

Penal Code

Passed 6 June 2001

lastly amended on 28.06.2004 entered into force 01.08.2004

(...)

Special Part

Chapter 8

Offences Against Humanity and International Security

(...)

Division 2

Offences Against Humanity

§ 89. Crimes against humanity

Systematic or large-scale deprivation or restriction of human rights and freedoms, instigated or directed by a state, organisation or group, or killing, torture, rape, causing health damage, forced displacement, expulsion, subjection to prostitution, unfounded deprivation of liberty, or other abuse of civilians, is punishable by 8 to 20 years' imprisonment or life imprisonment.

Chapter 9

Offences Against the Person

(...)

Division 6

Offences Against Liberty

§ 133. Enslaving

(1) Placing a human being, through violence or deceit, in a situation where he or she is forced to work or perform other duties against his or her will for the benefit of another person, or keeping a person in such situation, is punishable by 1 to 5 years' imprisonment.

(2) The same act, if committed:

- 1) against two or more persons, or
- 2) against a person of less than 18 years of age,

is punishable by 3 to 12 years' imprisonment.

§ 134. Abduction

(1) Taking or leaving a person, through violence or deceit, in a state where it is possible to persecute or humiliate him or her on grounds of race or gender or for other reasons, and where he or she lacks legal protection against such treatment and does not have the possibility to leave the state, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed:

- 1) against two or more persons, or

2) against a person of less than 18 years of age,

is punishable by 2 to 10 years' imprisonment.

§ 135. Hostage taking

(1) Imprisonment of a person in order to compel, under the threat to kill, detain or cause health damage to the person, a third person to commit or consent to an act is punishable by 3 to 12 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by 5 to 15 years' imprisonment.

§ 136. Unlawful deprivation of liberty

(1) Unlawful deprivation of the liberty of another person is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by 1 to 5 years' imprisonment.

(...)

Division 7

Offences Against Sexual Self-determination

§ 141. Rape

(1) Sexual intercourse with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation is punishable by 1 to 5 years' imprisonment.

(2) The same act, if:

- 1) committed against a person of less than 18 years of age;
- 2) committed by two or more persons;
- 3) serious damage is thereby caused to the health of the victim;
- 4) it causes the death of the victim;
- 5) it leads the victim to suicide or a suicide attempt, or
- 6) committed by a person who has previously committed rape,

is punishable by 6 to 15 years' imprisonment.

§ 142. Satisfaction of sexual desire by violence

(1) Involving a person against his or her will in satisfaction of sexual desire in a manner other than sexual intercourse by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation is punishable by up to 3 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by up to 5 years' imprisonment.

§ 143. Compelling person to engage in sexual intercourse

(1) Sexual intercourse with a person against his or her will by taking advantage of the dependency of the victim from the offender but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation as provided for in § 141 of this Code, is punishable by up to 3 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by up to 5 years' imprisonment.

§ 145. Sexual intercourse with child

An adult person who engages in sexual intercourse with a person of less than 14 years of age shall be punished by up to 3 years' imprisonment.

§ 146. Satisfaction of sexual desire with child

An adult person who involves a person of less than 14 years of age in satisfaction of sexual desire in a manner other than sexual intercourse shall be punished by up to 2 years' imprisonment.

(...)

Chapter 11

Offences Against Family and Minors

Division 1

Offences Against Family

(...)

§ 172. Child stealing

Concealed or unconcealed kidnapping of another person's child of less than 14 years of age from a person under whose care the child legally is, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 173. Sale or purchase of children

(1) The sale or purchase of children is punishable by 1 to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(...)

Division 2

Offences Against Minors

§ 175. Disposing minors to engage in prostitution

A person who by inducement, threat or any other act influences a person of less than 18 years of age in order to cause him or her to commence or continue prostitution, but the act does not have the necessary elements of an offence provided for in § 133 or 143 of this Code, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 176. Aiding prostitution involving minors

(1) Aiding prostitution involving a person of less than 18 years of age by mediation, provision of premises or in any other manner is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) For an offence provided for in this section, a court may impose a fine to the extent of assets as a supplementary punishment pursuant to § 53 of this Code

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