

Annex 1 – Information on the current Swedish legislation related to sex crimes.

1. A person who by assault or other violence or by threat of a criminal act forces another person to have sexual intercourse or to undertake or endure another sexual act that, in view of the seriousness of the violation, is comparable to sexual intercourse shall be convicted of rape. In addition, a person who engages in sexual intercourse with a person or in a sexual act which, as set out above, is comparable to sexual intercourse by inappropriately exploiting that this person, due to unconsciousness, sleep, severe fear, intoxication or other drug influence, illness, physical injury or mental disturbance or in view of the circumstances in general, is in a particularly vulnerable situation shall also be convicted of rape.
2. The provision on sexual coercion, which is subsidiary to the provision in rape, refers to situations where the sexual act has been forced through coercion other than that covered by criminal liability for rape or where the sexual act is not as in rape but the other conditions have been fulfilled. Thus a person who – in cases other than those referred to in the provision on rape – induces another person by unlawful coercion to undertake or endure a sexual act, shall be convicted of sexual coercion. In addition, a person who carries out a sexual act other than provided for in the rape provision with a person by inappropriately exploiting that this person is in a particularly vulnerable situation of the kind stated there shall also be convicted.
3. The sexual offences reform in 2005 also introduced special penal provisions for sexual offences against children. Sexual abuse that consists of a person carrying out a sexual act with a child under 15 years of age or in certain cases under eighteen years of age now go under the classifications of rape of a child, sexual exploitation of a child and sexual abuse of a child. What these penal provisions have in common is that they do not contain any requirement of coercion. i.e. that the perpetrator has used violence or threats to carry out the abuse.
4. A person who sexually touches a child under fifteen years of age or induces the child to undertake or participate in an act with sexual implication, is convicted of sexual molestation. In addition, a person who exposes himself or herself to another person in a manner that it is liable by its nature to cause unease, or who in some other way by word or deed molests a person in a way that is liable by its nature to violate that person's sexual integrity shall also be convicted. The latter part of the provision is applicable both to acts aimed at children and those aimed at adults. The provision on sexual molestation is subsidiary to offences including the offences of rape, sexual coercion, rape of a child, sexual exploitation of a child and sexual abuse of a child.
5. In addition, there are provisions on sexual exploitation of persons in a dependent state, sexual intercourse with offspring, sexual intercourse with siblings, exploitation of a child for sexual posing, purchase of a sexual act by a child, contact with a child for a sexual purpose, purchase of a sexual service and procuring.