

Consent – the basic requirement of new sexual offences legislation

The Government is proposing the introduction of new legislation regarding sexual consent that states the obvious: if sex is not voluntary it is illegal. The proposal has been presented to the Council on Legislation and in the first quarter of 2018 a government bill will be submitted to the Riksdag. It is proposed that the new act enter into force on 1 July 2018.

The Government proposes that:

- the requirement of consent be the basis of the new legislation; to convict a perpetrator of rape it will no longer be required to establish that violence or threats were used, or that the victim's particularly vulnerable situation was exploited;
- two new offences, 'negligent rape' and 'negligent sexual abuse', with a maximum prison sentence of four years be introduced; this means that abuse convictions will extend to more situations than at present, for example when a person should be aware of the risk that the other person is not participating voluntarily but still engages in a sexual act with that person;
- the minimum penalty for gross rape and gross rape of a child be increased from four to five years imprisonment;
- enhancing the protection provided under criminal law concerning sexual offences against children where the perpetrator acted with negligence with regard to the child's age. One of the aims of this proposal is to avoid the problem of excessive emphasis being placed on the child's physical development; and
- support to victims of sexual offences be provided at an earlier stage of the process; when a preliminary investigation of a sexual offence is initiated, a request for a counsel to represent the injured party is to be made immediately.

New legislation is one thing, but ...

- to bring about real change, we need to talk about the responsibilities of men and boys;
- more people must dare to report and more offenders must be prosecuted;
- the justice system must give priority to sexual offences, especially when children and young people are involved.

Report! Read more!

- If you or someone you know is the victim of a sexual offence, it is important to report the offence.
- You can also contact the Swedish Crime Victim Compensation and Support Authority for support. Visit their website brom.se for more information.
- Read more about the Government's proposal at government.se/justice.

