



Ministry of Justice Sweden

Division for Criminal Law

Chapter 6 of the Swedish Penal Code (unofficial translation)

Section 1

A person who carries out 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. In assessing whether the participation is voluntary or not, particular consideration shall be given to whether the voluntariness was expressed through words or deed or in some other way. A person can never be considered to be participating voluntarily if:

1. their participation is a consequence of assault, other violence or a threat of a criminal act, a threat to prosecute or report another person for an offence or a threat to provide 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, intoxication or other drug influence, illness, bodily injury or mental disturbance or otherwise in view of the circumstances; or
3. the perpetrator induces the person to participate by seriously abusing the person's position of dependency 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 the 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. In assessing whether the offence is gross, particular consideration shall be given to whether the perpetrator used violence or a threat that was of a particularly serious nature or whether more than one person abused the victim or took part in the abuse in some other way or whether, in view of the method used or the low age of the victim or otherwise, the perpetrator exhibited particular ruthlessness or brutality.

Section 1 a

A person who commits an act referred to in Section 1 and is grossly negligent regarding the fact 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 shall not be held responsible.

Section 2

A person who carries out a sexual act not referred to in Section 1 with a person who is not participating voluntarily is guilty of sexual abuse and is sentenced to imprisonment for at most two years. In assessing whether the participation is voluntary or not, the provision in Section 1, first paragraph, second and third sentences applies.

If the offence is considered gross, the person is guilty of gross sexual abuse and is sentenced to imprisonment for at least six months and at most six years. In assessing whether the offence is gross, particular consideration shall be given to whether the perpetrator used violence or a threat that was of a particularly serious nature or whether more than one person abused the victim or took part in the abuse in some other way or whether, in view of the method used or the low 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 fact that the other person is not participating voluntarily is guilty of negligent sexual abuse and is sentenced to imprisonment for at most four years.

If, in view of the circumstances, the act is less serious, the person shall not be held responsible.

Section 4

A person who has sexual intercourse with a child under fifteen years of age or who with such a child carries out another sexual act that, in view of the seriousness of the violation, is comparable to sexual intercourse, shall be sentenced for *rape of a child* 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 the age of fifteen but not eighteen and who is the perpetrator's offspring 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 a crime referred to in the first or second paragraph is considered gross, a sentence to imprisonment for at least four and at most ten years shall be imposed for *gross rape of a child*. In assessing whether the crime is gross, special consideration shall be given to whether the perpetrator used violence or the threat of a criminal act or whether more than one person assaulted the child or in any other way took part in the assault or whether the perpetrator, in view of the method used or the child's young age or otherwise, exhibited particular ruthlessness or brutality.

Section 5

If, in view of the circumstances associated with the crime, a crime provided for in Section 4 first or second paragraph is considered less serious, a sentence to imprisonment for at most four years shall be imposed for *sexual exploitation of a child*.

Section 6

A person who carries out a sexual act other than provided for in Sections 4 and 5 with a child under fifteen years of age, or with a child who has attained the age of fifteen but not eighteen and for whom the perpetrator is responsible as provided for in Section 4 second paragraph, shall be sentenced for *sexual abuse of a child* to imprisonment for at most two years.

If the offence is gross, a sentence to imprisonment for at least one year and at most six years shall be imposed for *gross sexual abuse of a child*. In assessing whether the crime is gross, special consideration shall be given to whether the perpetrator has a close relationship with the child or otherwise took advantage of their position or abused a position of special trust or whether more than one person assaulted the child or in any other way took part in the assault or whether the crime, in view of the method used or the child's young age or otherwise, involved ruthless exploitation of the child.

Section 7

A person who, otherwise than as previously provided in this Chapter, has sexual intercourse with his or her own child or its offspring, shall be sentenced for *sexual intercourse with an offspring* to imprisonment for at most two years. A person who, otherwise than as previously provided in this Chapter, has sexual intercourse with a full blood sibling shall be sentenced for *sexual intercourse with a sibling* to imprisonment for at most one year. The provisions of this Section do not apply to a person who has been made to commit the act by unlawful coercion or other improper means.

Section 8

A person who promotes or exploits performance or participation in sexual posing by a child under fifteen years of age shall be sentenced for *exploitation of a child for sexual posing* to a fine or imprisonment for at most two years.

This also applies to a person who commits such an act against a child who has attained the age of fifteen but not eighteen if the posing is by its nature likely to damage the child's health or development.

If the offence is gross, a sentence to imprisonment for at least six months and at most six years shall be imposed for *gross exploitation of a child for sexual posing*. In assessing whether the crime is gross, special consideration shall be given to whether the crime has concerned a large-scale activity, brought significant financial gain or involved ruthless exploitation of the child.

Section 9

A person who, otherwise than as previously provided in this Chapter, induces a child under eighteen years of age to undertake or endure a sexual act in return for payment, shall be sentenced for *purchase of a sexual act from a child* to a fine or imprisonment for at most two years.

The provision of the first paragraph shall also apply if the payment was promised or given by another person.

Section 10

A person who, otherwise than as previously provided in this Chapter, sexually touches a child under fifteen years of age or induces the child to undertake or participate in an act with sexual implications, shall be sentenced for *sexual molestation* to a fine or imprisonment for at most two years.

This also applies to a person who exposes himself or herself to another person in a manner that is likely to cause discomfort or who otherwise by word or deed molests a person in a way that is likely to violate that person's sexual integrity.

Section 10a

A person who, for the purpose of committing an act against a child under fifteen years of age for which punishment is provided in Sections 4, 5, 6, 8 or 10, comes to an agreement with the child to meet and thereafter takes any measure designed to promote that such a meeting comes about, shall be sentenced for ***contact with a child for a sexual purpose*** to a fine or to imprisonment for at most one year.

Section 11

A person who, otherwise than as previously provided in this Chapter, obtains a casual sexual relation in return for payment, shall be sentenced for ***purchase of sexual service*** to a fine or imprisonment for at most one year.

The provision of the first paragraph shall also apply if the payment was promised or given by another person.

Section 12

A person who promotes or improperly financially exploits a person's engagement in casual sexual relations in return for payment shall be sentenced for ***procuring*** to imprisonment for at most four years.

If a person who, holding the right to the use of premises, has granted the right to use them to another, subsequently learns that the premises are wholly or to a substantial extent used for casual sexual relations in return for payment and omits to do what can reasonably be requested to terminate the granted right, he or she shall, if the activity continues or is resumed at the premises, be considered to have promoted the activity and shall be held criminally responsible in accordance with the first paragraph.

If a crime provided for in the first or second paragraph is considered gross, imprisonment for at least two and at most eight years shall be imposed for ***gross procuring***. In assessing whether the crime is gross, special consideration shall be given to whether the crime has concerned a large-scale activity, brought significant financial gain or involved ruthless exploitation of another person.

Section 13

Responsibility provided for in this Chapter for an act committed against a person under a certain age shall also be assigned to a person who did not have intent but was negligent regarding the fact that the other person had not attained that age.

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 shall not be held criminally responsible if it is obvious that the act did not involve any abuse of the child in view of the slight difference in age and development between the person who committed the act and the child and the circumstances in general.

This also applies to a person who has committed an act under Section 10a if it has aimed at an act referred to in the first paragraph which, if it had been completed, in line with what is stated there obviously would not have involved any abuse of the child.

Section 15

An attempt to commit rape, gross rape, sexual coercion, gross sexual coercion, sexual exploitation of a person in a position of dependency, gross sexual exploitation of a person in a position of dependency, rape of a child, gross rape of a child, sexual exploitation of a child, sexual abuse of a child, gross sexual abuse of a child, exploitation of a child for sexual posing, gross exploitation of a child for sexual posing, purchase of a sexual act from a child, purchase of sexual service, procuring and gross procuring shall be dealt with in accordance with the provisions of Chapter 23.

This also applies to preparation for procuring, and to preparation for and conspiracy to commit and failure to reveal rape, gross rape, rape of a child, gross rape of a child, gross exploitation of a child for sexual posing and gross procuring.