

THE CRIMINAL CODE

(updated 2004)

(excerpts)

The Special Part

Title I

Crimes and delicts against persons

(...)

Chapter VII

Crimes and delicts against sexual freedom

Rape

Article 217 – (1) Sexual intercourse, of any kind, with a person of the opposite sex or of the same sex, by coercion of this person or taking advantage of the person's inability for defence or to express will, shall be punished by strict imprisonment from 3 to 10 years and the prohibition of certain rights.

(2) The penalty shall be severe detention from 15 to 20 years and the prohibition of certain rights, if:

- a) the act has been committed by two or more persons together;
- b) the victim is under the care, protection, education, guard or treatment of the perpetrator;
- c) the victim is a family member;
- d) the victim is a minor under the age of 15;
- e) the victim suffered serious injury of corporal integrity or health.

(3) If the act resulted in the victim's death or suicide, the penalty shall be severe detention from 15 to 25 years and the prohibition of certain rights.

(4) Criminal action for the act provided in para.(1) is initiated upon prior complaint by the person injured.

Sexual intercourse with a minor

Article 218 – (1) Sexual intercourse, of any nature, with a person of the other sex or of the same sex, who has not reached the age of 15, shall be punished by strict imprisonment from 3 to 10 years and the prohibition of certain rights.

(2) This penalty shall also be applied to sanction sexual intercourse, of any nature, with a person of the opposite sex or of the same sex aged between 15 and 18 years, if the act is committed by the person's tutor or guardian or by his or her supervisor, by the person in charge of his/her care, by the person's physician, teacher, professor or educator, while taking advantage of his/her quality, or if the perpetrator has abused the victim's confidence or his/her own authority or influence over the victim.

(3) If the sexual intercourse, of any nature, with a person of the opposite sex or of the same sex, who has not reached the age of 18, was determined by the perpetrator's offering or giving the victim money or other benefits, directly or indirectly, the penalty shall be strict imprisonment from 3 to 12 years and the prohibition of certain rights.

(4) If the acts stipulated in para.(1)-(3) were committed to the purpose of producing pornographic material, the penalty shall be strict imprisonment from 5 to 15 years and the prohibition of certain rights, and if for the accomplishment of such a purpose coercion was used, the penalty shall be severe detention from 15 to 20 years and the prohibition of certain rights.

(5) When the deed in para.(1) has been committed in the circumstances provided in Art.217 para.(2) b) if the acts in para.(1)-(4) have had the consequences provided in Art.217 para.(2) e), the penalty shall be severe detention from 15 to 20 years and the prohibition of certain rights.

(6) If the act resulted in the victim's death or suicide, the penalty shall be severe detention from 15 to 25 years and the prohibition of certain rights.

(...)

Article 328

The deed of the person, who earns a living by sexual relations with different persons is punished by 3 months to 3 years of jail.

Article 329

Encouragement or constraint to prostitution, its facilitation or making profit out of it by a person, as well as recruitment of persons for prostitution or traffic of persons for prostitution are punished by 2 to 7 years of jail and interdiction of certain rights.

If the deed stipulated in paragraph 1 is committed against a minor or has another serious aspect, the punishment is 3 to 10 years of jail and interdiction of certain rights.

Money, values or any other goods that served or were destined to serve, directly or indirectly to the perpetration of the crime stipulated in paragraphs 1 and 2, and those acquired by its perpetration are confiscated, and if they are not found, the convict is obliged to cover their equivalent in money.

The attempt is punished.

(...)