

Sexual Offences: as defined in Law

It must be noted that sexual offences are highly gendered: they are predominantly committed by men and women are predominantly the victims. Men can also be victimised and it is important to remember that they are predominantly victimised by other men. Sexuality is irrelevant: Assumptions that victims and / or perpetrators are gay are incorrect. Masculinity ideals – about what it means to be a man – make it difficult for men to report rape.

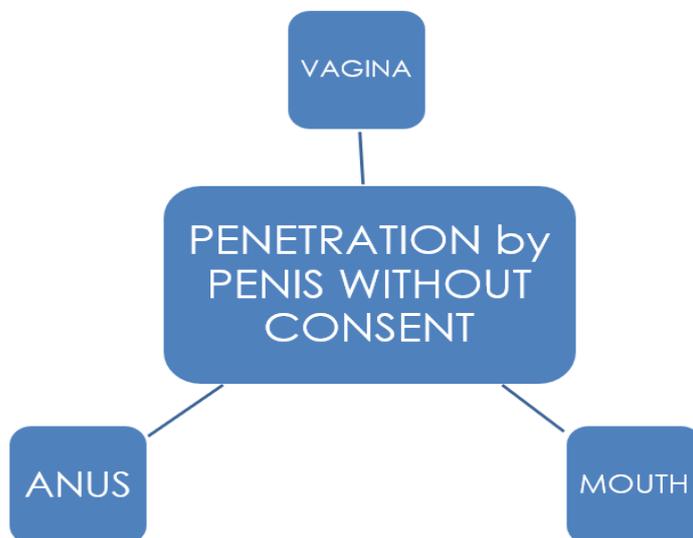
My main problem was dealing with the fact that men can get raped too. Others said I should have beaten him up or been more of a man or that it was a lesson for being seen as a bit promiscuous at times."

(Cambridge 2014 p.20)

The law on rape recognises both transgender victims and perpetrators are recognised in law (Sexual Offences Act s.79(3))

Rape

s. 1 Sexual Offences Act 2003



Rape can only be committed by a person with a penis.

Forced oral sex i.e. where someone's mouth is penetrated by a penis is rape.

Men as well as women can be victims of rape. Men are raped anally or by the mouth by other men

Penetration means to the slightest extent.

Ejaculation is not necessary.

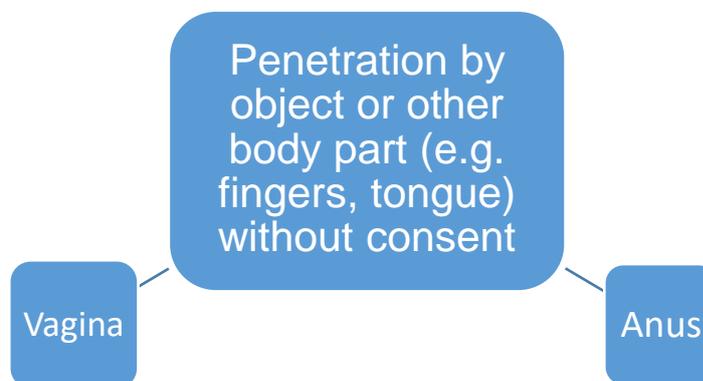
Sexuality is irrelevant.

Women cannot commit rape in law but if a woman forced a man to have sex with her it would be another sexual offence of equal seriousness – most likely s.4 – causing sexual activity – below.

It is also important to understand that many people have difficulty defining or labelling an act as rape, particularly when it involves those close to them – such as partners. Relationship is irrelevant.

Assault by Penetration

S.2 Sexual Offences Act 2003



Both men and women can commit this offence. Both men and women can be victims.

Penetration of the mouth is not included here.

Objects would be things like bottles, dildo.

Body parts would be fingers, tongue, fist, nose, elbow.

Sexual Assault

s.3 Sexual Offences Act 2003

This offence requires sexual touching: this can be rubbing up against someone, groping, kissing someone, fondling, touching breasts or bottom, putting a hand down someone's top or trousers. The touching can be over clothes or naked. It can be done quickly so the victim has no time to show their lack of consent or it might be a prolonged attack. Both men and women can commit this offence and both can be victims.

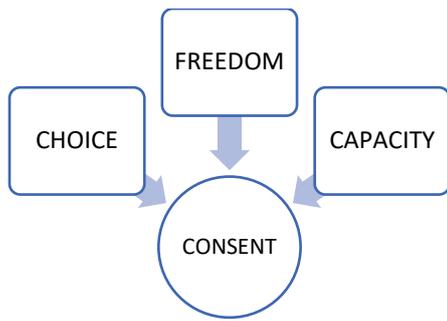
Causing Sexual activity

s.4 Sexual Offences Act 2003

This offence is a sort of 'catch-all' offence which covers causing another person to engage in sexual activity when they do not consent. It covers many forms of sexual activity and is not about the perpetrator doing something physically sexual to the victim as the other offences are. So for example the perpetrator might cause A to masturbate a third person. The perpetrator might cause another person to watch pornography or to send a photo of themselves naked to the perpetrator or another person. It could be causing someone to do sexual acts on a webcam for the perpetrator or others to watch.

It is worth noting that this offence covers the situation where a woman compels a man to penetrate her with his penis and this would be the equivalent of rape and is treated as the equivalent by law.

Consent



- The absence of a 'No' does not mean that sex is consensual: a clear 'No' is not required
- Someone who is asleep or unconscious cannot consent to sexual activity
- Someone who is very drunk or drugged may not have capacity to give consent
- Someone may submit out of fear or have a freeze response

These offences (above) are the main adult sexual offences and the child sexual offences mirror them.

Grooming

The NSPCC defines grooming as:

“Grooming is when someone builds an emotional connection with a child to gain their trust for the purposes of [sexual abuse](#), [sexual exploitation](#) or [trafficking](#). Children and young people can be groomed online or face-to-face, by a stranger or by someone they know - for example a family member, friend or professional”

<https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/grooming/>

s. 14 Sexual Offences Act 2003

The relevant sexual offences relate to arranging or facilitating anything that will involve the commission of a child sex offence by that person or for another, for example:

- driving someone to meet a child or making a room available in your house for commission of a child sex offence

s. 15 Sexual Offences Act 2003

- Where offender (over 18) has met or communicated with an under-16 on one or more occasions (the communication does not have to be sexual)
- and then meets them or travels or arranges to travel to meet them (or the child travels) with the intention to do anything that would be a sexual offence.

Signs of grooming

The signs of grooming aren't always obvious and groomers will often go to great lengths not to be identified.

If a child is being groomed they may:

- be very secretive, including about what they are doing online
- have older boyfriends or girlfriends
- go to unusual places to meet friends
- have new things such as clothes or mobile phones that they can't or won't explain
- have access to drugs and alcohol.

In older children, signs of grooming can easily be mistaken for 'normal' teenage behaviour, but you may notice unexplained changes in behaviour or personality, or inappropriate sexual behaviour for their age.

<https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/grooming/>

s.15A Sexual Offences Act 2003

Designed to catch paedophiles in the early stages of grooming: any communication that is sexual or intended to encourage the child to make a sexual communication. This was added by the Serious Crime Act 2015 following NSPCC campaign. Allows police to intervene early in the grooming process where adult is flattering the child to gain trust, particularly in online sexualised chat

Abuse of trust offences

These are all the child sexual offences but applied to 16 and 17 yr olds where the adult is in a position of trust such as a teacher or carer, trainer, any supervisory position. The 17 year old might be sexually mature and consenting in fact – they may even instigate it - but in law any sexual activity is illegal. This is to protect this age group from sexual abuse.

5. Other sexual offences:

Exposure

[S.66 Sexual Offences Act 2003](#)

Exposure of genitals intending that someone will see them and be caused alarm or distress

Voyeurism

[S.67 Sexual Offences Act 2003](#)

This offence is about observing another person doing a private act (which exposes underwear or genitals, using the toilet or doing a sex act) for the purposes of obtaining sexual gratification, whether it is in person or by recording or using equipment, without that person's consent.

It is also an offence to operate equipment to allow others to observe that person or instal equipment / adapts a building for that purpose.

Examples would be installing and or watching via webcam in a bedroom or toilet or changing room, or a 2-way mirror

'Upskirting'

- Taking a photograph up someone's skirt
- About to become criminal offence