

# 13-Year-Old's Rape Case Dismissed Because Her Body Is 'Well-Developed'

A Swedish court acquitted a 27-year-old man of raping a 13-year-old girl because she looked older. Add this to similar cases in the U.S. and U.K., and we've got a sickening problem.

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A man who raped a 13-year-old girl has been acquitted on the grounds that her body was "well-developed" for her age. The Swedish teenager had lodged an appeal against the ruling on her perpetrator, 27, but it was thrown out of court this week as officials decided her figure exempted him from blame as he "could not have known" how old she was. The ruling has called Sweden's sexual assault laws into question: legislation that states a defendant must "know" or have "reasonable grounds to believe" that the child is under 15, the country's age of consent. The statute also classifies having sex with someone below that age as "child rape."

The girl's lawyer, Goran Landerdahl, told the country's national news agency that they were planning to bring the [case](#) to Sweden's Supreme Court in the hopes of setting a benchmark for how issues of this nature are treated in the future.

"Judges read newspapers too," Landerdahl told TT News, "so perhaps someone will realize that there are irregularities in this [case](#)." He also criticized adults who have sex with those who look "borderline 15-years-old" without attempting to verify their age, saying that they must be held responsible for their decisions.

But chances of the Supreme Court revising the ruling on the case are slim. As legal expert Madeleine Leijonhufvud explains, verdicts for similar abuse issues are often passed without a conviction for the alleged offenders. "The Supreme Court has been very restrictive when it comes to applying legal sexual abuse clauses to cases involving young teenagers," she told TT.

This latest case is horrifying, but it's not the first in recent history to expose how authorities around the world mistreat young rape victims. Earlier this year, a London judge accused a 16-year-old girl of "grooming" her 44-year-old teacher for sex, likening her actions to a stalker and telling the older man: "If anything, it was she who groomed you. You gave way to temptation at a time when you were emotionally vulnerable because of problems with your wife's pregnancy."

Judge Joanna Greenberg, QC, added: "There is no evidence you encouraged her in any way"—a comment that seemed all the more misguided given that the accused, Stuart Kerner, had taken the girl's virginity in a school storage cupboard. Elsewhere in the U.K., victims of a gang who coerced hundreds of children into underage sex were labelled as

“very difficult girls making bad choices” by their care workers—an attitude that led to abuse ensuing for many more years.

Add to this the Montana judge who dismissed a 14-year-old girl as “older than her chronological age” after she was raped by her 47-year-old teacher, and therein lies a very bleak picture of our attitudes toward young victims of sexual assault.

The regular refrain espoused by prosecutors and judges—that these girls seem beyond their years, and therefore cannot benefit from the protective laws afforded to others of their age group—is a paltry excuse. Either we design legislation to protect people or we don’t, but denying someone the legal justice they deserve because their chest is a little bigger than average is frankly embarrassing. If the law won’t safeguard these girls, who will?

There comes a time when we must ask ourselves why blame keeps being placed on young women. Perhaps one of them did, as the judge alleged, become overly infatuated with an older man and spend too much time trying to court his affections. But shouldn’t a man in his 40s, who is in an even greater position of power by way of being that girl’s teacher, be the one to demonstrate what is right and wrong? Dealing with personal distress is one thing, but sleeping with your pre-legal student because your wife has just miscarried simply should not be an alibi we find acceptable.

This constant misdirection of fault is a stain on punitive justice worldwide. How can we expect rape victims to come forward when they so frequently receive blame for such acts of sexual assault? And how can we expect men who target vulnerable girls to stop doing so when they know they will never be punished for their behavior? Laws designed to protect young women from sexual violence exist. It’s about time we started using them.