

## Chapter 6

### Section 1

A person who by assault or otherwise by violence or by threat of a criminal act forces another person to have sexual intercourse or to undertake or endure another sexual act that, having regard to the nature of the violation and the circumstances in general, is comparable to sexual intercourse, shall be sentenced for *rape* to imprisonment for at least two and at most six years.

This shall also apply if a person engages with another person in sexual intercourse or in a sexual act which under the first paragraph is comparable to sexual intercourse by improperly exploiting that the person, due to unconsciousness, sleep, intoxication or other drug influence, illness, physical injury or mental disturbance, or otherwise in view of the circumstances in general, is in a helpless state.

If, in view of the circumstances associated with the crime, a crime provided for in the first or second paragraph is considered less aggravated, a sentence to imprisonment for at most four years shall be imposed for rape.

If a crime provided for 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*. In assessing whether the crime is gross, special consideration shall be given to whether the violence or threat was of a particularly serious nature or whether more than one person assaulted the victim or in any other way took part in the assault or whether the perpetrator having regard to the method used or otherwise exhibited particular ruthlessness or brutality.

### Section 2

A person who, otherwise than as provided in Section 1 first paragraph, induces another person by unlawful coercion to undertake or endure a sexual act, shall be sentenced for *sexual coercion* to imprisonment for at most two years.

This shall also apply to a person who carries out a sexual act other than provided for in Section 1 second paragraph with a person, under the conditions otherwise specified in that paragraph.

If a crime provided for in the first or second paragraph is considered gross, a sentence to imprisonment for at least six months and at most six years shall be imposed for *gross sexual coercion*. In assessing whether the crime is gross, special consideration shall be given to whether more than one person assaulted the victim or in any other way took part in the assault or whether the perpetrator otherwise exhibited particular ruthlessness or brutality.

### Section 3

A person who induces another person to undertake or endure a sexual act by serious abuse of that person's position of dependency on the perpetrator shall be sentenced for *sexual exploitation of a person in a position of dependency* to imprisonment for at most two years.

If the offence is gross, a sentence to imprisonment for at least six months and at most four years shall be imposed for *gross sexual exploitation of a person in a position of dependency*. In assessing whether the crime is gross, special consideration shall be given to whether more than one person assaulted the victim or in any other way took part in the assault or whether the perpetrator otherwise exhibited particular ruthlessness.

### 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, having regard to the nature of the violation and the circumstances in general, 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 provided for 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 provided for 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 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 having regard to 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 six months 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 more than one person assaulted the victim or in any other way took part in the assault or whether the perpetrator having regard to the method used or the child's young age or otherwise exhibited particular ruthlessness or brutality.

#### 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 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 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 six months.

The provision of the first paragraph 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*

Criminal responsibility as provided for in this Chapter for an act committed against someone under a given age shall also be required of a perpetrator who did not realise, but had reasonable grounds for assuming, 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.

*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 and conspiracy to commit rape, gross rape, rape of a child, gross rape of a child, gross exploitation of a child for sexual posing and gross procuring together with failure to reveal such a crime.