

TEMPLATE POLICY PAGE

Category:	Sexual Crime
Country:	Sweden
Year:	/

Main Policy page:	<p><i>Continued....</i></p> <p>An overall purpose of reforming the legislation on sexual crimes was to further strengthen and make clear the absolute right of every individual to personal and sexual integrity and sexual self-determination and to highlight and strengthen in different ways the protection of children and young people against sexual violation. In Sweden, the age of consent to sexual activity is 15 years of age.</p> <p>The reform was also intended to create clear and well-defined legal sections and to make the language of the sections in the Penal Code more up to date. The basis of the new legislation is the right of the individual to self-determination regarding their bodies and sexuality and the unconditional right to be protected against violations of these rights.</p> <p>When it comes to sexual assault against children, it is not possible to use terms such as 'voluntary will' and 'consent'. Children's ability to express their will in sexual situations is naturally very limited. Children under the age of 15 have an unconditional right to protection against all kinds of sexual acts.</p> <p>To assess how the sections regarding sexual crimes have been applied, whether they have had the desired effects and to be able to meet possible demands for further changes in the legislation, the Government will appoint an inquiry to evaluate the legislation on sexual crimes over the course of autumn 2008. The inquiry will also be instructed to consider the question of lack of consent as a ground for constituting rape.</p> <p>The social services have overall responsibility for crime victims. Under the Social Services Act, the social welfare committee is required to ensure that victims of crime and their relatives receive the necessary support and assistance. The social welfare committee has to take into account the possibility of women who are victims of crime or violence in their homes being in special need of support and assistance in order to change their situation. The committee is also responsible for children who have witnessed violence in the family. Social services can offer a range of assistance, such as financial aid, protected housing or counselling support. They may often refer victims to non-profit organisations.</p> <p>The health services have general responsibility for taking care of and treating women who are victims of rape. In many emergency and gynaecological units there are so called rape-kits, used for securing traces from the perpetrator. The health services also document damage. This documentation can be used as a basis for producing medical legal certificates. Several health care institutions also have access to welfare officers who can provide follow-up</p>
--------------------------	--

interviews.

At Södersjukhuset hospital in Stockholm, there is an emergency centre for the victims of rape. This unit provides support and treatment to women throughout the county of Stockholm twenty-four hours a day. Its staff is specially trained in taking care of women who are victims of various types of sexual assault. The centre has access to midwives nurses, doctors, assistant nurses, welfare officers and psychiatric staff.

To provide the necessary support and treatment, the unit works in close collaboration with several instances, such as the police, social services and various voluntary organisations. Those wishing to do so can obtain support from the unit when making their report to the police, as well as legal counselling. Besides medical and psychological support and treatment, the unit also undertakes forensic investigations and documentation.

Since 1994, the Uppsala University Hospital (Akademiska sjukhuset) has a special clinical unit for women subjected to violence and rape, at the National Centre for Knowledge on Men's Violence against women (NCK). NCK was a direct response to the Declaration on the Elimination of Violence against Women. Since 1994 the Centre has grown and developed – from a self-contained clinic at Uppsala University Hospital tasked with providing treatment, conducting research and developing methods in the field of violence against women – to a national centre of expertise with a wide range of assignments including capacity-building, professional training programmes, university courses, information and resource services, clinical research and methodology development in addition to running a regional 24-hour patient care service. The centre has well-developed cooperation with the social services and the judicial system as well as the healthcare services in general.

The NCK has been instructed by the Government to

- spread knowledge about and develop methods for support and treatment of women who have been subjected to battering or rape,
- spread knowledge and information about men's violence against women,
- educate medical staff and other professionals who are liable to meet women subjected to violence,
- monitor, compile and spread research findings within the field of men's violence against women,
- conduct research within the faculty of medicine,
- function as a consulting resource for other organisations and agencies in the country,
- provide treatment and support to women subjected to violence and their relatives,
- provide a 24-hour national telephone helpline for women subjected to threats and violence.

The clinical unit also runs Kvinnofridslinjen, a national telephone helpline for women subjected to threats and violence. The helpline is open twenty-four hours a day and is free of charge.

In 2008, the NCK, on instructions from the Government, presented a new

manual, National Guidelines for the Swedish Health Care services in the Management of Victims of Sexual Assault.

There are also several *non-profit organisations* in Sweden to which women who are victims of crime can turn to obtain support and assistance. There are about 180 standby centres for women and girls, and 107 for crime victims in general. They can provide support during trials and help in contacts with authorities, as well as counselling support. Sometimes the organisations can also provide support groups.

Women who are victims of severe sexual crimes have an almost unconditional right to a legal representative in court, a counsel of the injured party. A counsel has to be appointed if it is not obvious that the victim does not need the help of a counsel. The counsel's main task is to safeguard the general needs of the victim, but also to play a curative role. The counsel has an unconditional right to be present during the interviews at the preliminary investigation and the hearing. An important role of the counsel is to assist the injured party in claiming damages and to assess and arrange the evidential situation in that respect. Legal rules ensure that the police provide information to the victims of crime about their rights to a counsel of the injured party.

In 2005, an inquiry was appointed to review current legislation on counsel of the injured party. The inquiry presented its evaluation of the legislation and proposals to meet more effectively the needs of victims in criminal proceedings in 2007. The report is now being processed within the Ministry of Justice.

In 2005, *the National Council for Crime Prevention*, in consultation with the office of *the Equal Opportunities Ombudsman*, presented a guide for young girls and boys aimed at putting the focus on such questions as sexual harassment, sexual integrity and self-determination.

In 2007, *the Crime Victim Compensation and Support Authority* started a portal on the Internet for crime victims. The portal contains, for example, information about sexual violations and the legal system, victims' rights, where to turn to obtain support and assistance and other relevant crime victim-related information (www.brottsofferportalen.se).

The Crime Victim Compensation and Support Authority have been instructed by the Government to develop and implement a training programme for the police, the Public Prosecution Authority and the courts. The training programme is aimed at increasing knowledge about victims of sexual offences and improving the treatment of these victims when they report to the police and during the preliminary investigation and trial. When it comes to children, the programme is to pay special attention to increasing knowledge about the vulnerability and special needs of children who are victims of sexual crimes.

In 2008, the Government presented an *action plan for combating men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships*. The action plan comprises both physical and sexual violence and covers six areas for measures and specific activities:

	<ol style="list-style-type: none"> 1) increased protection and support to victims of violence 2) greater emphasis on preventive work 3) higher standards and greater efficiency in the judicial system 4) better measures targeting violent offenders 5) increased cooperation and coordination 6) enhanced knowledge and competence. <p>The action plan covers a wide range of activities in the various fields and is valid until the end of 2010. In total, the Government has reserved about SEK 800 million (about EUR 85 million) for covering the costs of measures in the plan.</p>
<p>Relevant legislation:</p>	<p>New legislation on sexual crimes came into force on 1 April 2005. One all-embracing purpose of the new legislation was to strengthen and make clear the absolute right of every individual to personal and sexual integrity and sexual self-determination. Another aim was to highlight and strengthen in different ways the protection of children and young people against sexual violation. In Sweden, the age of consent for sexual activity is 15 years.</p> <p>Rape – Chapter 6, Section 1 of the Swedish Penal Code</p> <p>A person using assault, violence or threat of a criminal act to force another person to have sexual intercourse or another comparable sexual act, is sentenced for rape to imprisonment for two to six years or, for gross rape, to imprisonment for four to ten years. If the offence is considered less serious, a sentence to imprisonment of a maximum of four years is imposed.</p> <p>With regard to the requirement of violence, less grievous forms of violence – such as controlling someone’s bodily movements by parting their legs – can suffice to be considered rape. The degree of threat used to constitute rape is also limited; it need not involve a threat of imminent violence that entails life, health or other interest.</p> <p>The crime of rape also comprises actions where a person engages in sexual intercourse or comparable act with another person by causing helplessness or a similar state of incapacitation in order to exploit them. This may entail unconsciousness, sleep, intoxication or other drug influence, illness, psychological injury or mental disturbance and other conditions in which the victim is rendered helpless.</p> <p>When assessing whether an offence be considered as gross rape, account is to be taken to whether the violence or threat was of a particularly serious nature, whether more than one person committed the rape, or whether the perpetrator was particularly ruthless or brutal.</p> <p>Attempted rape, preparations for, and incitement to rape are also criminalized (Chapter 6, Section 15 of the Penal Code).</p> <p>Sexual coercion – Chapter 6, Section 2 of the Swedish Penal Code</p> <p>The section on sexual coercion is applicable when the requirements for rape are not fulfilled. This offence applies to a person who forces another person to engage in a sexual act by unlawful coercion. The section also applies when a person commits a sexual act, other than those provided for in the section on</p>

rape, with a person in a helpless state as defined in section 1. The penalty is imprisonment for a maximum of two years. If it is a matter of gross sexual coercion, the penalty ranges from six months to six years imprisonment. Attempted sexual coercion is also criminalised (Chapter 6, Section 15 of the Penal Code).

Sexual exploitation of a person in a position of dependency – Chapter 6, Section 3 of the Swedish Penal Code

The section on sexual exploitation of a person in a position of dependency or gross sexual exploitation of a person in a position of dependency is applicable when a person pursues another person to perform a sexual act by seriously abusing that person's position of dependency on the offender. The penalty is imprisonment for a maximum of two years or imprisonment of between six months and four years in cases of gross sexual exploitation. A position of dependency may exist, for example, between a pupil and teacher or an employee and employer. Attempts to sexually exploit persons in a position of dependency and the gross sexual exploitation of a person in a position of dependency are also criminalized (Chapter 6, Section 15 of the Penal Code).

Rape of a child – Chapter 6, Section 4 of the Swedish Penal Code

Rape of a child is the most serious sexual crime against children. The section covers acts where a person engages in sexual intercourse, or some other sexual act that constitutes a serious violation, with a child under the age of fifteen. The use of violence or threats is not a requirement for the section to be applicable. The crime also covers cases where young people between the ages of fifteen and eighteen are exploited by people with whom they have a close relationship or by people with special responsibility for them. Such cases may, for example, include the sexual abuse of a child committed by the child's parents, grandparents or foster parents. The legislation also applies to sexual abuse committed, for example, by the new partner of a parent with whom the child does not live. The penalty is at least two and at most six years of imprisonment or, for gross crime, at least four and at most ten years of imprisonment.

Attempted rape of a child, preparations for rape of a child and incitement to rape of a child are also criminalized (Chapter 6, Section 15 of the Penal Code).

Sexual exploitation of a child – Chapter 6, Section 5 of the Swedish Penal Code

The provisions on the sexual exploitation of a child regulate cases of rape of a child that are less serious in view of the circumstances of the crime, than rape of a child. The penalty is at most four years of imprisonment. It is intended that the section be applied restrictively. An example of when the section is applicable is when a person who is considerably older has sexual intercourse with a child who is close to the age of consent and the sexual act is based on mutuality and voluntariness. Attempt to sexual exploitation of a child is also criminalised (Chapter 6, Section 15 of the Penal Code).

Sexual abuse of a child – Chapter 6, Section 6 of the Swedish Penal Code

The section on the sexual abuse of a child imposes criminal liability on a

person who engages in sexual acts with a child other than those provided for in the penal sections on rape of a child and sexual exploitation of a child. Such acts could e.g. include masturbation of the perpetrator or fondling of the child's genitals. The penalty is at most two years of imprisonment or, for gross sexual abuse of a child, at least six months and at most six years of imprisonment. Attempt to sexual abuse or gross sexual abuse of a child is also criminalised (Chapter 6, Section 15 of the Penal Code).

Sexual intercourse with offspring or siblings – Chapter 6, Section 7 of the Swedish Penal Code

The section on sexual intercourse with offspring or siblings regulates voluntary sexual intercourse between certain relatives and will only apply if criminal liability for other crimes described in Chapter 6 of the Penal Code cannot be imposed. A person who has intercourse with his or her child or the child's offspring, and whose child participates voluntarily, will be sentenced for sexual intercourse with an offspring to imprisonment for a maximum of two years. A person who has intercourse with a sibling will be sentenced for sexual intercourse with a sibling to a maximum of one year imprisonment.

Exploitation of a child for sexual posing – Chapter 6, Section 8 of the Swedish Penal Code

The legislation includes a special section to protect children from exploitation for sexual posing. Sexual posing means to participate in or perform a sexual act, or to openly expose the body to one or more people or in front of a camera. The crime of exploitation of a child for sexual posing includes acts in which a person persuades or exploits a child under fifteen years of age to perform or take part in sexual posing. It also includes acts committed against a child between fifteen and eighteen years of age, if the posing is by its nature likely to damage the child's health or development. These acts can, for example, include cases where posing occurs in return for payment or when the child is tricked or otherwise persuaded to pose, for example, in a sex club. The crime refers to sexual posing that occurs in sex clubs, in private circles or for the production of pornographic pictures. The punishment in a normal case is a fine or imprisonment for at most two years. For gross crimes the sentence ranges from six months to six years of imprisonment. The gross crime encompasses, for example, systematic exploitation of minors for sexual posing.

Attempted gross exploitation of a child for sexual posing, preparations for and incitement to gross exploitation of a child for sexual posing are also criminalised, as is attempted exploitation of a child for sexual posing (Chapter 6, Section 15 of the Penal Code).

Sexual molestation – Chapter 6, Section 10 of the Swedish Penal Code

The penal section on sexual molestation imposes penalties on a person who touches a child less than fifteen years of age in a manner other than acts defined as a "sexual act". The legislation covers cases where a person exposes him- or herself in such a manner as to cause discomfort, or where someone by word or deed molests a person in such a manner as to violate that person's sexual integrity. Acts covered by this section include, for example, brief sexual fondling of another person's breasts or genitals. The

section will only apply if criminal liability for other crimes described in Chapter 6 of the Penal Code cannot be imposed.

A subjective prerequisite regarding the age of the victim – Chapter 6, Section 13 of the Swedish Penal Code

In a traditional case, a prerequisite for being condemned for a crime is that the perpetrator has intended to commit the crime. When it comes to children, an awareness that the child is under the age of 18 or 15 years is a prerequisite for being liable for a criminal act. Due to section 13, however, a subjective prerequisite regarding the age of the victim is incorporated in the legislation. Thus, a person is also liable if he or she did not realise the actual age of the child, but had reasonable cause to believe that the person to whom the act was directed was not over the age prescribed in the different sections of Chapter 6 of the Penal Code.

Discharge from liability in certain cases – Chapter 6, Section 14 of the Swedish Penal Code

The legislation now contains a special rule concerning discharge from liability.

The section is applicable to the crimes of

- sexual exploitation of a child
- sexual abuse of a child
- exploitation of a child for sexual posing
- sexual molestation when directed against a child under fifteen years.

If it is obvious that the act committed in these cases did not involve any abuse, no liability is imposed. Such an assessment should take into consideration slight differences in age and development between the perpetrator and the child as well as the circumstances in general. Discharge from liability may apply, for example, when a 16-year old and a 14-year old who have a close relationship with each other take part in a mutual and entirely voluntary sexual act.

No requirement of dual criminality regarding certain serious sexual crimes – Chapter 2, Section 2 (4) of the Swedish Penal Code

The principle of dual criminalisation is no longer upheld in Sweden when it comes to prosecuting and sentencing offenders for serious sexual crimes committed abroad against children less than eighteen years of age. There is thus no longer a requirement for dual criminalisation regarding the following crimes or attempted crimes:

- rape and gross rape
- sexual and gross sexual coercion
- sexual and gross sexual exploitation of a person in a position of dependency
- rape and gross rape of a child
- sexual exploitation of a child
- sexual abuse and gross sexual abuse of a child
- gross exploitation of a child for sexual posing
- procuring and gross procuring.

Furthermore, for these crimes, a Swedish court is not bound by the severest sentences provided for the crime under the law where the act was committed as the maximum penalty that may be imposed for the crime.

Statutory limitation period – Chapter 35, Section 4 (2) of the Swedish Penal Code

To further strengthen the child's right to redress, the statutory limitation period has been extended for some sexual crimes against children so that it does not begin to run until the child turns or would have turned eighteen years. In practice, therefore, such crimes will not be subject to the statutory limitation period until the child victim has reached adulthood.

Trends:

Official Swedish crime statistics include information on various forms of sexual offences, such as sexual molestation, sexual exploitation coercion, and rape. The statistics include offences reported to the police, offences that have been cleared up, court judgments and prison and probation service statistics. Since the official statistics follow the flow of cases through the judicial system, the number of offences, cases, or individuals recorded in association with sexual offences declining from one stage of the system to the next. To exemplify, 5 957 rape offences were reported to the police in 2009 (attempted and completed rape), and 3 502 were cleared up. Of these, 2 317 were cleared up with a known suspect. 253 persons, responsible for a total of 385 rape offences, was convicted of rape as the principal offence in their conviction. For more information, see <http://www.bra.se>.

The number of rapes annually reported to the police increased continuously between 1995 and 2004, from 1 707 to 2 631. Interpreting the trends is difficult for several reasons. Firstly, it is estimated that only between 10–20 per cent of all sexual offences are reported to the police. Although the figure is probably higher concerning rape, it is still the fact that a large majority of all rape offences never reach the police. Thus, an increase in police reports can actually imply that the propensity to report has become higher, rather than that more offences are being committed (which may also be true). Secondly, Swedish legislation on sexual offences is exposed to relatively frequent revisions. The most recent amendment came into force in April 2005 and since then, acts that would previously have been prosecuted as sexual exploitation are classified as rape. This shift generated an even sharper increase in the number of reported rape offences, while the number of cases of sexual exploitation decreased. Estimates conducted by the National Council for Crime Prevention indicate that about 80 per cent of the increase in rape between 2004 and 2006 can be explained by the legislative change.

Accordingly, it is no easy task to describe the „true“ development of committed rape offences, beyond possible shifts in reporting propensity and beyond changes in the legislative definition of rape. To make an attempt, the Swedish National Council for Crime Prevention initiated a special study based on more detailed analysis of police descriptions of the incidents as recorded at the time the offence was reported (offence descriptions) along with transcripts from the first police interview conducted with the victim. Both rape and attempted rape offences reported in 1995, 2000, 2004 and 2006 are included in the analysis. It was found that the overall increase in the number of incidents reported to the police is primarily explained by the presence of a larger number of less violent offences and offences committed by a perpetrator not previously known to the victim (not assault rapes). It is argued that most of the increase in reported rapes is due to an increased reporting

propensity in cases of this kind. At the same time, the expansion in Internet use and an increase in the amount of time being spent in activities centred around public entertainment (together with increases in the level of alcohol consumption) create opportunities for quickly establishing casual contacts sometimes involving an explicitly sexual intent. About 16 per cent of the offences were connected with public entertainment in 2006. It is therefore likely that not all of the increase in police reported rapes by persons unknown or almost unknown to the victim can be understood in terms of an increased willingness to report such offences. Part of the increase probably reflects a genuine change in the prevalence of this type of crime.

In 2006, about 74 per cent of rape offences reported were committed by a person unknown or very briefly known to the victim. The proportion of assault rape was 12 per cent and rapes committed by a close partner corresponded to 17 per cent (which in both cases implies a relative decline since 1995). On the other hand, there has been a proportional increase in cases involving several perpetrators; in 2006, 18 per cent of all the police-reported rapes were of this kind, and only 8 per cent in 1995. These comprise not only "group rapes", but also situations where several perpetrators offend a victim sexually over the course of an evening but not necessarily at the same time and in the same manner. Victims are often younger than in other cases of rape and alcohol is often consumed (50 per cent of the victims).

Irrespective of the type of rape, the most common crime scene in 2006 was still the victim's and/or the perpetrators own home, although the proportion of rapes committed at other places, for instance in another person's apartment, have increased (13 per cent) in all rape reports. The study (in Swedish) can be downloaded at <http://www.bra.se>

Contacts:

Contact details

The Swedish National Centre for Knowledge on Men's Violence against Women (NCK)

Address: Akademiska sjukhuset (Uppsala University Hospital)

SE 751 85 Uppsala, Sweden

Phone: +46 18 611 27 93

Fax: +46 18 50 73 94

<http://www.akademiska.se>

The National Authority Cooperation Project for Women's Peace is a joint venture run by central authorities in Sweden. One of the first results of this cooperation is the creation of **the National Clearinghouse on Violence against Women**, an information centre on the Internet providing facts on knowledge development and practical work concerning violence against women.

The National Clearinghouse on Violence against Women contains links to available material on violence against women, i.e. the material that has been published online by the authorities and organisations in the project.

<http://www.kvinnofrid.se>

The National Organisation for Women's Shelters and Young Women's Shelters in Sweden (ROKS)

is the largest member organisation for women's and young women's shelters in Sweden.

Address: Hornsgatan 66, SE 118 21 Stockholm, Sweden

Phone: + 46 8 442 99 30

Fax: +46 8 612 73 25

Email: info@roks.se

<http://www.roks.se>

The Swedish Association of Women's Shelters (SKR)

is a national organisation for local women's shelters and other organisations working against men's violence against women.

Address: Bondegatan 40, SE 116 33 Stockholm, Sweden

Phone: 46 8 642 64 01

Fax: +46 8 642 64 07

Email: info@kvinnojour.com

<http://www.kvinnojour.com>

The Swedish Association for Victim Support (BOJ)

is a voluntary organisation that has been in existence since 1988. BOJ has more than 8 000 members. There are local victim support centres in more than one hundred places around the country. These centres are intended to complement action by the public authorities.

Address: Box 110 14, SE 100 61 Stockholm, Sweden

Phone: +46 8 644 88 00

Fax: + 46 8 644 88 28

Email: boj.riks@boj.se

<http://www.boj.se>

The Crime Victim Compensation and Support Authority (BrOM)

is a government agency responsible for assessing state compensation, administering the Fund for Victims of Crime and acting as an expert centre.

Address: Box 479, SE 901 09 UMEÅ

Phone: +46 90 70 82 00

Fax: + 46 90 17 83 53

<http://www.brottsoffermyndigheten.se>

Completed template to be sent to the EUCPN Secretariat at eucpn@ibz.eu