

## CHAPTER V

### OFFENCES AGAINST THE DIGNITY OF PERSONS Articles 225-1 to 225-25

#### SECTION I

#### DISCRIMINATION Articles 225-1 to 225-4

##### **ARTICLE 225-1**

*(Act no. 2001-1066 of 16 November 2001 Article 1 Official Journal of 17 November 2001)*

*(Act no. 2002-303 of 4 March 2002 Article 4 Official Journal of 5 March 2002)*

Discrimination comprises any distinction applied between natural persons by reason of their origin, sex, family situation, physical appearance or patronymic, state of health, handicap, genetic characteristics, sexual morals or orientation, age, political opinions, union activities, or their membership or non-membership, true or supposed, of a given

ethnic group, nation, race or religion.

Discrimination also comprises any distinction applied between legal persons by reason of the origin, sex, family situation, physical appearance or patronymic, state of health, handicap, genetic characteristics, sexual morals or orientation, age, political opinions, union activities, membership or non-membership, true or supposed, of a given ethnic

group, nation, race or religion of one or more members of these legal persons.

##### **ARTICLE 225-2**

*(Act no. 2001-1066 of 16 November 2001 Article 1 Official Journal of 17 November 2001)*

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

*(Act no. 2004-204 of 9 March 2004 article 6 V Official Journal of 10 March 2004)*

Discrimination defined by article 225-1, committed against a natural or legal person, is punished by three years' imprisonment and a fine of €45,000 where it consists:

1° of the refusal to supply goods or services;

2° of obstructing the normal exercise of any given economic activity;

3° of the refusal to hire, to sanction or to dismiss a person;

4° of subjecting the supply of goods or services to a condition based on one of the factors referred to under article 225-1;

5° of subjecting an offer of employment, an application for a course or a training period to a condition based on one

of the factors referred to under article 225-1;

6° of refusing to accept a person onto one of the courses referred to under 2° of article L.412-8 of the Social Security Code.

Where the discriminatory refusal referred to under 1° is committed in a public place or in order to bar the access to

this place, the penalties are increased to five years' imprisonment and to a fine of €75,000.

##### **ARTICLE 225-3**

*(Act no. 2002-303. of 4 March 2002 Article 4 Official Journal of 5 March 2002)*

The provisions of the previous article do not apply to:

1° discrimination based on state of health, when it consists of operations aimed at the prevention and coverage of

the risk of death, of risks for the physical integrity of the person, or the risk of incapacity to work or invalidity.

However,

when it is based on the consideration of predictive genetic tests relating to an illness that has not yet commenced or the

genetic predisposition towards an illness, this discrimination is punished by the penalties provided for by the previous article;

2° discrimination based on state of health or handicap, if it consists of a refusal to hire or dismiss based on a medically established incapacity, according to either the provisions of title IV of book II of the Labour Code, or of the

laws defining the statutory framework of the public service;

3° recruitment discrimination based on gender when the fact of being male or female constitutes the determining factor in the exercise of an employment or professional activity, in accordance with the provisions of the Labour Code or

of the laws defining the statutory framework of the public service.

#### **ARTICLE 225-4**

Legal persons may incur criminal liability for the offence defined under article 225-2, pursuant to the conditions set

out under article 121-2. The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under 2°, 3°, 4°, 5°, 8° and 9° of article 131-39.

The prohibition referred to in 2° of article 131-39 applies to the activity in the exercise of which or on the occasion of

the exercise of which the offence was committed.

#### **SECTION Ibis**

#### **TRAFFICKING IN HUMAN BEINGS Articles 225-4-1 to**

**225-4-9**

#### **ARTICLE 225-4-1**

*(Inserted by Act no. 2003-239 of 18 March 2003 Article 32 Official Journal of 19 March 2003)*

Human trafficking is the recruitment, transport, transfer, accommodation, or reception of a person in exchange for

remuneration or any other benefit or for the promise of remuneration or any other benefit, in order to put him at the

disposal of a third party, whether identified or not, so as to permit the commission against that person of offences of

procuring, sexual assault or attack, exploitation for begging, or the imposition of living or working conditions inconsistent

with human dignity, or to force this person to commit any felony or misdemeanour.

Human trafficking is punished by seven years' imprisonment and by a fine of €150,000.

#### **ARTICLE 225-4-2**

*(Inserted by Act no. 2003-239 of 18 March 2003 Article 32 Official Journal of 19 March 2003)*

The offence under article 225-4-1 is punished by 10 years' imprisonment and by a fine of €1,500,000 when it is committed:

1° against a minor;

2° against a person whose particular vulnerability due to age, sickness, infirmity, to a physical or psychological disability, or to pregnancy, is apparent or known to the perpetrator;

3° against two or more people;

4° against a person who is outside the territory of the French Republic or upon his arrival on the territory of the French Republic;

5° when the person has been brought into contact with the perpetrator through the use of a telecommunications network for the distribution of messages to a non-specified audience;

6° in circumstances which directly expose the person against whom the offence is committed to the immediate risk

of death or of injuries of a nature to cause mutilation or a permanent disability;

7° with the use of threats, constraints, violence or fraudulent behaviour against the party concerned, his family or someone who has a regular relationship with him;

8° by a legitimate, natural or adoptive ascendant of the victim of the offence provided for by article 225-4-1 or by a

person holding authority over him or who misuses the authority conferred by his position;

9 by a person whose post requires him to participate in the fight against human trafficking or to uphold public order.

#### **ARTICLE 225-4-3**

*(Inserted by Act no. 2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)*

When it is committed by an organised gang, the offence provided for by article 225-4-1 is punished by 20 years' imprisonment and by a fine of €3,000,000.

#### **ARTICLE 225-4-4**

*(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)*

The offence provided for by article 224-4-1, when committed with recourse to torture or acts of barbarity, is punished by life imprisonment and by a fine of €4,500,000.

#### **ARTICLE 225-4-5**

*(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)*

When the felony or misdemeanour committed or to be committed against the victim of the offence of human trafficking is punishable by a custodial sentence longer than the prison sentence applicable under articles 225-4-1 to 225-4-3, the human trafficking offence is punishable by sentences applicable to the felonies or misdemeanours of which the perpetrator was aware, and if this felony or misdemeanour is accompanied by aggravating circumstances, by the penalties applicable only to the aggravating circumstances of which the perpetrator had knowledge.

**ARTICLE 225-4-6**

*(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)*

Legal persons can be declared criminally responsible, under the provisions of article 121-2, for the offences provided for in the present section. The penalties incurred by legal persons are:

1° a fine, subject to the terms of article 131-38;

2° the penalties mentioned by article 131-39.

**ARTICLE 225-4-7**

*(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)*

Attempt to commit the offences provided for by the present section is punished by the same penalties.

**ARTICLE 225-4-8**

*(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)*

Being unable to account for resources corresponding to one's lifestyle while being in close contact with one or more

victims or perpetrators of the offences provided for by articles 225-4-1 to 225-4-6 is punished by 7 years' imprisonment

and by a fine of €750,000.

**ARTICLE 225-4-9**

*(Inserted by Act no. 2004-204 of 9 March 2004 article 12 X Official Journal of 10 March 2004)*

Any person who has attempted to commit the offences outlined in the present section is exempted from punishment

if, having alerted the judicial or administrative authorities, he has prevented the offence from being carried out, and,

where relevant, has enabled the other perpetrators or accomplices to be identified.

The prison sentence incurred by the perpetrator or the accomplice to the offence is reduced by half if, by alerting

the legal or administrative authorities, he has enabled the offence to be stopped or has prevented the offence resulting

in loss of life or permanent disability and, where relevant, has identified the other perpetrators or accomplices.

Where

the sentence incurred is criminal imprisonment for life, this is reduced to twenty years' criminal imprisonment.

**SECTION II**

**OF PROCURING AND ASSIMILATED OFFENCES Articles 225-5 to**

**225-10-1**

**ARTICLE 225-5**

*(Act no. 2001-1062 of 15 November 2001 Article 60 Official Journal 16 November 2001)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September in force 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

Procuring is where any person, in whatsoever manner:

1° helps, assist or protects the prostitution of others;

2° makes a profit out of the prostitution of others, shares the proceeds of it or receives income from a person engaging habitually in prostitution;

3° hires, trains or corrupts a person with a view to prostitution or exercises on such a person pressure to practice prostitution or to continue doing so.

Procuring is punished by seven years' imprisonment and a fine of €150,000.

**ARTICLE 225-6**

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

The following acts committed by any person and in whatever manner are assimilated to procuring and are punished

by the penalties set out under article 225-5:

- 1° acting as an intermediary between two persons one of whom is engaged in prostitution and the other exploits or remunerates the prostitution of others;
- 2° facilitating the justification of a procurer's fictitious resources;
- 3° being unable to account for an income compatible with one's lifestyle while living with a person habitually engaged in prostitution or while entertaining a habitual relationship with one or more persons engaging in prostitution;
- 4° obstructing operations of prevention, control, assistance or re-education undertaken by institutions qualified to deal with persons in danger of prostitution or engaging in prostitution.

**ARTICLE 225-7**

*(Act no. 1998-468 of 17 June 1998 Article 13 Official Journal of 18 June 1998)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

Procuring is punished by ten years' imprisonment and a fine of €1,500,000 where it is committed:

- 1° in respect of a minor;
  - 2° in respect of a person whose particular vulnerability, due to age, sickness, to a infirmity, a physical or psychological disability or to pregnancy, is apparent or known to the offender;
  - 3° in respect of two or more persons;
  - 4° in respect of a person who was incited to engage in prostitution either outside the territory of the French Republic, or upon arrival on the territory of the French Republic;
  - 5° by a legitimate, natural or adoptive ascendant of the person engaged in prostitution or by a person holding authority over him or who misuses the authority conferred on him by his position;
  - 6° by a person called upon to take part, by virtue of his position, in the fight against prostitution, in the protection of health or in the keeping of the public peace;
  - 7° by a person bearing a weapon;
  - 8° with the use of constraint, violence or fraudulent behaviour;
  - 9° by two or more acting as offenders or accomplices, although not constituting an organised gang.
  - 10° through the use of a communications network for the distribution of messages to a non-specified audience.
- The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under the present article.

**ARTICLE 225-7-1**

*(Act no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

The offence of procuring is punished by fifteen years' criminal imprisonment and a fine of €3,000,000 where it is committed against a minor under the age of fifteen.

**ARTICLE 225-8**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

The offence of procuring defined under article 225-7 is punished by twenty years' criminal imprisonment and a fine

of €3,000,000 where it is committed by an organised gang.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the present article.

**ARTICLE 225-9**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

The offence of procuring committed by resorting to torture or acts of barbarity is punished by criminal imprisonment

for life and a fine of €4,500,000.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence provided for by the present article.

**ARTICLE 225-10**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003 in force 1 January 2002)*

A penalty of ten years' imprisonment and a fine of €750,000 is incurred by anyone who, acting directly or through an intermediary:

1° holds, manages, exploits, directs, operates, finances or contributes to finance a place of prostitution;

2° holding, managing, exploiting, directing, operating, financing or contributing to finance any given place open to

the public or used by the public, accepts or habitually tolerates one or more persons to engage in prostitution within the

premises or their annexes, or solicits clients in such premises with a view to prostitution;

3° sells or makes available to one or more persons any premises or places not open to the public, in the knowledge

that they will there engage in prostitution;

4° sells, hires or makes available in any way whatsoever vehicles of any type to one or more persons knowing that

they will engage in prostitution in them.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under 1°

and 2° of the present article.

**ARTICLE 225-11**

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

Attempt to commit the misdemeanours set out under the present section is subject to the same penalties.

**ARTICLE 225-11-1**

*(Act no. 2004-204 of 9 March 2004 article 12 X Official Journal of 10 March 2004)*

Any person who has attempted to commit the offences outlined in the present section is exempted from punishment

if, having alerted the judicial or administrative authorities, he has prevented the offence from being carried out, and,

where relevant, has enabled the other perpetrators or accomplices to be identified.

The prison sentence incurred by the perpetrator or the accomplice to the offence is reduced by half if, by alerting

the legal or administrative authorities, he has enabled the offence to be stopped or has prevented the offence resulting

in loss of life or permanent disability and, where relevant, has identified the other perpetrators or accomplices.

Where

the sentence incurred is criminal imprisonment for life, this is reduced to twenty years' criminal imprisonment.

**ARTICLE 225-12**

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

Legal persons may be convicted of the offences defined by articles 225-5 to 225-10, pursuant to the conditions set

out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties set out under article 131-39.

**ARTICLE 225-10-1**

*(Inserted by Act no. 2003-239 of 18 March 2003 Article 50 2° Official Journal of 19 March 2003)*

Publicly soliciting another person by any means, including passive conduct, with a view to inciting them to engage in

sexual relations in exchange for remuneration or a promise of remuneration is punished by two months' imprisonment

and by a fine of €3,750.

SECTION IIbis  
OF RECOURSE TO MINORS' PROSTITUTION Articles 225-12-1 to  
225-12-4

**ARTICLE 225-12-1**

*(Decree no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 3° 4° Official Journal of 19 March 2003)*

Soliciting, accepting or obtaining, in exchange for remuneration or a promise of a remuneration, relations of a sexual

nature with a minor who engages in prostitution, even if not habitually, is punished by three years' imprisonment and a

fine of €45,000.

Soliciting, accepting or obtaining in exchange for remuneration or a promise of remuneration, sexual relations with a

person whose particular vulnerability, due to age, sickness, infirmity, a physical or psychological disability or to pregnancy, is apparent or known to the offender, and who engages in prostitution, even if not habitually, is punished by

the same penalties.

**ARTICLE 225-12-2**

*(Decree no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 3° Official Journal of 19 March 2003)*

The penalty is increased to five years' imprisonment and to €75,000:

1° where the offence is committed habitually or against more than one person;

2° where the person was put in contact with the offender by the use, for the dissemination of messages to an unrestricted public, of a communication network;

3° where the offence was committed by a person abusing the authority conferred upon him by his position.

The penalty is increased to seven years' imprisonment and to a fine of €100,000 where the offence was committed

against a minor under fifteen years of age.

**ARTICLE 225-12-3**

*(Inserted by Decree no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

Where the misdemeanours referred to under articles 225-12-1 to 225-12-2 are committed abroad by a French national or by a person habitually resident on French territory, French law is applicable notwithstanding the second

paragraph of article 113-6, and the provisions of the second sentence of article 113-8 do not apply.

**ARTICLE 225-12-4**

*(Inserted by Decree no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 3° Official Journal of 19 March 2003)*

A legal person may incur criminal liability, pursuant to the conditions set out under article 121 -2, for the offences defined under this Section of the present Code.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated in article 131-39.

The prohibition under 2° of article 131-39 applies to the activity in the exercise of which or on the occasion of the exercise of which the offence was committed.

SECTION IIter

THE EXPLOITATION OF BEGGING Articles 225-12-5 to  
225-12-7

**ARTICLE 225-12-5**

*(Inserted by Act no. 2003-239 of 18 March 2003 Article 64 11° Official Journal of 19 March 2003)*

Exploitation of begging is committed when a person in any way:

1° organises begging by another, with a view to profiting from it;

2° profits from another person's begging, shares the proceeds or receives income from a person who habitually engages in begging;

3° hires, trains or corrupts a person in order to start them begging or exercises pressure on a person for them to beg or to continue to do so;

4° for his personal gain, hires, trains or corrupts a person into offering services on a public highway in return for a

donation.

The fact of being unable to account for an income compatible with one's lifestyle while in practice influencing the behaviour of one or more persons who practise begging, or being in a constant relationship with him or them, is assimilated to the exploitation of begging.

Exploitation of begging is punished by three years' imprisonment and by a fine of €45,000.

**ARTICLE 225-12-6**

*(Inserted by Act no. 2003-239 of 18 March 2003 Article 64 I 1° Official Journal of 19 March 2003)*

The exploitation of begging is punished by five year's imprisonment and by a fine of €75, 000 when it is committed:

1° against a minor;

2° where it is committed against a person whose particular vulnerability, due to age, sickness, infirmity, a physical of

psychological disability or to pregnancy, is apparent or known to the perpetrator;

3° against two or more;

4° against a person who was incited to start begging either outside the territory of the French Republic, or upon his

arrival on the territory of the French Republic;

5° by a legitimate, natural or adoptive ascendant of the person begging, or by any other person having authority over him or who misuses the authority conferred by his position;

6° with the use of constraint, violence or fraudulent behaviour towards the person who is begging, or his family or

another person in habitual contact with him;

7° by two or more persons acting as perpetrators or accomplices, although not constituting an organised gang.

**ARTICLE 225-12-7**

*(Inserted by Act no.2003-239 of 18 March 2003 Art. 64I I° Official Journal of 19 March 2003.)*

The exploitation of another person's begging is punished by ten years' imprisonment and by a fine of €1 500 000 when it is committed by an organised gang.

**SECTION III**

**WORKING AND LIVING CONDITIONS WHICH INFRINGE HUMAN**

**DIGNITY**

Articles 225-13 to

225-15-1

**ARTICLE 225-13**

*(Ordinance no. 2000-916 of 19 September 2000 Art.3 Official Journal of 22 September 2000 in force on 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Art. 33 Official Journal of 19 March 2003)*

Obtaining the performance of unpaid services or services against which a payment is made which clearly bears no

relation to the importance of the work performed from a person whose vulnerability or dependence is obvious or known

to the offender is punished by five years' imprisonment and by a fine of €150,000.

**ARTICLE 225-14**

*(Ordinance no. 2000-916 of 19 September 2000 Art.3 Official Journal of 22 September 2000 in force on 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Art. 34 Official Journal of 19 March 2003)*

Subjecting a person, whose vulnerability or dependence is obvious or known to the offender, to working or living conditions incompatible with human dignity is punished by five years' imprisonment and by a fine of €150,000.

**ARTICLE 225-15**

*(Ordinance no. 2000-916 of 19 September 2000 Art.3 Official Journal of 22 September 2000 in force on 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Art. 35 Official Journal of 19 March 2003)*

The offences under articles 225-13 and 225-14 are punished by seven years' imprisonment and by a fine of €200,000 when they are committed against more than one person.

Where they are committed against a minor, they are punished by seven years' imprisonment and by a fine of €200,000.

Where they are committed against two or more, one or more of whom are minors, they are punished by 10 years'

imprisonment and by a fine of €300,000.

**ARTICLE 225-16**

*(Act no. 1998-657 of 29 July 1998 Article 124 Official Journal of 31 July 98)*

Legal persons may be convicted of the offences defined by articles 225-13 to 225-15, pursuant to the conditions set

out under article 121-2. The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties set out under article 131-39.

**ARTICLE 225-15-1**

*(Inserted by Act no. 2003-239 of 18 March 2003 Art. 36 Official Journal of 19 March 2003)*

For the application of articles 225-13 and 225-14, minors or others who have been victims of the acts described by

these articles upon their arrival on French national territory are considered to be vulnerable or in a situation of dependence.

SECTION IIIbis

DEGRADING INITIATION CEREMONIES Articles 225-16-1 to

225-16-3

**ARTICLE 225-16-1**

*(Act no. 1998-657 of 29 July 1998 Article 14 Official Journal of 31 July 1998; Ordinance No. 2000-916 of 19 September*

*2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

Except in cases of violence, threat or sexual assault, a person who induces another, with or without his consent, to

submit to or commit humiliating or degrading acts at demonstrations or meetings linked to schools or socio-educational

centres is punished by six months' imprisonment and a fine of €7,500.

**ARTICLE 225-16-2**

*(Act no. 1998-657 of 29 July 1998 Article 14 Official Journal of 31 July 1998; Ordinance No. 2000-916 of 19 September*

*2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

The offence under article 225-16-1 is punished by one year's imprisonment and a fine of €15,000 where it is committed against a person whose particular vulnerability, due to age, sickness, infirmity, a physical or psychological

disability or to pregnancy, is apparent or known to the perpetrator.

**ARTICLE 225-16-3**

*(Act no. 1998-657 of 29 July 1998 Article 14 Official Journal of 31 July 1998; Ordinance No. 2000-916 of 19 September*

*2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

Legal persons may incur criminal liability, in the manner provided by article 121-2, for the offences committed during

demonstrations or meetings linked to educational or socio-educational centres under 225-16-1 and 225-16-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties set out under article 131-39.

SECTION IV

VIOLATIONS OF RESPECT FOR THE DEAD Articles 225-17 to

225-18-1

**ARTICLE 225-17**

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

Any violation of the physical integrity of a corpse, by any means, is punished by one year's imprisonment and a fine

of €15,000.

The violation or desecration of tombs, burials grounds or monuments erected to the memory of the dead, committed

by any means, is punished by one year's imprisonment and a fine of €15,000.



The penalty is increased to two years' imprisonment and to a fine of €30,000 where the offences defined under the previous paragraph were accompanied by a violation of the physical integrity of the corpse.

**ARTICLE 225-18**

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

Where the offences defined under the previous article were committed by reason of the membership or non-membership, true or supposed, of the deceased persons to any given ethnic group, nation, race or religion, penalties are increased to three years' imprisonment and to a fine of €45,000 in for the offences defined under the first

two paragraphs of article 225-17 and to five years' imprisonment and to a fine of €75,000 in relation to the offence

defined by the last paragraph of that article.

**ARTICLE 225-18-1**

*(Inserted by Act no. 2001-504 of 12 June 2001 Article 11 Official Journal of 13 June 2001)*

Legal persons may incur criminal liability for the offence defined under article 225-17 and 225-18, pursuant to the conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under 2° to 9° of article 131-39;

3° the penalty referred to under 1° of article 131-39 for the offences referred to under article 225-18.

The prohibition referred to in 2° of article 131-39 applies to the activity in the exercise of which or on the occasion of

the exercise of which the offence was committed.

**SECTION V**

**OF ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS Articles 225-19 to 225-21**

**ARTICLE 225-19**

*(Act no. 1998-657 of 26 July 1998 Article 124 Official Journal of 31 July 1998)*

Natural persons convicted of the offences set out under Sections 1 and 3 of the present chapter also incur the following additional penalties:

1° forfeiture of rights under 2° and 3° of article 131-26 for a maximum period of five years;

2° public display or dissemination of the decision pronounced, pursuant to the conditions set out under article 131-35;

3° mandatory closure, either for a maximum period of five years or permanently, of one, some or all of the premises

of the business belonging to the convicted person;

4° exclusion from public tenders either permanently or for a maximum period of five years;

5° confiscation of a housing business that has been used to commit the offence outlined in article 225-14;

6° the obligation to complete a citizenship course, according to the conditions set out under article 131-5-1.

**ARTICLE 225-20**

*(Act no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 64 I 2 ° Official Journal of 19 March 2003)*

Natural persons convicted of the offences under sections 1bis, 2, 2bis and 2ter of the present chapter also incur the

following additional penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to discharge the social or professional activity in the exercise of which or on the occasion of the exercise of which the offence was committed, pursuant to the conditions set out under article 131-27;

3° area banishment;

4° prohibition to manage, directly or indirectly, establishments open to the public or used by the public specified in

the sentence, to be employed there in any capacity or to have or continue any financial participation;

5° prohibition to hold or carry a weapon requiring a licence, for a maximum period of five years;

6° prohibition, for a maximum period of five years, to leave the territory of the French Republic.

**ARTICLE 225-21**

*(Act no. 2003-239 of 18 March 2003 Article 64 I 3 ° Official Journal of 19 March 2003)*

Any alien convicted of any of the offences set out under sections 1bis, 2 and 2ter of the present chapter may be banished from French territory either permanently or for a maximum period of ten years, pursuant to the conditions set

out under article 131-10.

#### SECTION VI

PROVISIONS COMMON TO NATURAL AND LEGAL PERSONS Articles 225-22 to

225-25

#### **ARTICLE 225-22**

Natural or legal persons convicted of the offences set out under Article 225-10 also incur the following additional penalties:

1° permanent withdrawal of a bar or restaurant licence;

2° the mandatory closure, either permanent or for a maximum period of five years, of the entire establishment or of

the parts of the establishment used for the purpose of prostitution;

3° seizure of business capital and equipment.

#### **ARTICLE 225-23**

Temporary mandatory closure set out under the third paragraph (point 2°) of article 225-22 entails the suspension of

the bar or restaurant licence for the same length of time. The expiry of the said licence is suspended during the mandatory closure period.

Permanent mandatory closure provided for under article 225-22 entails the permanent withdrawal of the bar or restaurant licence.

#### **ARTICLE 225-24**

Natural or legal persons convicted of the offences set out under articles 225-8 to 225-10 also incur:

1° confiscation of the movable assets directly or indirectly used for the commission of the offence as well as of any

products of the offence held by a person other than the person engaging in prostitution;

2° reimbursement of the repatriation expenses of the victim or victims.

#### **ARTICLE 225-25**

*(Inserted by Act no. 2003-239 of 18 March 2003 Article 37 Official Journal of 19 March 2003)*

Natural or legal persons convicted of the offences set out under sections 1bis and 2 of the present chapter, with the

exception of the offence set out under article 225-10-1, also incur the additional penalty of the confiscation of any or all

of their property, of whatever type, movable or immovable, and whether jointly or separately owned.

#### CHAPTER VI

OFFENCES AGAINST PERSONALITY Articles 226-1 to 226-32

#### SECTION I

OFFENCES AGAINST PRIVACY Articles 226-1 to 226-7

#### **ARTICLE 226-1**

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

A penalty of one year's imprisonment and a fine of €45,000 is incurred for any wilful violation of the intimacy of the

private life of other persons by resorting to any means of:

1° intercepting, recording or transmitting words uttered in confidential or private circumstances, without the consent

of their speaker;

2° taking, recording or transmitting the picture of a person who is within a private place, without the consent of the

person concerned.

Where the offences referred to by the present article were performed in the sight and with the knowledge of the persons concerned without their objection, although they were in a position to do so, their consent is presumed.

#### **ARTICLE 226-2**

The same penalties apply to the keeping, bringing or causing to be brought to the knowledge of the public or of a

third party, or the use in whatever manner, of any recording or document obtained through any of the actions set out under article 226-1.

Where the misdemeanour under the previous paragraph is committed through the press or by broadcasting, the specific legal provisions governing those matters are applicable to define the persons who are responsible.

**ARTICLE 226-3**

The same penalties apply to the manufacture, import, detention, exhibition, offer, rental or sale, in the absence of a ministerial authorisation whose conditions of granting are determined by decree of the Conseil d'Etat, of equipment designed to perform operations which may constitute the offence set out under the second paragraph of article 226-15

or which, being designed for the detection of conversations from a distance, enable the commission of an offence under

article 226-1 and are enumerated on a list drawn up pursuant to the conditions determined by that Decree.

The same penalties apply to the advertising of a device liable to enable the commission of the offences set out under article 226-1 and the second paragraph of article 226-15, where this advertisement constitutes an incentive to commit such offences.

**ARTICLE 226-4**

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

Entering or unlawfully occupying the residence of another by means of manoeuvres, threats, acts of violence or constraint, except where permitted by law, is punished by one year's imprisonment and a fine of €15,000.

**ARTICLE 226-5**

Attempts to commit the offences set out under the present section are similarly punishable.

**ARTICLE 226-6**

In the cases set out under articles 226-1 and 226-2, criminal proceedings may only be initiated on the complaint of

the victim, his legal representative or the legal successor to his rights.

**ARTICLE 226-7**

Legal persons may incur criminal liability for the offences defined by the present section, pursuant to the conditions set out under article 121-2.

The penalties applicable to legal persons are:

1° a fine, pursuant to the conditions set out under Article 131-38;

2° prohibition, either permanent or for a maximum period of five years, to engage in, either directly or indirectly, the

social or professional activity in the exercise of which or on the occasion of the exercise of which the offence was committed;

3° the public display or dissemination of the decision pursuant to the conditions set out under article 131-35.

**SECTION II**

**OFFENCES AGAINST THE IMAGE OF PERSONS Articles 226-8 to 226-9**

**ARTICLE 226-8**

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

A sentence of one year's imprisonment and a fine of €15,000 apply to the publication by any means of any montage

made that uses the words or the image of a person without the latter's consent, unless it is obvious that it is a montage,

or this fact is expressly indicated

When the misdemeanour set out under the previous paragraph is committed through the press or by broadcasting,

the specific legal provisions governing those matters are applicable to define the persons who are responsible.

**ARTICLE 226-9**

Articles 226-5 and 226-7 are applicable to the present section.

**SECTION III**

MALICIOUS DENUNCIATION Articles 226-10 to 226-12

**ARTICLE 226-10**

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

A denunciation made by any means and directed against a specified person, of a fact that is liable to cause judicial, administrative or disciplinary sanctions and that the maker knows to be totally or partially false, where it is sent either to a judicial officer or to a judicial or administrative police officer, or to an authority with power to follow it up or to refer it to the competent authority, or to hierarchical superiors or to the employer of the person concerned, is punished by five years' imprisonment and a fine of €45,000.

The falsity of the act denounced is conclusively established by a final decision of acquittal, or decision to drop the prosecution, which declares that the alleged facts are not established or that they are not attributable to the person denounced.

In any other case, the court seised with the prosecution of the denouncer weighs the accuracy of the denouncer's accusations.

**ARTICLE 226-11**

Where the subject matter of the denunciation has led to a criminal prosecution, the prosecution case against the denouncer may not be decided upon until after the decision putting a final end to the proceedings concerning that matter.

**ARTICLE 226-12**

Legal persons may incur criminal liability, pursuant to the conditions set out under article 121-2, for the offence defined under article 226-10.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° prohibition, either permanent or for a maximum period of five years, to engage in, either directly or indirectly, the social or professional activity in the exercise of which or on the occasion of the exercise of which the offence was committed;;

3° the public display or dissemination of the decision taken, pursuant to the conditions set out under article 131-35.

SECTION IV

BREACH OF SECRECY Articles 226-13 to 226-15

Paragraph 1

Of the breach of professional secrecy Articles 226-13 to 226-14

**ARTICLE 226-13**

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

The disclosure of secret information by a person entrusted with such a secret, either because of his position profession, or because of a temporary function or mission, is punished by one year's imprisonment and a fine of €15,000.

**ARTICLE 226-14**

*(Act no. 98-468 of 17 June 1998 Article 15 Official Journal of 18 June 1998)*

*(Act no.2002-79 of 17 January 2002 article 89 Official Journal of 18 January 2002)*

*(Act no. 2003-239 of 18 March 2003 article 85 Official Journal of 19 March 2003)*

*(Act no. 2004-1 of 2 January 2004 article 11 Official Journal of 3 January 2004)*

Article 226-13 is not applicable to the cases where the law imposes or authorises the disclosure of the secret. In addition, it is not applicable:

1° to a person who informs a judicial, medical or administrative authority of cruelty or deprivation, including sexual abuse, of which he has knowledge and which has been inflicted on a minor or a person unable to protect himself because of his age, or physical or psychological state;  
2° to a doctor who, with the consent of the victim, brings to the knowledge of the public prosecutor instances of cruelty or deprivation, either physical or psychological, that he has observed in the exercise of his profession that cause him to believe that physical, sexual or psychological violence of any sort, has been committed. Where the victim is a minor, his consent is not necessary;  
3° to health professionals or social work professionals who inform the prefect and, in Paris, the chief of police, that someone who consults them presents a danger to himself or to other people when they know that this person has a weapon or has manifested the intention to acquire one.

Alerting the competent authorities under the conditions provided for by the present article may not lead to disciplinary sanctions.

The provisions of article 226-14 of the Criminal Code are applicable in New Caledonia, French Polynesia and the islands of Wallis and Futuna.

Paragraph 2

Breach of the secrecy of correspondence Article 226-15

**ARTICLE 226-15**

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

Maliciously opening, destroying, delaying or diverting of correspondence sent to a third party, whether or not it arrives at its destination, or fraudulently gaining knowledge of it, is punished by one year's imprisonment and a fine of €45,000.

The same penalty applies to the malicious interception, diversion, use or disclosure of correspondence sent, transmitted or received by means of telecommunication, or the setting up of a device designed to produce such interceptions.

SECTION V

VIOLATIONS OF PERSONAL RIGHTS RESULTING FROM COMPUTER FILES OR PROCESSES

Articles 226-16 to 226-24

**ARTICLE 226-16**

*(Act no. 92-1336 of 16 December 1992 Articles 360 and 373 Official Journal of 23 December 1992 in force 1 March 1994)*

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September in force 1 January 2002)*

*(Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)*

Processing data or causing data to be processed where the data concerned is of a personal nature, without respecting the formalities required by statute prior to the processing of such data, is punished by five years' imprisonment and a fine of €300,000, even where committed through negligence.

The same penalties apply to processing of data or causing data to be processed that has been subject to one of the

measures provided for in 2° of I of article 45 of Act no. 78-17 of 6 January 1978 regulating information technology, files

and liberty, even where this is committed through negligence.

**ARTICLE 226-16-1**

*(Inserted by Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)*

Except where this has been authorised under the conditions set out by the afore- mentioned Act no.78-17 of 6 January 1978, processing or causing data to be processed which is personal and which indicates a person or persons'

registration number in the National Register of Natural Persons is punished by five years' imprisonment and by a fine of €300,000.

**ARTICLE 226-16-1-A**

*(Inserted by Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)*

Where data is processed or caused to be processed in the situations mentioned in paragraphs I or II of article 24 of the above-mentioned Act no.78-17 of 6 January 1978, and the simplified or exempted norms prescribed for these purposes by the National Commission for Data-processing and Civil Liberties are not respected, even through negligence, this is punished by five years' imprisonment and by a fine of €30,000.

**ARTICLE 226-17**

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

Carrying out or causing to be carried out the processing of personal data without putting into practice the measures required by article 34 of the aforementioned Act no. 78-17 of 6 January 1978 is punished by five years' imprisonment and a fine of €300,000.

**ARTICLE 226-18**

*(Act no. 1994-548 of 1 July 1994 Article 4 Official Journal of 2 July 1994; Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002; Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)*

The collection of personal data by fraudulent, unfair or unlawful means is punished by five years' imprisonment and a fine of €300,000.

**ARTICLE 226-18-1**

*(Inserted by Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)*

Carrying out or causing to be carried out the processing of personal data relating to a natural person despite this person's objection, when the processing is done for the purpose of seeking custom, particularly commercial custom, or when the objection is founded on legitimate reasons, is punished by five years' imprisonment and a fine of €300,000.

**ARTICLE 226-19**

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

Except in cases provided for by law, the recording or preserving in a computerised memory, without the express agreement of the persons concerned, of personal data which directly or indirectly reveals their racial origins, political,

philosophical or religious opinions, or trade union affiliations, or their health or sexual orientation, is punished by five years' imprisonment and a fine of €300,000.

The same penalty applies to the recording or preserving in a computerised memory of name-bearing information relating to offences, convictions or supervision measures outside the cases provided for by law.

**ARTICLE 226-19-1**

*(Inserted by Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)*

Where the processing of personal data takes place the aim of which is research in the area of health, a penalty of

five years' imprisonment and a fine of €300,000 applies to any processing carried out:

1° without having previously individually informed the persons on whose account the personal data have been collected or transmitted of their right to request access, rectification and objection, and of the nature of the data to be

transmitted ad the persons to whom it is to be sent;

2° despite the objection of the person concerned or, where this is required by law, in the absence of the informed

and express consent of this person, or where the person is dead, despite his refusal expressed when he was alive.

**ARTICLE 226-20**

*(Act no. 2000-321 of 12 April 2000 Article 5 Official Journal of 13 April 2000; Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002; Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)*

The retention of personal data beyond the length of time specified by statute or by regulation, by the request for authorisation or notice, or in the preliminary declaration sent to the National Commission for Data-processing and Civil

Liberties, is punished by five years' imprisonment and a fine of €300,000, except where the retention was carried out

historical, statistical or scientific purposes in conditions specified by law.

Except where the law otherwise provides, the same penalties apply to any processing of data held beyond the periods mentioned in the previous paragraph, where this is done for purposes other than those which are historical,

statistical or scientific.

**ARTICLE 226-21**

*(Act no. 1995-116 of 4 February 1995 Article 34 Official Journal of 5 February 1995; Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002; Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)*

Anyone holding personal data at the time of its recording, classification, transmission or any other form of processing who diverts this information from its proper purpose, as defined by the legislative provision or regulation or

decision of the National Commission for Data-processing and Civil Liberties authorising automated processing, or by the

preliminary statement made before the implementation of such processing, is punished by five years' imprisonment and a fine of €300,000.

**ARTICLE 226-22**

*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

Anyone who has collected, at the time of its recording, classification, transmission or any other form of processing, personal data the disclosure of which would result in undermining the reputation of the concerned person or cause harm

to the intimacy of his private life, and then brings such information to the knowledge of a third party who has no authority

to receive it without prior authorisation of the person concerned, is punished by three years' imprisonment and a fine of €300,000.

Disclosure contrary to the previous paragraph is punished by a fine of €100,000 where it was committed by carelessness or negligence.

In the cases set out under the two previous paragraphs, the prosecution may only be initiated upon the complaint of the victim, his legal representative or successors.

**ARTICLE 226-22-1**

*(Inserted by Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)*

Except in cases provided for by law, transferring or causing to be transferred any personal data used or intended for use in data processing to a State not belonging to the European Community in breach of any measures taken by the

National Commission for Data-processing and Civil Liberties described in article 70 of the aforementioned Act no. 78-17

of 6 January 1978 is punished by 5 years' imprisonment and a fine of €300,000.

**ARTICLE 226-22-2**

*(Inserted by Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)*

In the cases provided for by articles 226-16 to 226-22-1, the destruction of the personal data the processing of which has given rise to the offence may be ordered. The members or officials of the National Commission for Data-processing and Civil Liberties are authorised to verify the destruction of such information.

**ARTICLE 226-23**

*(Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)*

The provisions of article 226-19 are applicable to the non-automated processing of personal data, when the processing operation does not take place exclusively in the course of activities that are purely private.

**ARTICLE 226-24**

*(Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)*

Legal persons may incur criminal liability, under the conditions provided by article 121-2, for the offences set out in the present section.

The penalties applicable to legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under 2°, 3°, 4°, 5°, 7°, 8° and 9° of article 131-39.

The prohibition mentioned under 2° of article 131-39 applies to the activity in the exercise of which or on the occasion of the exercise of which the offence was committed.

**SECTION VI**

**OFFENCES AGAINST PERSONS RESULTING FROM EXAMINATION OF GENETIC CHARACTERISTICS OR IDENTIFICATION OF DNA PROFILES**

Articles 226-25 to

226-30

**ARTICLE 226-25**

*(Act no. 1992-1336 of 16 December 1992 Articles 361 and 373 Official Journal of 23 December 1992 into force 1 March*

*1994; Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994; Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002; Act no.2004-801 of 6 August 2004*

*Article 14 Official Journal of 7 August 2004)*

The study of the genetic characteristics of a person for purposes other medical purposes or scientific research, or

their study for medical purposes or scientific research without having obtained the person's prior consent pursuant to the

conditions set out under article 16-10 of the Civil Code, is punished by one year's imprisonment and a fine of €15,000.

**ARTICLE 226-26**

*(Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994; Ordinance No. 2000-916 of 19 September*

*2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

The diversion from their intended purposes of medical or scientific research any information collected on a person

by way of a study of his genetic characteristics is punished by one year's imprisonment and a fine of €15,000.

**ARTICLE 226-27**

*(Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994; Ordinance No. 2000-916 of 19 September*

*2000 Article 3 Official Journal of 22 September into force 1 January 2002; Act no.2004-801 of 6 August 2004 Article 14*

*Official Journal of 7 August 2004)*

Researching the identification of a person through his DNA profile for medical purposes without obtaining his consent prior pursuant to the conditions set out under article 16-11 of the Civil Code is punished by one year's imprisonment and a fine of €15,000.

**ARTICLE 226-28**

*(Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994)*



*(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

*(Act no. 2005-270 of 24 March 2005 Article 93 II Official Journal of 26 March 2005 in force 1 July 2005)*

Researching the identification of a person through his DNA profile, if it does not involve a member of the military deceased during an operation led by the armed forces or a linked group, for purposes neither medical nor scientific, or

other than in an inquiry or investigation made in the course of judicial proceedings, is punished by one year's imprisonment and a fine of €15,000.

The same penalty applies to the disclosure of information concerning the identification of a person through his DNA

profile or proceeding to the identification of a person through his DNA profile without holding the authorisation provided

for under article L. 145-16 of the Public Health Code.

NOTE: Act no. 2005-270 of the 24th March 2005 article 106: the provisions of article 93 are applicable in New-Caledonia, French Polynesia, Wallis-et-Futuna and Mayotte.

#### **ARTICLE 226-29**

*(Inserted by Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994)*

Attempt to commit the offences defined by articles 226-25, 226-26, 226-27 and 226-28 is subject to the same penalties.

#### **ARTICLE 226-30**

Legal persons may incur criminal liability for the offences defined by this section of the present Code pursuant to the

conditions set out under article 121-2.

The penalties applicable to legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under points 2°, 3°, 4°, 5°, 7°, 8° and 9° of article 131-39.

The prohibition referred to in 2° of article 131-39 applies to the activity in the exercise of which or on the occasion of

the exercise of which the offence was committed.

#### **SECTION VII**

**ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS** Articles 226-31 to 226-32

#### **ARTICLE 226-31**

*(Inserted by Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994)*

Natural persons convicted of any of the offences set out in the present chapter also incur the following additional penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to discharge the social or professional activity in the exercise of which or on the occasion of the exercise of which the offence was committed, pursuant to the conditions set out under article 131-27;

3° prohibition to hold or carry a weapon requiring a licence, for a maximum period of five years;

4° the public display or dissemination of the decision taken, pursuant to the conditions set out under article 131-35.

5° in the cases under articles 226-1 to 226-3, 226-8, 226-15 and 226-28, the confiscation of the thing which was used or was intended for the commission of the offence, or of the thing which is the product of it. Confiscation of the

equipment referred to under article 226-3 is mandatory.

#### **ARTICLE 226-32**

*(Inserted by Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994)*

Natural persons convicted of the offences under article 226-28 and of any attempt to commit these offences who hold the capacity of a judicially appointed expert are also liable to be struck off the list on which they are inscribed.

#### **CHAPTER VII**

**OFFENCES AGAINST MINORS AND THE FAMILY** Articles 227-1 to 227-31

#### **SECTION I**

**DESERTION OF MINORS** Articles 227-1 to 227-2

#### **ARTICLE 227-1**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

The abandonment of a minor under fifteen years of age in any given place is punished by seven years' imprisonment and a fine of €100,000 except where the circumstances of the abandonment enabled the health and the

safety of the minor to be assured.

**ARTICLE 227-2**

The abandonment of a minor under fifteen years of age causing the minor to suffer mutilation or permanent disability is punished by twenty years' criminal imprisonment.

The abandonment of a minor under fifteen years of age causing the death of the minor is punished by thirty years'

criminal imprisonment.

SECTION II

DESERTION OF FAMILY Article 227-3

**ARTICLE 227-3**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force the 1 January 2002)*

The non-execution of a judicial decision or a judicially affirmed agreement imposing upon a person an obligation to

pay, in the interest of a legitimate, natural or adoptive child, of a descendant, an ascendant or spouse, a pension, a

contribution, subsidies or benefits of any nature on the basis of one of the family obligations set out in titles V, VI, VII and

VIII of Book I of the Civil Code, by remaining more than two months without fulfilling that duty in its entirety is punished

by two years' imprisonment and a fine of €15,000.

The offences referred to in the first paragraph of the present article are assimilated to abandoning the family for the

purposes of 3° of article 373 of the Civil Code.

**ARTICLE 227-4**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

Failure by a person bound under the conditions referred to in article 227-3 to pay a pension, a contribution, subsidies or benefits of any nature, to notify a change of official address to the creditor within a time-limit of one month

from the date of the change is punished by six months' imprisonment and a fine of €7,500.

**ARTICLE 227-4-1**

*(Inserted by Act no. 2001-504 of 12 June 2001 Article 12 Official Journal of 13th June 2001)*

Legal persons may incur criminal liability pursuant to the conditions set out under article 121-2 for offences under

this Section of the present Code.

The penalties incurred by legal persons are:

1° a fine, in the manner prescribed by article 131-38;

2° the penalties referred to under 2° to 9° of article 131-39.

The prohibition specified under 2° of article 131-39 relates to the activities in the course of which or on the occasion

of the performance of which the offence was committed.

**ARTICLE 227-3**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force the 1 January 2002)*

*(Ordinance no. 2005-759 of 4 July 2005 Article 19 I Official Journal of 7 July 2005 in force 1 July 2006)*

The non-execution of a judicial decision or a judicially affirmed agreement imposing upon a person an obligation to

pay, in the interest of a child, of a descendant, an ascendant or spouse, a pension, a contribution, subsidies or benefits of any nature on the basis of one of the family obligations set out in titles V, VI, VII and VIII of Book I of the Civil Code, by remaining more than two months without fulfilling that duty in its entirety is punished by two years' imprisonment and a fine of €15,000.

The offences referred to in the first paragraph of the present article are assimilated to abandoning the family for the purposes of 3° of article 373 of the Civil Code.

### SECTION III

#### OFFENCES AGAINST THE EXERCISE OF PARENTAL AUTHORITY Articles 227-5 to 227-11

##### **ARTICLE 227-5**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

The unlawful refusal to produce a minor child to the person who has the right to require the production of the child is punished by one year's imprisonment and a fine of €15,000.

##### **ARTICLE 227-6**

*(Act no. 96-604 of 5 July 1996 Article 27 Official Journal of 6th July 1996)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

The omission by a person whose children reside habitually with him when moving elsewhere to notify his change of address within one month from the date of such change to those persons entitled to exercise visiting or residence rights over such children pursuant to a judgment or a judicially affirmed agreement is punished by six months' imprisonment and a fine of €7,500.

##### **ARTICLE 227-7**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

*(Ordinance no. 2005-759 of 4 July 2005 Article 19 I Official Journal of 7 July 2005 in force 1 July 2006)*

The abduction a minor from the care of persons who exercise parental authority over him or from persons to whom

he was entrusted, or with whom the child habitually resides, when committed by any ascendant, is punished by one year's imprisonment and a fine of €15,000.

##### **ARTICLE 227-8**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

The abduction without fraud or violence of a minor from the care of persons who exercise parental authority over him or from persons to whom he was entrusted or with whom he habitually resides, when committed by a person other than those referred to in article 227-7, is punished by five years' imprisonment and a fine of €75,000.

##### **ARTICLE 227-9**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

*(Act no. 2002-305 of 4 March 2002 Article 16 Official Journal of 5 March 2002)*

The offences set out under articles 227-5 and 227-7 are punished by three years' imprisonment and a fine of €45,000:

1° if the minor is retained in excess of five days, when the persons who have the right to claim him do not know

where he is;

2° if the minor is unlawfully kept outside the territory of the Republic.

**ARTICLE 227-10**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

Where the person guilty of the offences set out under articles 227-5 and 227-7 has been divested of parental authority, such offences are punished by three years' imprisonment and a fine of €45,000.

**ARTICLE 227-11**

Attempt to commit the offences set out under articles 227-7 and 227-8 is subject to the same penalties.

**SECTION IV**

**OFFENCES AGAINST FILIATION** Articles 227-12 to 227-14

**ARTICLE 227-12**

*(Act no. 94-653 of 29 July 1994 Article 4 Official Journal of 30th July 1994; Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

The incitement of the parents or one of them to abandon a born or unborn child, made either for pecuniary gain, or

by gifts, promises, threats or abuse of authority, is punished by six months' imprisonment and a fine of €7,500 € Acting for pecuniary gain as an intermediary between a person desiring to adopt a child and a parent desiring to abandon its born or unborn child is punished by one year's imprisonment and a fine of €15,000.

The penalties provided by the second paragraph apply to acting as an intermediary between a person or a couple

desiring to receive a child and a woman agreeing to bear this child with the intent to give it up to them. Where the

offence is habitually committed for pecuniary gain, the penalties incurred are doubled.

Attempt to commit the offences referred to under the second and third paragraphs of the present article is subject to

the same penalties.

**ARTICLE 227-13**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

Wilful substitution, false representation or concealment which infringes the civil status of a child is punished by three

years' imprisonment and a fine of €45,000.

Attempt to commit this offence is subject to the same penalties.

**ARTICLE 227-14**

Legal persons may incur criminal liability for the offences under the present Section, pursuant to the conditions set

out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to in 1°, 2°, 3°, 8° and 9° of article 131-39.

**SECTION V**

**ENDANGERMENT OF MINORS** Articles 227-15 to 227-28-1

**ARTICLE 227-15**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Art. 44 Official Journal of 19 March 2003)*

*(Ordinance no. 2005-759 of 4 July 2005 Article 19 I Official Journal of 7 July 2005 in force 1 July 2006)*

Deprivation of food or care to the point of endangering the health of a minor under fifteen years of age, inflicted by

an ascendant or by any other person exercising parental authority or having authority over the minor, is punished by

seven years' imprisonment and a fine of €100,000.

Keeping a child under six years of age on a public highway or in a place used for the purposes of public transport

with the aim of soliciting the generosity of passers-by also constitutes deprivation of care.

**ARTICLE 227-16**

The offence defined by the previous article is punished by thirty years' criminal imprisonment where it causes the death of the victim.

**ARTICLE 227-17**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January*

*2002)*

*(Act no. 2002-1138 of 9 September 2002 Article 27 Official Journal of 10 September 2002)*

*(Ordinance no. 2005-759 of 4 July 2005 Article 19 I Official Journal of 7 July 2005 in force 1 July 2006)*

Failure by the father or mother, without a legitimate reason, to comply with their legal obligations to the point of endangering the health, safety, morals or education of their minor child is punished by two years' imprisonment and a

fine of €30,000.

The offence referred to in the present article is assimilated to abandoning the family for the purposes of 3° of article

373 of the Civil Code.

**ARTICLE 227-17-1**

*(Act no. 98-1165 of 18th December 1998 Article 5 Official Journal of 22nd December 1998)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January*

*2002)*

*(Act no. 2005-380 of 23 April 2005 Article 8 II Official Journal of 24 April 2005)*

Failure by the parents of a child or any other person exercising parental authority or de facto authority over him on a

continuous basis to register him in an educational institution without a valid reason, despite the receiving an official

warning by the Inspector of the Academy, is punished by six months' imprisonment and a fine of €7,500.

Failure by a director of a private institution running classes without a contract, despite receiving an official warning

by the Inspector of Academy, either to take the necessary steps to ensure that the teaching there given complies with

the objects of compulsory education as defined in articles L 131-1-1 and L 131-10 of the Education Code, or to close

such classes down, is punished by six months' imprisonment and a fine of €7,500. In addition the court may forbid him to

manage or to provide courses, and also order the institution to be closed.

**ARTICLE 227-17-2**

*(Act no. 98-1165 of 18th December 1998 Article 5 Official Journal of 22nd December 1998)*

*(Act no. 2001-504 of 12 June 2001 Article 13 Official Journal of 13th June 2001)*

Legal persons may incur criminal liability pursuant to the conditions set out under article 121-2 for offences under

article 227-15 to 227-17-1.

The penalties incurred by legal persons are:

1° a fine in the manner prescribed under article 131-38;

2° penalties referred to under article 131-39.

**ARTICLE 227-18**

*(Act no. 98-468 of 17th June 1998 Article 16 Official Journal of 18th June 1998)*

The direct provocation of a minor to make unlawful use of drugs is punished by five years' imprisonment and a fine

of €100,000.

Where it concerns a minor under fifteen years of age, or where the offence is committed inside a learning or

educational institution or, when the pupils are entering or leaving, outside such an institution, the offence under this

article is punished by seven years' imprisonment and a fine €150,000.

**ARTICLE 227-18-1**

*(Act no. 96-392 of 13th May 1996 Article 18 Official Journal of 14th May 1996)*

*(Act no. 98-468 of 17th June 1998 Article 16 Official Journal of 18th June 1998)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

The direct provocation of a minor to transport, keep, offer or give controlled drugs is punished by seven years' imprisonment and a fine of €150,000.

Where it concerns a minor under fifteen years of age or where the offence is committed inside a learning or educational institution or, when the pupils are entering or leaving, outside such an institution, the offence under this

article is punished by ten years' imprisonment and a fine of €300,000.

**ARTICLE 227-19**

*(Act no. 98-468 of 17th June 1998 Article 16 Official Journal of 18th June 1998)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

The direct provocation of a minor to regular excessive consumption of alcoholic beverages is punished by two years' imprisonment and a fine €45,000.

Where it concerns a minor under fifteen years of age or where the offence is committed inside a learning or educational institution or, when the pupils are entering or leaving, outside such an institution, the offence under this

article is punished by three years' imprisonment and a fine of €75,000.

**ARTICLE 227-20**

Repealed (by Act no. 2003-239 of 18 March 2003 Article 64 Official Journal of 19 March 2003)

**ARTICLE 227-21**

*(Act no. 98-468 of 17 June 1998 Article 16 Official Journal of 18 June 1998)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

*(Act no. 2002-1138 of 9 September 2002 Article 28 Official Journal of 10 September 2002)*

The direct provocation of a minor to commit a felony or a misdemeanour is punished by five years' imprisonment and a fine of €150,000.

Where it concerns a minor under fifteen years of age and this minor is provoked to habitually commit felonies or misdemeanours, or where the offence is committed inside a school or educational institution or outside such an institution when the pupils are entering or leaving, the offence under this article is punished by seven years' imprisonment and a fine of €150,000.

**ARTICLE 227-22**

*(Act no. 98-468 of 17 June 1998 Article 16 Official Journal of 18 June 1998)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

*(Act no. 2004-204 of 9 March 2004 article 6 VII Official Journal of 10 March 2004)*

Assisting or attempting to assist in the corruption of a minor is punished by five years' imprisonment and a fine of €75,000. The penalty is increased to seven years' imprisonment and a fine of €100,000 where the minor is under fifteen

years of age, where the minor was put in contact with the offender by the use, for the dissemination of messages to an

unrestricted public, of a telecommunications network, or where the offence is committed inside a learning or educational

institution or, when the pupils are entering or leaving, outside such an institution.

The same penalties are in particular applicable to the organisation, by an adult, of meetings involving indecent exposure or sexual relations at which minors are present or are participating.

The penalties are increased to ten years' imprisonment and to fine of €1,000,000 where the offence was committed by an organised gang.

**ARTICLE 227-23**

*(Act no. 98-468 of 17 June 1998 Article 17 Official Journal of 18 June 1998)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

*(Act No. 2002-305 of 4 March 2002 Article 14 Official Journal of 5 March 2002)*

*(Act no. 2004-204 of 9 March 2004 article 6 VII Official Journal of 10 March 2004)*

Taking, recording or transmitting a picture or representation of a minor with a view to circulating it, where that image

or representation has a pornographic character, is punished by three years' imprisonment and a fine of €45,000. Attempting to do so is subject to the same penalties.

The same penalty applies to offering or distributing such a picture or representation by any means, and to importing

or exporting it, or causing it to be imported or exported.

The penalties are increased to five years' imprisonment and a fine of €75,000 where use was made of a communication network for the circulation of messages to an unrestricted public in order to circulate the image or representation of a minor.

Possessing such an image or representation is punished by two years' imprisonment and a fine of €30,000.

The offences set out in the second, third and fourth paragraphs are punished by ten years' imprisonment and by a

fine of €500,000 where they are committed by an organised gang.

The provisions of the present article also apply to the pornographic images of a person whose physical appearance

is that of a minor unless it is proved that the person was over eighteen on the day his picture was taken or recorded.

**ARTICLE 227-24**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

The manufacture, transport, distribution by whatever means and however supported, of a message bearing a pornographic or violent character or a character seriously violating human dignity, or the trafficking in such a message,

is punished by three years' imprisonment and a fine of €75,000, where the message may be seen or perceived by a minor.

Where the offences under the present article are committed through the press or by broadcasting, the specific legal

provisions governing those matters are applicable to define the persons who are responsible.

**ARTICLE 227-25**

*(Act no. 98-468 of 17th June 1998 Article 18 Official Journal of 18th June 1998)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

The commission without violence, constraint, threat or surprise of a sexual offence by an adult on the person of a

minor under fifteen years of age is punished by five years' imprisonment and a fine of €75,000.

**ARTICLE 227-26**

*(Act no. 94-89 of 1 February 1994 Article 15 Official Journal of 2 February 1994 in force 1 March 1994)*

*(Act no. 95-116 of 4 February 1995 Article 121 Official Journal of 5 February 1995)*

*(Act no. 98-468 of 17 June 1998 Article 13, Article 19 Official Journal of 18 June 1998)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

*(Act no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

The offence set out under article 227-25 is punished by ten years' imprisonment and a fine of €150,000:

1° when it was committed by a legitimate, natural or adoptive ascendant or by any other person having authority over the victim;

2° when it was committed by a person abusing the authority conferred by his position;

3° when it was committed by two or more persons acting as perpetrators or accomplices;

4° when the minor was put in contact with the offender by using a telecommunications network for the dissemination

of messages to an unrestricted public.

**ARTICLE 227-27**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)*

Sexual acts committed without violence, constraint, threat or surprise on a minor aged over fifteen and not emancipated by marriage are punished by two years' imprisonment and a fine of €30,000:

1° where they are committed by a legitimate, natural or adoptive ascendant or by any other person having authority over the victim;

2° where they are committed by a person abusing the authority conferred by his functions.

**ARTICLE 227-27-1**

*(Inserted by Act no. 98-468 of 17th June 1998 Article 19 Official Journal of 18th June 1998)*

Where the misdemeanours under articles 227-22, 227-23 or 227-25 to 227-27 are committed abroad by a French

national or a person habitually residing on French territory, French law shall apply notwithstanding the second paragraph

of article 113-6 and the provisions of the second sentence of article 113-8 do not apply.

**ARTICLE 227-28**

Where the incitement was committed through the press or by broadcasting, the specific legal provisions governing

those matters are applicable to define the persons who are responsible.

**ARTICLE 227-28-1**

*(Act no. 98-468 of 17 June 1998 Article 20 Official Journal of 18 June 1998)*

*(Act no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

Legal persons may incur criminal liability in the manner prescribed by article 121-2 for the offences provided for under articles 227-18 to 227-26.

The penalties incurred by legal persons are:

1° a fine in the manner provided under article 131-38;

2° the penalties referred to under 2°, 3°, 4°, 5°, 7°, 8°, and 9° of article 131-39.

The prohibition referred to under 2° of article 131-39 applies to the activity in course of which or on the occasion of

the performance of which the offence was committed.

**SECTION VI**

**ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS Articles 227-29 to 227-31**

**ARTICLE 227-29**

*(Act no. 98-468 of 17th June 1998 Article 21 Official Journal of 18th June 1998)*

Natural persons convicted of the offences provided for under the present chapter also incur the following additional

penalties:

1° forfeiture of civic, civil and family rights, in accordance with the conditions laid down under Article 131-26;

2° suspension of the driving licence for a maximum period of five years; this suspension may be limited to driving other than in the course of professional activity;

3° cancellation of the driving licence together with the prohibition, for a maximum period of five years, to apply for

the issue of a new one;

4° prohibition, for a maximum period of five years, to leave the territory of the French Republic.

5° confiscation of the object which was used or intended to commit the offence or the object which is the product of



it;

6° prohibition, for a period of up to ten years or permanently, to undertake any professional or charitable activity involving regular contact with minors.

**ARTICLE 227-30**

Natural persons convicted of the offences referred to under Section IV of the present Chapter also incur the additional penalty of the public display or dissemination of the decision set out under article 131-35.

**ARTICLE 227-31**

*(Act no. 98-468 of 17th June 1998 Article 4 Official Journal of 18th June 1998)*

Persons guilty of the offences under articles 227-22 to 227-27 may in addition be sentenced to a social and judicial

supervision in the manner prescribed by articles 131-36-1 to 131-36-8.