

Table 3: Member State definitions of rape for statistical purposes

Member State	Definition of rape	Reference
BE	'Any act of sexual penetration, regardless of its nature and by whatever means, committed against a non-consenting person, represents a crime of rape. Consent is not considered to have been given, if the crime is committed by violence, coercion, threat, surprise or deceit, or is made possible by the infirmity or physical or mental impairment of the victim.'	Criminal code, Article 375.
BG	'Sexual intercourse with a female who is unable to defend herself and without her consent; by force or threat of force or by bringing her into a helpless state. This act is punishable with imprisonment of 2 to 8 years.'	Criminal code, Article 152.
CZ	'1. Whoever forces other person by violence or threat of violence or threat of other serious harm to take part in sexual intercourse, or whoever abuses his/her inability to defend him/herself for such purpose, shall be sentenced to a term of imprisonment of 6 months up to 5 years.'	Criminal code, Section 185.
DK	'Rape is punishable by imprisonment up to 8 years; this includes: (1) sexual intercourse by violence or threat of violence; or (2) attaining sexual intercourse by other illegal coercion, cf. Section 260, or with someone who is in a condition or situation in which the person is unable to resist the act.'	Criminal code, Section 216.
DE	Sexual assault by use of force or threats; rape. '(1) Whosoever coerces another person: 1. by force; 2. by threat of imminent danger to life or limb; or 3. by exploiting a situation in which the victim is unprotected and at the mercy of the offender, to suffer sexual acts by the offender or a third person on their own person or to engage actively in sexual activity with the offender or a third person, shall be liable to imprisonment of not less than 1 year.'	Criminal code, Section 177.
EE	'Sexual intercourse with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation.'	Criminal code, Section 141.
IE	Section 1: '(1) In this act 'a rape offence' means any of the following, namely, rape, attempted rape, aiding, abetting, counselling and procuring rape or attempted rape, and incitement to rape; 'complainant' means a woman in relation to whom a rape offence is alleged to have been committed. (2) In this act references to sexual intercourse shall be construed as references to carnal knowledge as defined in Section 63 of the Offences against the person act, 1861, so far as it relates to natural intercourse (under which such intercourse is deemed complete on proof of penetration only). (3) In this act 'man' and 'woman' include respectively a male and a female person of any age; but this does not affect any rule of law by virtue of which a male person is treated by reason of his age as being incapable of committing an offence of any particular kind.' Section 2: '(1) A man commits rape if: (a) he has unlawful sexual intercourse with a woman who at the time of the intercourse does not consent to it, and (b) at that time he knows that she does not consent to the intercourse or he is reckless as to whether she does or does not consent to it, and references to rape in this act and any other enactment shall be construed accordingly.'	Criminal law (rape) act 1981, Sections 1 and 2.





Member State	Definition of rape	Reference
IE	(2) It is hereby declared that if at a trial for a rape offence the jury has to consider whether a man believed that a woman was consenting to sexual intercourse, the presence or absence of reasonable grounds for such a belief is a matter to which the jury is to have regard, in conjunction with any other relevant matters, in considering whether he so believed!	Criminal law (rape) act 1981, Sections 1 and 2.
IE	'In this act 'rape under Section 4' means a sexual assault that includes: (a) penetration (however slight) of the anus or mouth by the penis, or (b) penetration (however slight) of the vagina by any object held or manipulated by another person. (2) A person guilty of rape under Section 4 shall be liable on conviction on indictment to imprisonment for life. (3) Rape under Section 4 shall be a felony.'	Criminal law act 1990, Section 4.
EL	'The use of physical violence or threat of direct and immediate danger by a person or persons in order to force another person or persons to have intercourse or other lewd acts or tolerance of those acts.'	Criminal code, Article 336.
EL	'Abuse of insanity or incapacity to resist by a person or persons in order to force another person or persons to intercourse or other lewd acts.'	Criminal code, Article 338.
ES	'When the sexual assault consists of vaginal, anal or oral penetration, or inserting body parts or objects into either of the former two orifices, the offender shall be convicted of rape with a sentence of imprisonment from six to 12 years.'	Criminal code, Article 179.
FR	'Any act of sexual penetration, regardless of the nature, committed against another person by violence, constraint, threat or surprise is rape. Rape is punished by 15 years' imprisonment.'	Criminal code, Articles 222-223.
HR	'Whoever commits the criminal offence referred to in Article 152 Paragraph 1 of this code by force or by threat of immediate attack upon his life or limb, or the life or limb of another person. (2) Whoever coerces another by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him, to sexual intercourse or an equivalent.'	Criminal code, Article 188.
IT	'Whoever, by force or by threat or abuse of authority, forces another person to commit or suffer sexual acts shall be punished with imprisonment from 5 to 10 years. To the same punishment is liable any person who induces anybody to commit or to endure sexual actions: (1) abusing the conditions of physical or psychical disability of the victim at the moment of the fact; (2) deceiving the victim in order to replace the guilty party by another person. In the cases of lesser gravity, the penalty is reduced to two thirds.'	Criminal code, Article 609bis.
CY	'Unlawful carnal knowledge of a female, without her consent, or with her consent, if the consent was obtained by force or fear of bodily harm, or, in the case of a married woman, by impersonating her husband.'	Criminal code, Section 144.
LV	'(1) For a person who commits an act of sexual intercourse taking advantage of the state of helplessness of a victim or an act of sexual intercourse against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim (rape), the applicable punishment is deprivation of liberty for a term of 4 and up to 10 years and with probationary supervision for a term up to 5 years.'	Criminal code, Section 159.
LT	'A person who has sexual intercourse with a person against his will by using physical violence or threatening the immediate use thereof or by otherwise depriving of a possibility of resistance or by taking advantage of the helpless state of the victim ...'	Criminal code, Article 149.

2. Definitions of rape, femicide and intimate partner violence for statistical purposes

Member State	Definition of rape	Reference
LU	'Any act of sexual penetration, of whatever nature, by any means whatsoever, committed on a person who does not consent, including using violence or serious threats by ruse or artifice, or abusing a person incapable of giving consent or free to oppose resistance, constitutes rape and shall be punished by imprisonment of 5 to 10 years.' Is qualified rape committed abusing a person unable of giving free consent, any act of sexual penetration, of whatever nature, by any means whatsoever, committed on a person under the age of 16. In this case, the perpetrator will be punished with imprisonment of 10 to 15 years.'	Criminal code, Article 375.
LU	If the rape has caused illness or permanent work-incapacity, the offender shall be punished with imprisonment from 10 to 15 years in the case of Article 375 paragraph 1 and by imprisonment of 15 to 20 years in the case of Article 375 paragraph 2.	Criminal code, Article 376.
HU	'(1) Sexual violence is a felony if committed: (a) by force or threat against the life or bodily integrity of the victim; (b) by exploiting a person who is incapable of self-defence or unable to express his/her will, for the purpose of sexual acts. (2) Sexual violence shall also include, and the penalty shall be imprisonment between 5 to 10 years if the perpetrator commits a sexual act upon a person under the age of 12 years, or forces such person to perform sexual acts. (3) The penalty shall be imprisonment between 5 to 10 years if the criminal act described in subsection (1) is committed: (a) against a person under the age of 18 years; (b) by family member or against a person who is in the care, custody or supervision of or receives medical treatment from, such family member, or if abuse is made of a recognised position of trust, authority or influence over the victim.'	Criminal code, Section 197.
HU	'For the purposes of this law, 'sexual act' means sexual intercourse and any severely lewd act that is capable of or aimed at arousing, maintaining or satisfying sexual desire.'	Criminal code, Section 459.
MT	'Whosoever shall, by violence, have carnal knowledge of a person of either sex, shall, on conviction, be liable to imprisonment for a term from 3 to 9 years, with or without solitary confinement.'	Criminal code, Article 198.
NL	'He who through violence or other act or threat of violence or other act forced someone to undergo actions consisting of or including sexual penetration of the body, shall be guilty of rape will be punished with imprisonment not exceeding 12 years or a fine of the fifth category.'	Criminal code, Article 242.
AT	'A rape is committed if the deed has been a coitus or any other form of penetration. The victim of a rape has to be coerced by force, by deprivation of her/his personal liberty, or by dangerous threat either to perform or to tolerate the coitus.'	Criminal code, Section 201.
PL	'(1) Whoever, by force, illegal threat or deceit subjects another person to sexual intercourse shall be subject to the penalty of the deprivation of liberty for a term of between 2 and 12 years.'	Criminal code, Article 197.
PT	'Coercion of another to be inflicted or to inflict upon, with him or herself or with another, copulation, anal or oral intercourse; or to undergo vaginal or anal penetration of body parts or objects. Such coercion is made either with violence or with serious threat.'	Criminal code, Article 164.
RO	'(1) Sexual intercourse, oral or anal intercourse with a person, committed by constraint, by rendering the person in question unable to defend themselves or to express their will or by taking advantage of such state, shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights. (2) The same penalty shall apply to any act of vaginal or anal penetration committed under paragraph (1).'	Criminal code, Article 218.



Member State	Definition of rape	Reference
SI	'(1) Whoever compels a person of the same or opposite sex to submit to sexual intercourse or with sexual intercourse equalised sexual act with him by force or threat of imminent attack on life or limb shall be sentenced to imprisonment for not less than one and not more than 10 years.'	Criminal code, Article 170.
SK	'(1) Any person who, by using violence or the threat of imminent violence, forces a woman to have sexual intercourse with him, or takes advantage of a woman's helplessness for such act, shall be liable to a term of imprisonment of 5 to 10 years. (2) The offender shall be liable to a term of imprisonment of 7 to 15 years if he commits the offence referred to in paragraph 1: (a) acting in a more serious manner, (b) against a protected person, (c) by reason of specific motivation, or (d) against a woman held in custody or serving her term of imprisonment.'	Criminal code, Section 199.
FI	'(1) A person who forces another into sexual intercourse by the use or threat of violence directed against the person shall be sentenced for rape to imprisonment for at least 1 year and at most 6 years. (2) Also a person who, by taking advantage of the fact that another person, due to unconsciousness, illness, disability, state of fear or other state of helplessness, is unable to defend himself or herself or to formulate or express his or her will, has sexual intercourse with him or her, shall be sentenced for rape.'	Criminal code, Chapter 20, Section 1.
SE	'By assault or otherwise with violence or by the threat of a criminal act, compels a person to have sexual intercourse or a comparable sexual act. Rape may also be committed when the victim has not compelled, but the perpetrator has improperly exploited the fact that a person is in a helpless state, owing to, for instance, unconsciousness, sleep, intoxication or other influence of drugs, illness, bodily injury or mental impairment.'	Criminal code, Chapter 6, Section 1.
UK	'Person 'A' commits an offence if: (a) he intentionally penetrates the vagina, anus or mouth of another person 'B' with his penis, (b) 'B' does not consent to the penetration, and (c) 'A' does not reasonably believe that 'B' consents.'	UK: Sexual offences act 2003, Section 1. Scotland: Sexual offences (Scotland) act 2009, Section 1.