigation presented in the case, find it has been put beyond reasonable doubt that the accused has been guilty of what he has been charged with. Thus, it is not enough that the complainant's statement is more credible than that of the accused. A prosecution in the case of sexual offences is not proven [...] by weighing the statements of the complainant and the accused against each other and the statement of the complainant is thereby considered to weigh more heavily.*

*In cases of alleged crimes of this kind, there is often no direct witness observations or technical evidence to support the prosecution. This does not prevent the evidence from being found sufficient for a conviction. A key task in such cases is to assess the credibility of the complainant's statement. A consistently credible statement from the complainant in conjunction with what has otherwise emerged in the case - for example about the complainant's behaviour after the incident - may be sufficient for a conviction. [...] It is, however, a reasonable requirement that the complainant's account has been verified to the practically possible extent during the preliminary investigation. Deficiencies/failures in this respect do not necessarily have to lead to the assessment that the prosecution has not been substantiated.*

19. Are there rape shield provisions aimed at preventing judges and defense lawyers from exposing a woman's sexual history during trial? NO

No specific, explicit rape shield provision. According to the Swedish Code of Judicial Procedure, Chapter 46, 4 § the President of the court shall ensure that order is observed, and she/he may stop any undue and irrelevant questions.<sup>16</sup>

According to the Guidelines of the Bar Association on Good Practice of Law, defence lawyers may not submit derogatory information or abusive or derogatory statements, unless it is justifiable to safeguard the client's interests in the current situation.<sup>17</sup>

Also, the complainant's counsel plays an important role in protesting undue and irrelevant questions.<sup>18</sup>

20. Are there procedural criminal law provisions aimed to avoid re-victimizations during the prosecution and court hearings? NO. If yes, please specify.

See 19 above – no specific criminal law provisions but the Guidelines of the Bar Association and the institution of the victim's legal counsel provide some means of preventing re-victimization.

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<sup>15</sup> NJA 2009, Bevisvärdering i våldtäktsmål (Assessment in cases of rape) , page 447, available in Swedish at: <https://lagen.nu/dom/nja/2009s447>.

<sup>16</sup> See Swedish Code of Judicial Procedure (1942:740), available in English at: [www.government.se/government-policy/judicial-system/the-swedish-code-of-judicial-procedure/](http://www.government.se/government-policy/judicial-system/the-swedish-code-of-judicial-procedure/).

<sup>17</sup> See Guidelines of the Bar Association on Good Practice of Law, page 31, available in Swedish at: [www.advokatsamfundet.se/globalassets/advokatsamfundet\\_sv/advokatetik/vagledande-regler-2016-med-kommentarer-juni-2016.pdf](http://www.advokatsamfundet.se/globalassets/advokatsamfundet_sv/advokatetik/vagledande-regler-2016-med-kommentarer-juni-2016.pdf).

<sup>18</sup> State public inquiry, SOU 2007:006, *Målsägandebiträdet - ett aktivt stöd i rättsprocessen* (The victim's counsel - an active support in the legal process), available in Swedish at: [www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2007/01/sou-20076/](http://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2007/01/sou-20076/).

## War and/or conflict

21. Is rape criminalized as a war crime or crime against humanity? YES

According to Act 2014: 406 on punishments for genocide, crimes against humanity and war crimes, rape is criminalized both as a war crime and a crime against humanity.<sup>19</sup>

22. Is there a statute of limitations for prosecuting rape in war or in conflict contexts? NO

See Criminal Code, Chapter 35, 2§.<sup>20</sup>

23. Is there explicit provisions excluding statutes of limitation for rape committed during war and armed conflict? NO

24. Has the Rome Statute of the International Criminal Court (ICC) been ratified? YES

## Data

25. Please provide data on the number of cases of rape that were reported, prosecuted and sanctioned, for the past two to five years.

Please see Amnesty International's analysis of the available data in the Time for Change report.<sup>21</sup>

## Other

26. Please explain any particular and additional barriers to the reporting and prosecution of rape and to the accountability of perpetrators in your legal and social context not covered by the above.

In 2018, Sweden took a significant step towards addressing rape and other sexual violence by adopting a new law on sexual crimes which makes sex with someone who does not voluntarily participate a criminal offence. It also introduced a new offence of negligent rape.<sup>22</sup> Amnesty International welcomed the new consent-based law which brings Swedish law into line with international human rights law and standards.

However, rape remains pervasive in Swedish society and the number of rapes reported has continued to increase over the past decade, although the vast majority of rape victims never report the crime to the police. Of those who do report, few rape survivors see their case heard in court. The vast majority of rape investigations are closed by the prosecution. The low prosecution rate also affects confidence in the will and ability of the authorities to prosecute these serious crimes, both among rape survivors and the broader public, further exacerbating impunity for sexual violence in Sweden. There is an urgent need to significantly reinforce the investigative capabilities of law enforcement authorities to ensure prompt and appropriate investigations in cases of rape.

In 2010-2012, the Prosecution and Police Authority jointly developed a best practice working method for the investigation of sexual offences against adults. However, this model is not always implemented, which has a negative impact on the quality of the investigations and hampers prosecution. Interviews of suspects are sometimes held only after a long delay, or not at all. The quality of the interrogation also varies. Producing results of DNA analyses at the

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<sup>19</sup> Act 2014: 406 on punishments for genocide, crimes against humanity and war crimes, available in Swedish on <https://lagen.nu/2014:406>

<sup>20</sup> Available at: <https://lagen.nu/1962:700#K35>.

<sup>21</sup> Amnesty International: *Time for Change, Justice for Rape Survivors in the Nordic Countries* (Index: EUR 01/0089/2019), [www.amnesty.org/en/documents/eur01/0089/2019/en/](http://www.amnesty.org/en/documents/eur01/0089/2019/en/).

<sup>22</sup> This deals with situations where someone does not realize, but should have realized, that the other party was not participating voluntarily. Generally, in Swedish law, criminal liability is established through intent. For the crime of rape this means that it needs to be proven beyond reasonable doubt that the perpetrator was aware that the other person did not participate voluntarily but continued anyway. The new provision on rape by negligence establishes that anyone who commits rape and is grossly negligent regarding the fact that the other person is not participating voluntarily will be held liable. It applies in situations where the perpetrator realized the risk of the other person not participating voluntarily but went ahead despite this. Negligent rape is punishable by up to four years' imprisonment (Penal Code, Chapter 6, 1 §).

National Forensic Centre can take up to nine months, which also impacts negatively on some rape investigations. The 2019 joint inspection by the Prosecution Authority and the police found that although sexual crimes should be investigated by “serious crimes” units or units specializing in violence in intimate relationships, a third of such crimes in the sample were investigated by local police without the necessary experience or expertise. Representatives from both the police and the Prosecution Authority also expressed concern that “serious crimes” units deprioritized sexual crimes in favour of other types of crimes.

After the publication of Amnesty International's report “Time for Change: Justice for Rape Survivors in the Nordic Countries” in April 2019, in June 2019, the Police Authority announced measures to strengthen its work related to “particularly vulnerable crime victims”, including complainants in cases of rape. These measures will involve implementation of the best practice working methods, focus on securing evidence at an early stage and reinforcing resources. Some 350 new police investigators were to be recruited by the end of 2019, who are designated to work on rape, violence in intimate relationships and sexual crimes against children. While this is an important initiative, it is too early to know whether these steps are efficient enough and sufficient to address the deficiencies and failures of the police related to rape investigations.

In addition, access to comprehensive support is crucial to enable rape survivors to participate with confidence throughout the legal process. This includes legal aid, medical care and psychosocial support. While the right to legal aid was further clarified by the 2018 legal reforms, access to psychological counselling, psychosocial support and trauma care remains a concern. In its 2019 Baseline Evaluation Report on Sweden, GREVIO expressed concern that “mid- and long-term psychological counselling, psychosocial support and trauma care and other services needed to provide holistic support for rape victims” are not generally available across the country and strongly recommended that the authorities ensure that sexual violence counselling services are available to all victims.<sup>23</sup> This resonates with the need for mid- and long-term psychological counselling and trauma treatment highlighted in Amnesty’s interviews with rape survivors and service providers.

For more details, see Amnesty International's reports:

Time for Change: Justice for Rape Survivors in the Nordic Countries (April 2019)

and

Sweden: Rights for All? The Case of Rape Survivors and “Vulnerable Eu Citizens”, Amnesty International’s Submission to the Universal Periodic Review, 35th Session of the UPR Working Group, 20-31 January 2020 (July 2019).

## **ANNEX 1: Translation of the articles on rape, Swedish Criminal Code**

### **Section 1**

A person who performs sexual intercourse, or some other sexual act that in view of the seriousness of the violation is comparable to sexual intercourse, with a person who is not participating voluntarily is guilty of rape and is sentenced to imprisonment for at least two and at most six years. When assessing whether participation is voluntary or not, particular consideration is given to whether voluntariness was expressed by word or deed or in some other way.

A person can never be considered to be participating voluntarily if:

1. their participation is a result of assault, other violence or a threat of a criminal act, a threat to bring a prosecution against or report another person for an offence, or a threat to give detrimental information about another person;
2. the perpetrator improperly exploits the fact that the person is in a particularly vulnerable situation due to unconsciousness, sleep, grave fear, the influence of alcohol or drugs, illness, bodily injury, mental disturbance or otherwise in view of the circumstances;

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<sup>23</sup> GREVIO Baseline Evaluation Report Sweden, 2019, <https://rm.coe.int/grevio-inf-2018-15-eng-final/168091e686>.



3. the perpetrator induces the person to participate by seriously abusing the person's position of dependence on the perpetrator.

If, in view of the circumstances associated with the offence, the offence is considered less serious, the person is guilty of rape and is sentenced to imprisonment for at most four years.

If an offence referred to in the first paragraph is considered gross, the person is guilty of gross rape and is sentenced to imprisonment for at least five and at most ten years. When assessing whether the offence is gross, particular consideration is given to whether the perpetrator used violence or a threat of a particularly serious nature, or whether more than one person assaulted the victim or took part in the assault in some other way, or whether, in view of the method used or the young age of the victim or otherwise, the perpetrator exhibited particular ruthlessness or brutality. (Act 2018:618)

### **Section 1a**

A person who commits an act referred to in Section 1 and is grossly negligent regarding the circumstance that the other person is not participating voluntarily is guilty of negligent rape and is sentenced to imprisonment for at most four years.

If, in view of the circumstances, the act is less serious, the person is not held responsible. (Act 2018:618.)

### **Section 2**

A person who performs a sexual act other than those referred to in Section 1 with a person who is not participating voluntarily is guilty of sexual assault and is sentenced to imprisonment for at most two years. When assessing whether participation was voluntary or not, Section 1, first paragraph, second and third sentences apply.

If the offence is considered gross, the person is guilty of gross sexual assault and is sentenced to imprisonment for at least six months and at most six years. When assessing whether the offence is gross, particular consideration is given to whether the perpetrator used violence or a threat of a particularly serious nature, or whether more than one person assaulted the victim or took part in the assault in some other way, or whether, in view of the method used or the young age of the victim or otherwise, the perpetrator exhibited particular ruthlessness or brutality.

### **Section 3**

A person who commits an act referred to in Section 2 and is grossly negligent regarding the circumstance that the other person is not participating voluntarily is guilty of negligent sexual assault and is sentenced to imprisonment for at most four years. If, in view of the circumstances, the act is less serious, the person is not held responsible.

### **Section 4**

A person who performs sexual intercourse, or another sexual act that in view of the seriousness of the violation is comparable to sexual intercourse, with a child under fifteen years of age is guilty of rape of a child and is sentenced to imprisonment for at least two and at most six years.

This also applies to a person who commits an act referred to in the first paragraph against a child who has attained fifteen but not eighteen years of age and who is the perpetrator's descendant, or is being brought up by or has a comparable relationship with the perpetrator, or for whose care or supervision the perpetrator is responsible by decision of a public authority.

If an offence referred to in the first or second paragraph is considered gross, the person is guilty of gross rape of a child and is sentenced to imprisonment for at least five and at most ten years. When assessing whether the offence is gross, particular consideration is given to whether the perpetrator used violence or a threat of a criminal act, or whether more than one person assaulted the child or took part in the assault in some other way, or whether, in view of the method used or the child's young age or otherwise, the perpetrator exhibited particular ruthlessness or brutality. (Act 2018:618.)

## **Section 5**

If, in view of the circumstances associated with the offence, an offence referred to in Section 4, first or second paragraph is considered less serious, the person is guilty of sexual exploitation of a child and is sentenced to imprisonment for at most four years. (Act 2018:618.)

## **Section 6**

A person who performs a sexual act other than those referred to in Sections 4 and 5 with a child under fifteen years of age, or with a child who has attained fifteen but not eighteen years of age and with whom the perpetrator has a relationship referred to in Section 4, second paragraph, is guilty of sexual assault of a child and is sentenced to imprisonment for at most two years. If the offence is gross, the person is guilty of gross sexual assault of a child and is sentenced to imprisonment for at least one year and at most six years. When assessing whether the offence is gross, particular consideration is given to whether the perpetrator is a family member of the child or has otherwise exploited their position or abused some special trust, or whether more than one person assaulted the child or took part in the assault in some other way, or whether, in view of the method used or the child's young age or otherwise, the offence involved ruthless exploitation of the child. (Act 2018:618.)

## **Section 14**

A person who has committed an act under Section 5 or Section 6, first paragraph against a child under fifteen years of age, or under Section 8, first paragraph or Section 10, first paragraph is not held responsible if it is obvious that the act did not involve an assault on the child in view of the slight difference in age and development between the person who committed the act and the child, and the other circumstances.

[...]

(Act 2009:343)

## **Section 15**

Responsibility is assigned under Chapter 23 for attempting to commit rape, gross rape, sexual assault, gross sexual assault, rape of a child, gross rape of a child, sexual exploitation of a child, sexual assault of a child, gross sexual assault of a child, exploitation of a child for sexual posing, gross exploitation of a child for sexual posing, exploitation of a child through the purchase of a sexual act, purchase of sexual services, procuring and gross procuring. This also applies to preparation to commit procuring, and to preparation and conspiracy to commit, as well as to failure to disclose or prevent, rape, gross rape, rape of a child, gross rape of a child, gross exploitation of a child for sexual posing and gross procuring. (Act 2019:806.)