

Roks Report on the Impact of Sweden's Consent-Based Sexual Offences Law

The National Organization for Women's Shelters and Young Women's Shelters in Sweden (Roks) has been a pivotal force for 40 years. Our members consist of women's shelters and young women's shelters that dedicate themselves every day to supporting women, girls, and children who have been subjected to male violence.

In 2018, Sweden introduced a new sexual offences law, placing consent at its core. The legislation stipulates that a sexual act is only deemed legal if all parties explicitly give their consent. Consequently, if a person does not give explicit consent or shows any form of resistance, it is classified as sexual violence.

In 2022, Roks, in collaboration with Örebro University and Statistics Sweden (SCB), conducted a study to investigate the prevalence of violence experienced by women and girls. A total of 15,000 women were invited to participate in the survey, with 44% responding. The study revealed that 25% of respondents reported having been raped by a partner. Nearly one in ten women (9%) reported having been raped and/or attempted rape by a former or current boyfriend. Furthermore, 17% indicated that a boyfriend had coerced them into engaging in sexual activity despite their clear indication of refusal. This occurs despite Sweden's consent-based law.[1].

We can conclude that the consent-based Sexual Offences Law has not been applicable to the largest group of girls and women who experience rape. Most sexual violence has taken place in the privacy of the home, under coerced consent. Roks can confirm that the consent-based sexual offences law has not had the intended effect of protecting the largest groups of women and girls who are subjected to sexual violence. Many of the women and girls who experience abuse live in close relationships, and the violence often occurs in the home, where consent can be difficult to prove due to power imbalances and psychological pressure. Therefore, these situations are not always captured by the law. Additionally, in many cases, consent becomes a survival strategy to avoid further physical and psychological violence. The consent-based sexual offences law in Sweden has primarily been used when the perpetrator was relatively unknown. It has failed to cover the violence that occurs daily, which constitutes the majority of rapes. Roks women's shelters and girls' shelters in Sweden meet women and girls every day who, according to the law, have consented to the rape but did not want to.

Sweden has also introduced a law on negligent rape, which Roks takes very seriously. This law means that a man who commits rape may receive a lesser sentence if he

should have known that there was no consent. Through this legislation, men are given a justification for raping somebody rather than protecting women and girls.

Roks highlights that, despite the introduction of the consent law, there has been no notable increase in the resolution of cases. The organization underscores that a large proportion of rape reports still do not result in convictions, pointing to significant flaws in the justice system's ability to hold perpetrators accountable for their actions.

According to the Swedish National Council for Crime Prevention, 9,476 rape cases were reported in 2023, of which 182 were classified as negligent rape. In the same year, only 15% of the reported rape cases were considered resolved by the Swedish police. Of these resolved cases, the majority did not result in a conviction.[2].

Thus, the consent-based sexual offences law in Sweden has not accomplished what policymakers and politicians anticipated. It is grounded in the assumption of a society devoid of unequal structures. However, inequality remains entrenched in Sweden, fostering outdated perceptions of women. This ongoing inequality renders the consent law ineffective in preventing sexual violence against women and girls, obscuring rather than addressing the underlying issue.

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[1] [Kvinnors trygghet – ett jämställt samhälle fyllt av våld \(2022\) - Roks](#)

[2] [Sexualbrott | Brå - Brottsförebyggande rådet](#)